

Report on a Publicly Notified Resource Consent Application

(Section 42A)

Application Reference:	RMA/2020/173
Applicant:	Kāinga Ora on behalf of the Department of Corrections
Site address:	14 Bristol Street, St Albans
Legal Description:	Lot 100 DP 544521
Proposal:	Use the property and existing buildings to provide residential accommodation, as part of a rehabilitative and reintegrative programme for men identified as having a high risk of further serious criminal offending.
Zoning:	Residential Suburban Density Transition
Overlays and map notations:	Flood Management Area, Liquefaction Management Area, Network Waterway, Water Body Setback
Activity status:	Discretionary
Submissions:	20 in support 183 in opposition - including 11 made under the same name (54 of these submitters seek to be heard)
Date of Hearing:	30 August – 3 September 2021
Recommendation:	Grant subject to conditions

Table of contents

Preamble.....	4
Proposed activity	4
Background	6
Description of the site and existing environment.....	6
District Plan – Relevant rules and activity status.....	7
Christchurch District Plan	7
Activity type.....	8
Community corrections facility / Community welfare facility.....	9
Site coverage.....	11
Notes on parking and cycle space numbers.....	11
Activity status.....	12
Submissions	13
Resource Management Act 1991	17
Actual and Potential Effects on the Environment (S.104 (1)(a))	18
Permitted / consented baseline	18
Permitted ‘community corrections facility’	19
Risk of crime or harm to the community.....	20
The Tai Aroha programme	21
Tai Aroha Hamilton and risk of absconding.....	22
Security measures and staffing	23
Risk from visitors / associates	24
Comparison with existing situation / permitted baseline	25
Effects of low probability but high potential impact	26
Cumulative effects.....	27
Conclusion on community risk.....	27
Impacts on social wellbeing.....	27
Quality of the environment – fears and concerns for safety	28
Impacts on way of life.....	29
Sense of place and character	30
Health and wellbeing.....	30
Conclusion on social effects.....	30
Cultural matters	31
Position statement of Te Ngāi Tūāhuriri Rūnanga.....	31
Rehua Marae submission.....	32
Impacts on residential character and amenity.....	33
Noise	33
Privacy.....	34
Hours of operation.....	37
Scale of the activity	38
Traffic generation and parking effects.....	40

Traffic generation.....	41
Parking	42
Amenity effects	43
Conclusion on traffic matters	43
Positive effects.....	43
Conclusion with respect to effects on the environment.....	44
Relevant Objectives, Policies, and other Provisions of a Plan or a Proposed Plan (S.104 (1)(b))	45
Chapter 14 Residential.....	45
Provisions relating to non-residential activities.....	45
Other Chapter 14 provisions.....	48
Chapter 7 Transport.....	49
Conclusion on objectives and policies	49
Proposed Plan Changes	50
Other relevant Statutory Documents (S.104 (1)(b)).....	50
Relevant Other Matters (S.104 (1)(c))	50
Precedent effect/Plan integrity.....	50
Part 2 of the Act.....	51
Conclusion.....	51
Recommendation.....	52
APPENDICES	61

Appendix 1 – District Plan definitions referred to in the report

Appendix 2 – Legal advice to Council on whether residents are detained on site

Appendix 3 – Legal advice to Council regarding site coverage

Appendix 4 – Relevant District Plan objectives and policies

Appendix 5 – Summary of matters raised in submissions

Appendix 6 – Assessment of Community Risk (Dr Jacinta Cording, University of Canterbury)

Appendix 7 – Social Impact Assessment (Louise Strogen, Aurecon)

Appendix 8 – Traffic Assessment (Andy Milne, CCC)

Preamble

1. My name is Emma Chapman. I am employed as a Senior Planner and based in the Civic Offices of the Christchurch City Council. I have been employed by the Christchurch City Council since October 2006. I hold a Master of Environmental Policy degree with first class honours from Lincoln University and a Bachelor of Science degree in Geography from the University of Canterbury. I am an Intermediate member of the New Zealand Planning Institute and have 14 years experience working in the planning and resource management field.
2. This report has been prepared with advice from the Council staff and external consultants detailed below. A copy of their reports has been attached in the appendices.

Officer	Position	Appendix
Jacinta Cording	Lecturer, School of Psychology, University of Canterbury	6
Louise Strogon	Senior Planner, Aurecon	7
Andy Milne	Senior Transport Planner, Christchurch City Council	8

3. This report reviews the application for resource consent and addresses the relevant information and issues raised. It should be emphasised that any conclusions reached or recommendations made in this report are not binding on the Commissioners. It should not be assumed that the Commissioners will reach the same conclusion or decision having considered all the evidence to be brought before them by the applicant and submitters.
4. The applicant requested, pursuant to s100A of the Act, that the Council delegate its functions, powers, and duties required to hear and decide the application to one or more hearings Commissioners who are not members of the local authority.

Proposed activity

5. Kāinga Ora has applied for land use consent on behalf of the Department of Corrections to use the site and existing buildings at 14 Bristol Street, St Albans to accommodate, and provide wrap-around rehabilitative as part of the Tai Aroha intensive residential programme support for men identified as having a high risk of further serious criminal offending.
6. The proposal is described in more detail in sections 1 and 3 of the Application for Resource Consent prepared by The Property Group. The key aspects are:
 - Use of the existing 25 bedroom facility to accommodate a maximum of 16 residents completing the Tai Aroha programme;
 - Two to three support staff members to be on site during the evening and overnight;
 - Up to two internal / external agency visitors (i.e. probation officers) to visit the site each day;
 - Up to eight Department of Corrections staff support staff and professional practitioners (i.e. psychologists) to be on site on weekdays;
 - Provision of four on-site parking spaces and seven cycle spaces (increased in the November 2020 Novo Group Integrated Transport Assessment from the four cycle spaces originally proposed);

- Pre-approved family visits to occur between the hours of 1300 to 1700 on Saturdays;
- Residents live together and are collectively responsible for household activities such as cooking and cleaning;
- Residents may be taken on approved and escorted outings, for example for community work, grocery shopping, exercise etc;
- Residents will be men who have been sentenced to home detention;
- Residents will not be locked in but will be monitored electronically via CCTV monitored from a central control room and via ankle bracelets;
- Residents will not be those with any current or historic convictions for sexual offences.

7. Further information was submitted in June 2021 after the close of the submission period. This further information included the following changes to the proposal or additional mitigation measures:

- A reduction in the maximum number of residents on the site from 16 to 12, with a maximum of 10 residents in phases 1-3 of the programme and up to two residents on phase 4 (reintegrative phase) of the programme;
- Phasing in of the programme over a period of time, with the programme initially commencing with four residents and increasing over a period of up to 15 months;
- An increase in the daytime staff : resident ratio on the site, with a minimum of four weekday staff and a maximum of 17 (overnight and weekend staff to remain at 2-3 as a minimum);
- The preparation of an operations manual volunteered by way of a consent condition;
- Changes to the site fencing and landscaping:
 - Replacing the existing northern boundary fencing with a 2m high concrete block wall adjacent to the outdoor social area and a 2m high timber fence adjacent to the staff deck area;
 - A 1.6m high metal railing fence and sliding gate on the Bristol Street frontage;
 - Etchlite glazing on the programme room and dining room windows; and
 - Not allowing residents unauthorised access along that part of the site at the eastern end adjacent to 13, 13A and 13B Bristol Street or between the building and the Bristol Street boundary of the site.
 - (Note: the further information response also states the Berry Street fence would be increased in height to 2m, however the applicant has subsequently provided an updated landscape plan showing this to remain at the existing height).
- Establishment of a community liaison group, volunteered by way of consent condition;
- Provision of Etchlite glazing for upper floor windows of nearby properties for any residents concerned with privacy effects for bedrooms, if desired by property owners; and
- A change to the Tai Aroha operating procedures, increasing the monitoring of residents where they are considered at risk of leaving the programme, from the usual 20 minute monitoring period to monitoring every five minutes.

Background

8. Commissioner Tony Hughes-Johnson made a notification decision under Sections 95A and 95B of the Resource Management Act on 8 April 2020, determining that the application should be publicly notified
9. This application for resource consent was received on 29 January 2020 and was publicly notified on 6 February 2021. The submission period was extended due to the proposal being readvertised with amended wording and as a result the submission period closed on 25 March 2021. A total of 193 submissions were received during this period – 20 in support and 183 in opposition, including 11 submissions in the name of Lucy Forrester of the law firm Chapman Tripp.

Description of the site and existing environment

10. The application site is located at the corner of Bristol and Berry Streets. The applicant's Assessment of Environmental Effects (AEE) submitted with the original application includes a description of the site and its immediate surroundings in section 2.1. I consider that this description is accurate and it should be read in conjunction with this report.
11. The AEE outlines the consent history of the application site and the buildings which have been constructed over a number of years. As noted in the application, the site was developed as a care home for people with cerebral palsy by the Cerebral Palsy Society and was known as Independence House. The buildings on site were approved and constructed pursuant to a series of resource and building consents and on the basis of the Council property file information, I consider the existing buildings on the site and the use of those for a care facility were lawfully established. These therefore form part of the existing and consented environment of the site.
12. Subsequent to the Cerebral Palsy Society vacating the premises, the application site was used as guest accommodation under the name The Bristol Club and potentially also as a boarding house type facility. I note that either scenario would have required resource consent and therefore neither of those activities were lawfully established. These activities have now ceased and the site is owned by Kāinga Ora who I understand have undertaken some maintenance work on the buildings since taking ownership.
13. With respect to the surrounding environment, the immediate residential area is zoned Residential Density Transition to the north, north-west and west whereas land immediately to the east and south-east is zoned Residential Medium Density. The area is characterised by a diverse range of housing typologies and densities, ranging from older character dwellings on large sections to higher density older style cross-leased units and newer two-storey townhouse developments.
14. As indicated in Figure 1 below, Rehua Marae is located approximately 70m to the north-east of the application site. The commercial area at the corner of Bealey Avenue and Papanui Road is located some 280m to the south and the nearest school to the site is St Margaret's College, some 240m to the west. A number of guest accommodation activities (motels and hotels) are located on Papanui Road in the vicinity of the site.
15. Bristol and Berry Streets are classified as local roads under the District Plan.

Figure 1 – Application site and surrounds



District Plan – Relevant rules and activity status

Christchurch District Plan

16. The site is zoned Residential Suburban Density Transition (RSDT) under the Christchurch District Plan. This zone covers some inner suburban residential areas between the Residential Suburban Zone and the Residential Medium Density Zone, and areas adjoining some commercial centres. It 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.
17. Key objectives and policies are listed within Appendix 4, and are discussed in detail in a later section of this report. The objectives and policies for this zone generally seek to:
 - Enable an increased housing supply which provides for a wide range of housing types, sizes, and densities to meet the diverse needs of the community;
 - Provide principally for low to medium density residential development in the RSDT zone with some potential for infill and redevelopment at higher densities;
 - Enable sheltered housing, refuges, and student hostels to locate throughout residential areas, provided that the building scale, massing, and layout is compatible with the anticipated character of any surrounding residential environment;
 - Ensure that residential activities remain the dominant activity in residential zones, whilst also recognising the need to provide for community facilities which by their nature and character typically need to be located in residential zones;
 - Ensure that non-residential activities do not have significant adverse effects on residential coherence, character, and amenity;

- Enable community facilities¹ within residential areas to meet community needs and encourage co-location and shared use of community facilities where practicable;
- 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 residential zones are insignificant.

Activity type

18. The applicant has applied for the activity as falling under three separate District Plan definitions, being 'Residential Activity' carried out within 'Residential Units', with aspects of a 'Community Corrections Facility' and a 'Community Welfare Facility'. Refer to Appendix 1 for the relevant definitions in full.
19. In order for an activity to be classified as a residential activity, it must fall within the below definition:

Residential activity

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

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

excludes:

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

20. It is clear from the application document that the proposal involves 'supervised living accommodation'. However it is the applicant's position that the residents will not be 'detained on the site'. The application states in section 3.1:

"While subject to the conditions of their sentences (including in some instances electronic monitoring and curfew), the residents are not "detained on-site". The residents are not confined to or by the buildings on-site. Detaining residents is not part of the Tai Aroha programme and support staff on-site have neither the lawful authority (nor the mandate) to detain residents or to enforce the conditions of their sentences."

21. From previous discussions with the Department of Corrections and their representatives, I understand this to mean that residents will not be physically prevented from leaving the site, by either locked doors or by staff physically stopping them, if they choose to leave.
22. Council sought legal advice as to whether the residents can be considered to be detained on the site and consequently whether the activity can be classed as a 'residential activity'. That legal advice is attached as Appendix 2 to this report.
23. Council's legal advice disagrees with the applicant's assessment that residents will not be detained on the site. The plain ordinary meaning of detain is to keep residents/persons at the site, or keep or restrain them from proceeding off the site. The plain ordinary meaning of detain does not specify that a person can only be kept or restrained from leaving the site by physical means.

¹ I note that the definition of 'community facility' includes community corrections and community welfare facilities. Refer to Appendix 1 for the full definition.

24. Council's advice reviews the case previously referred to by the applicant as the leading case on the meaning of 'detained', *Everitt v Attorney General*². In that case, the Court of Appeal considered the test relating to detention is not whether a person is physically free or detained, but rather whether that person has a "reasonably held belief" that they are not free to leave. Council's legal advice concludes that residents of the facility will be "detained" because they will have a reasonably held belief that they are not free to leave, for a number of reasons:

- Residents will have been made aware of their home detention sentence conditions and have given their agreement to comply with them. Standard conditions applying to a home detention sentence include prohibiting the offender from leaving the home detention site at any time (except in limited specified circumstances). The response to further information advises that persons on home detention will be required to remain at the property. The Corrections website similarly advises that home detention requires an offender to remain at a suitable and approved residence at all times and be monitored 24 hours a day, seven days a week.
- The proposed programme will make residents aware of rules requiring them to remain on the site. Amongst other things, residents will be provided with a copy of rules, verbally inducted into rules and expectations, and meet weekly with their probation officer where the focus of discussions will be on how they are managing to adhere to their sentence conditions.
- Residents will also be made aware of consequences for leaving the site without permission. Consequences include triggering an alarm, the sending of a security guard, a breach of sentence conditions, a fine of up to \$2000 and/or a sentence of imprisonment for up to one year. The further information response notes that a resident leaving the site would be considered a serious breach of their sentencing conditions and their placement at the facility would immediately be reconsidered.
- Residents will be aware of other measures intended to encourage and reinforce compliance with rules and conditions, including CCTV coverage, electronic monitoring and 24/7 staff supervision.
- Residents will likely also understand that the word "detention" in home detention is derived from the word "detained".

25. Based on the legal advice provided to me, I consider the view that detention can only relate to physical detention (i.e. locked doors and barred windows) to be taking too narrow an interpretation. I am therefore of the opinion that the residents can be considered to be detained on the site and the living accommodation aspect of the activity does not fall within the definition of 'residential activity'.

26. It may be argued that such an interpretation would result in all situations where a person is sentenced to home detention in a private home now requiring resource consent as a discretionary activity. I note however that home detention in one's own house would not be excluded from the definition of residential activity as, while a person might be detained on site under their home detention conditions, such a situation would not involve 'supervised living accommodation' as there will be no staff supervising them on the site, unlike the current proposal. To be excluded from the definition of residential activity, an activity would have to involve both aspects – (1) supervised living accommodation where (2) the residents are detained on the site. That is the case with this current proposal but would not be the case for a standard home detention scenario in a private residence.

Community corrections facility / Community welfare facility

27. The applicant has assessed the non-residential aspect of the proposal to fall within the 'Community Corrections Facility' and 'Community Welfare Facility' definitions as the staff working on the site will

² *Everitt v Attorney General* [2002] 1 NZLR 82 (CA)

use the buildings for corrections purposes such as rehabilitation and reintegration services, workshops and programmes and they will provide “*information, counselling and material welfare of a personal nature*” to residents on the site. I concur that the non-residential aspects of the proposal fall within these definitions.

28. However, the accommodation aspect is not considered to fall within either of these definitions and at the time the application was lodged there was general agreement between myself and the applicant and their representatives that these definitions were never intended to encompass an accommodation component. Counsel for the applicant has previously confirmed this approach, having reviewed evidence from the Department of Corrections as part of the District Plan review and Independent Hearings Panel hearings. This is supported by the fact that the activity specific standard associated with these permitted activities (P22 and P23 in Clause 14.4.1.1) specifies that the hours permitted community corrections and community welfare facilities may be open to clients are between 7am and 7pm daily. I consider therefore that an accommodation aspect is not anticipated for these community facilities. As noted above, the accommodation aspect is fully discretionary.
29. The residential component of the activity does not fall under any of the listed activities in the activity status tables in Clause 14.5.1 of the Plan. The proposal requires resource consent under the following rules in the District Plan:

Activity status rule	Standard not met	Reason	Matters of control or discretion
7.4.2.3 RD1	7.4.3.2 Minimum number of cycle parking facilities required	A minimum of 3 covered, secure cycle parking spaces are required when using the 'sheltered housing category' (refer to cycle parking notes below). Although 7 cycle parks are proposed, none will be covered.	7.4.4.4 Minimum number of cycle parking facilities
14.4.1.3 RD17	14.4.1.1 P22 & P23 Community corrections and community welfare facilities shall limit the hours of operation when the site is open to clients to 0700 – 1900.	Community corrections and community welfare services will continue to be provided to clients by the overnight support staff outside of the specified hours.	As relevant to the activity specific standard that is not met: i. Scale of activity - Rule 14.15.5 ii. Traffic generation and access safety - Rule 14.15.6 iii. Non-residential hours of operation - Rule 14.15.21
14.4.1.4 D1 - Any activity not otherwise provided for.	-	The use of land and buildings for supervised living accommodation where the residents are detained on the site is not otherwise provided for in the RSDT zone.	-

Site coverage

30. A submission received from the Bristol Street Community Network Incorporated (BSCN) suggests that the application might be for a non-complying activity under Residential Suburban Density Transition Zone rule 14.4.1.5 NC4. The relevant part of BSCN's submission states:
- "We also consider it possible that this activity might be non-complying under Rule 14.4.1.5 NC4. However, we are unable to determine whether the activity complies with the relevant site coverage standard as the applicant has assessed this standard as not applicable (because the buildings already exist). It is noted that Rule 14.4.1.5 NC4 applies to activities, not just buildings, and therefore needs to be assessed as against this proposal."*
31. Council has sought legal advice on this aspect of the proposal, specifically whether site coverage associated with lawfully established buildings on a site should be reassessed when the activity inside those buildings changes. That advice is attached as Appendix 3.
32. Existing site coverage for 14 Bristol Street is 46.6%. If new buildings with 46% site coverage were proposed on an RSDT site, these would be assessed as a non-complying activity due to site coverage in excess of 40%. However buildings on the application site are lawfully established and no alterations to the site coverage are proposed.
33. Council's legal advice states that although rule 14.4.1.5 NC4 refers to "activities", contextual and purposive considerations best support a purposive interpretation that rule 14.4.1.5 NC4 is concerned about buildings being limited by site coverage, not activities. Resource consent is not required under rule 14.4.1.5 NC4 to authorise legally established buildings in the absence of any proposed extension to those buildings. I accept and concur with this advice. Consequently I do not consider that resource consent is required for a non-complying activity under rule 14.4.1.5 NC4.

Notes on parking and cycle space numbers

34. For the purposes of calculating car parking and cycle parking requirements, Appendix 7.5.1 and 7.5.2 state that *'Where an activity does not fall within a particular category, the activity which is closest in definition shall apply'*. In this case, a residential corrections facility is not captured within any of the listed categories. For the purposes of car parking, the applicant has assessed the proposal as four sheltered housing units (refer definition of 'sheltered housing' in Appendix 1), three of which would be used by residents and one which would be a staff unit. For the purposes of cycle parking, the 'other residential activities' definition has been used.
35. Given the nature of the activity, I have had difficulty concluding which category is 'closest' for the purposes of the car parking calculation. I have therefore set out several options below which could be considered to be similar in some aspects to the proposal. With respect to sheltered housing, I had previously (in my section 95 notification assessment) conservatively treated each room occupied by a resident as a 'unit', giving a total of 16 units on site, rather than the three assessed by the applicant. Parking calculations for the various options were therefore:
- Boarding house = 5.33 parking spaces = 5 spaces required
 - Care facilities = 3.2 resident spaces, 2.66 staff spaces = 6 spaces required
 - Sheltered housing = 16 'units' (definition refers to 'units', not residential units) = 4 spaces for residents, 1 for staff = 5 spaces required.
36. This shows that the category with the highest parking demand is that of a 'care facility'. A 'care facility' is defined as *"a facility providing rest home care within the meaning of the Health and Disability*

Services (Safety) Act 2001, or a home for the residential care of people with special needs, and/or any land or buildings used for the care during the day of elderly persons or people with special needs" (emphasis added). For the purposes of parking demand, in my s95 assessment I considered the proposed facility will operate in a similar manner to a care facility in that it will have staff working on the site, some of whom will stay overnight, residents who receive care and treatment (and who do not have their own vehicles at the site) and family, friends and other professionals or support workers visiting the site. I noted that while care facility is not a perfect fit for the activity, I considered it appropriate for the purposes of car parking requirements to assess the activity using the 'worst case scenario' to ensure that effects of the proposal are adequately captured, noting that under the original application the care facility parking rate triggers a requirement for six parking spaces.

37. However, following the close of submissions, the applicant has now amended the proposal to reduce the maximum number of residents at the site from 16 to 12. This has flow on effects for the parking requirements specified above, which are now reduced as follows:
- Boarding house = 4 resident spaces, no staff spaces = 4 spaces required
 - Care facilities = 2.4 resident spaces, 2 staff spaces = 4 spaces required
 - Sheltered housing = 12 'units' (definition refers to 'units', not residential units) = 3 spaces for residents, 1 for staff = 4 spaces required.
38. As noted above, the applicant has increased the number of cycle parks proposed from four to seven and therefore the permitted parking reduction factors which can be applied have increased to 23%. Applying the 23% parking reduction factor reduces the total required number of parking spaces from four to three spaces required under the District Plan, with four spaces being provided on the site. I note however the fully discretionary status of the activity, which requires all effects to be considered in any case, regardless of whether a parking non-compliance is triggered.
39. With respect to cycle parking, using the care facility definition would trigger the requirement for one cycle space. The sheltered housing category is not listed in Appendix 7.5.2 for cycle parking requirements, so the applicant has used the 'other residential activity' category and calculated that the proposal requires four cycle parking spaces. I note however that the requirement is actually three spaces as a visitor parking space is not required for developments with less than 20 units. On the premise of choosing the worst case scenario, I consider it appropriate to also use the 'other residential activity' category as closest to the activity, for the purposes of calculating cycle parking. The application proposes seven cycle parking spaces be provided on site and is therefore compliant with respect to cycle space numbers.
40. For the purposes of loading (Appendix 7.5.3), neither the 'care facilities' or 'other residential activities' categories trigger the requirement to provide any loading facilities on the site.

Activity status

41. Overall the proposal must be considered as a **discretionary activity** under the District Plan.

Submissions

42. A total of 203 submissions were received on this application, 20 in support and 183 in opposition. This includes 11 submissions in opposition made in the name of Lucy Forrester of the law firm Chapman Tripp. I understand these 11 submissions are made on behalf of persons who wish to remain anonymous.
43. A number of late submissions were received on the application. The period for lodging a submission was extended on 9 April 2021 (for five late submissions) and again on 3 May 2021 (for a further two late submissions). As a result all these submissions have been accepted as valid submissions. Copies of all submissions have been provided to the Commissioners.
44. A summary of the matters raised in submissions is attached as Appendix 5 to this report.
45. The reasons for the submissions in support include the following:
- *Supports the intention behind the programme, it is our social responsibility to support these members of the community through programmes that help with reintegration. Rehabilitation and reintegration programmes outside of traditional correctional approaches (i.e. prison) are needed.*
 - *Effective rehabilitation is important for whānau and the community. The programme will have worthwhile benefits.*
 - *Some submitters in support welcome the future residents to the area and support the location.*
 - *Security measures will be well structured and effective.*
 - *There are few programmes such as this and submitters with psychological training/background noted the benefits of such approaches, involving intensive rehabilitation and wrap-around support. Programme is soundly based on internationally recognised rehabilitative principles and practices combined with kaupapa Māori principles and practices. Research indicates that rehabilitation programmes for violent offenders are more effective than prison-based programmes.*
 - *Tai Aroha programme is well conceived, well designed, professionally managed and will not put the surrounding community to undue risk.*
 - *Currently NZ has a shortage of clinical psychologists – the facility would be beneficial in terms of providing placement opportunities for trainee psychologists.*
 - *Corrections will set up a community liaison group.*
 - *There is plenty of off-street parking in the area for the activity.*
 - *Effects will be less than minor and no greater than previous use of the site.*
 - *Christchurch community will be safer overall if this programme goes ahead. If the facility is not available, eligible offenders would either serve a community sentence without the wrap-around services that the facility would provide, or be imprisoned for a short term that would likely be too brief to allow for meaningful rehabilitation.*
 - *Those in opposition are trying to incite fear in the neighbourhood. Objections based on NIMBY-ism and concern for property prices.*
 - *A location in a residential area is very important for rehabilitation purposes. Successful reintegration into the community – reconnecting with whānau and family, making steps toward gaining employment – is a key factor in reducing reoffending.*

46. The reasons for the submissions in opposition are many and are summarised in more detail in Appendix 5. Some of the matters raised more commonly in the submissions in opposition are:

General:

- *Some submitters support the intention behind the programme and think that offenders should be rehabilitated but this is not the right way to do it. There is a need for a facility like this but it should be somewhere else.*
- *Not an appropriate activity in a suburban environment or a high density residential area,*
- *The facility should be located in rural area, a non-residential area, red zone area, less populated area, out by the prison, part of the prison or simply elsewhere.*
- *The site is unsuitable, it is too small and not fit for purpose. A purpose built facility is needed.*
- *Need a site with more space for inmates to exercise, garden, or have workshops. There is not enough outdoor space on site for residents, which is important for their wellbeing and rehabilitation.*
- *Concerned with the fact that all of the residents for the site are proposed to be men who have a history of serious violent offending and the concentration of these people in one place.*

Risk / impacts on community:

- *Risk or danger to schools and preschools, elderly or retired people, women, the women's refuge or to personal safety as a woman.*
- *Risk to young families & children, children and teenagers walking to school, riding bikes, playing on driveways etc. Submitters stated they would not feel safe allowing children to walk unsupervised, go to parks.*
- *Risk to vulnerable people including deaf and vision impaired people using the RNZ Foundation for the Blind or Deaf Association sites.*
- *Will no longer feel safe in the area, will no longer feel safe to walk around the area. Would no longer feel safe within their own home, or feel safe to leave family members home alone.*
- *People value the area as a safe, quiet suburb which is diverse yet connected and has a close knit community. Submitters are concerned about adverse effects on their safe family friendly suburb. Having a facility like this will destroy the community or change the nature of the community.*
- *People's quality of life, happiness and wellbeing will be affected or compromised. The facility will impact on peoples way of life, it will change the way people live their lives.*
- *Some submitters expected fewer family & friends will visit if this goes ahead. Will not be able to have grandchildren visit. People will become more isolated.*
- *Unacceptable risk to submitter's safety and the safety of the local community. Cannot guarantee public safety or that reoffending won't occur.*
- *Offenders will not contribute to the community. The facility will not be a good neighbour and will be of no benefit to the community.*
- *People in Christchurch have been through enough with earthquakes, EQC, the mosque attacks and Covid-19, people are still suffering stress and anxiety and are not able to cope with any more. Facility will add to this deterioration of people's mental health.*
- *Submitters are appalled, worried, frightened, horrified, upset, already suffering emotional trauma, anxiety, stress and/or sleeplessness at the thought of the facility.*

- *Local residents should not have to live life in constant fear, feel vulnerable or to live like a prisoner in their own home. Residents have the right to feel safe.*
- *Submitters should not have to leave their home and community, some submitters are contemplating selling their houses and moving away as a result of the proposal.*

Operational / security / visitors:

- *Lack of security and supervision, the facility is not secure enough. Concerns that staff are not able to 'detain' prisoners on site. Inadequate staffing levels, including at night.*
- *Concerns regarding off site visits both supervised and unsupervised. Residents of the proposed facility will be free to walk, bike, jog in the area. What are the criteria for these unsupervised trips?*
- *Risk from visitors to the facility, including visitors loitering or gathering on the street. how will visitors to the facility be managed or monitored. Who will approve the visitors and what security checks or vetting will they be subject to?*
- *High proportion of residents and visitors may have gang affiliations. There is no mention of a risk mitigation strategy in respect to this significant issue.*
- *There have been a number of cases of violent offenders reoffending whilst monitored on bail or home detention.*
- *It is very easy to remove, tamper with or hide an electronic bracelet. Electronic monitoring not fool proof - reliance on such technology does not provide an adequate safeguard.*

Tai Aroha Hamilton:

- *Some submitters considered the Hamilton facility and the Christchurch facility are not comparable – Hamilton facility has a large site with only 10 residents, larger setbacks, with room for parking, located in a lower density area, on a cul-de-sac. Fewer privacy effects. Christchurch has a small site, few car parks and a large number of properties very close by, 16 residents proposed.*
- *Submitters raised the perceived lack of success of the Hamilton Tai Aroha project, stating the facility in Hamilton has a 92% failure rate (8% success rate) over 10 years. Some considered the positive effects of Tai Aroha have been overstated while negative effects understated.*

Privacy / security of neighbouring properties:

- *Privacy concerns for the submitters whose properties directly adjoin the site or who have windows facing towards the site.*
- *The landscaping plan proposed is not going to assist with privacy concerns at all.*
- *CCTV cameras will infringe local residents' personal rights and privacy. Members of the community should not have CCTV focussed on them going about their lives.*
- *It is unacceptable for neighbours to have to screen their windows or plant trees. Blocks access to sun. Submitter doesn't want to make their house like a prison.*
- *CPTED - suggestion that residents screen their windows seems to fly in the face of contemporary urban design principles which emphasise unobstructed views to reduce offending.*
- *Submitter will have to invest in extra fencing, gates, screens, cameras, security so they can feel safe and secure on their own property.*
- *Concern about the knowledge residents of the site will gain about the neighbourhood (people's movements etc) especially as residents will constantly turn over. Residents and visitors to the*

site will be able to identify when people area away from home, which makes them a future target for crime, risk of burglary.

Noise, parking, traffic:

- Noise levels and cigarette smoke etc for adjoining neighbours. Noise levels will increase with 16 residents and staff plus visitors in the weekend. There will be bad language and loud voices. Traffic noise.*
- Parking effects – there is inadequate parking for the activity. Parking is already a problem for residents, with many cars already parked on surrounding narrow streets. It is difficult to park near ones house.*
- Adverse effects from increased traffic movements. Staff on site, rubbish collection, visitors, resident outings etc will significantly increase traffic from the site. Amenity effects of additional traffic on existing narrow local streets.*

Department of Corrections process (consultation etc):

- Submitters felt the application is extremely vague, inaccurate, misleading and lacks detail. No confidence in the Department of Corrections' vague assurances that risks will be managed appropriately and that the application contains untruths, half truths and omissions about this proposed facility. Corrections have failed to acknowledge any of the risks.*
- Submitter does not have confidence or trust that key information relating to this facility and how it will impact the community will be communicated with transparency on an ongoing basis. No faith in the applicant's ability to either run the facility in a proper manner or to administer it transparently. Concerns about future communications with residents if facility approved*
- Lack of prior engagement from Department of Corrections with local community, consultation process was flawed. Very limited consultation. That Corrections have tried to get the proposal through non-notified shows lack of openness, transparency, empathy – an attempt to 'sneak' the proposal through.*
- Corrections state that residents will not have committed serious sexual offences or child sex offences but will not be able to guarantee this, will only know of those they are convicted of. Convictions for sexual assault are very rare.*

Other matters:

- Possible cumulative effects of having an increase in corrections facilities in the neighbourhood in combination with another men's correction facility (the Salisbury Street Foundation) at 15 St Albans St for men who have committed serious crimes (including child sex offences). St Albans area and its residents are being disproportionately exposed to the inherent risk that the participants of these programmes pose with a concentration of these facilities in the area.*
- Must take particular note of effects of low probability but high potential impact. It would only take one single event to have a significant negative effect of high impact on the entire neighbourhood. The risk of an offender absconding, while low, is a real risk, just as there is a real (albeit low probability) chance that that offender might commit a violent crime while absconding.*
- It is important to realise that once an incident has occurred impacting on a current resident it is too late - the damage has been done to that person. Who will be accountable when things go wrong? Neighbours will bear the brunt of any trauma.*

- *District Plan definition of residential activity excludes “custodial and/or supervised living accommodation where the residents are detained on site”. This is not within the definition of a residential activity, it is primarily a non-residential activity.*
- *A detention centre is not contemplated by the planning rules for the RSDT zone. The activity doesn’t meet the residential purpose of the zone.*
- *The social impact assessment is inadequate due to small sample size. Submitter was not interviewed even though they live very close by.*
- *Submitter strongly disagrees with the social impact assessment report where it claims a low to very low negative impact for immediate neighbours, with effects to decrease over time. It assumes all negative effects will occur in the first 6-12 months. There is nothing to support the assertion that moderate effects will reduce over time.*
- *Alternative more appropriate sites have not been fully considered, eg 534A, B & C Ferry Road, previously used as workers accommodation. Alternative sites are available on the eastern side of central city or within the 4 avenues.*

47. A number of other issues which are outside the scope of matters that can be considered through the resource consent process were raised in submissions. These are listed in Appendix 5 and they include:

- Impacts on property values – any impact on property values is generally considered to be a secondary effect resulting from other adverse effects. Assessing the adverse effects of an activity and effects on property values is essentially ‘double-counting’ the effects.
- Matters relating to financial cost to fight the application or that the Government has greater financial resources available to it than submitters.
- Kāinga Ora should consider other uses of the site – this is not part of the current application, although consideration of alternative locations for the proposed activity may be of relevance.
- Inappropriateness of Kāinga Ora being involved in housing violent criminals, not a function of Kāinga Ora or part of their mandate – outside the scope of the RMA consent process.
- Matters relating to the Residential Tenancies Act and Health & Safety Act – outside the scope of the RMA consent process.
- Undue political interference has meant that the process has been flawed – outside the scope of the RMA consent process.
- Work on site being undertake prior to consent being obtained – Kāinga Ora are entitled to undertake maintenance work, such as painting and refurbishment, on properties they own without approval from the Council, provided that any such work does not trigger the need for a building consent.

Resource Management Act 1991

48. When considering an application for resource consent and any submissions received, the consent authority must have regard to the matters listed in Sections 104 and 104B of the Resource Management Act 1991. Subject to Part II of the Act, which contains the Act’s purpose and principles, including matters of national importance, the consent authority shall have regard to:

- a) Any actual and potential effects on the environment of allowing the activity.*
- b) Any relevant provisions of a plan or proposed plan, a national environmental standard or a national or regional policy statement.*

c) *Any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

49. It should be noted that other than giving pre-eminence to Part II, Section 104 gives no priority to other matters. They are all matters to have regard to and the consent authority must exercise its discretion as to the weight that it gives certain matters, depending on the circumstances of the case.
50. Under Section 104B, when considering an application for resource consent for a discretionary activity, a consent authority may grant or refuse the resource consent, and (if granted) may impose conditions under section 108.

Actual and Potential Effects on the Environment (S.104 (1)(a))

51. As a discretionary activity the Council's assessment of this proposal is unrestricted and all actual and potential effects must be considered. Guidance as to the effects that require consideration is contained in the relevant objectives and policies, and any associated matters of discretion or control.
52. I have considered the relevant issues and it is my view that they fall broadly into the following categories:
- Risk of crime or harm to the community
 - Impacts on social wellbeing
 - Cultural matters
 - Impacts on residential character and amenity
 - Traffic generation and parking effects
 - Positive effects

Permitted / consented baseline

53. Prior to undertaking an assessment of the effects of this proposal it is useful to consider discretion available under Section 104(2) of the Act (referred to as the "permitted baseline") whereby a consent authority may disregard an adverse effect of an activity on the environment if the Plan or national environmental standard permits an activity with that effect. Case law has established that this relates to the effects of non-fanciful hypothetical activities which could be carried out as of right under the Plan.
54. With respect to residential activities, the District Plan permits development of traditional standalone dwellings in the RSDT zone at a density of one house per 330m². On this 1,678m² site, development at this permitted density would allow for up to five dwellings, with a site coverage of 35% each, a maximum building height of 8m and compliance with internal and road boundary setbacks and recession planes.
55. In terms of non-household accommodation permitted on the site, student hostels of up to six bedrooms are permitted, as are retirement villages. A retirement village could be operated from the existing buildings or the buildings could be used for a spiritual activity, with hours of operation from 7am to 10pm daily. However, such developments would still need to comply with District Plan parking requirements, which may be difficult with the existing building configuration. A purpose built facility for a spiritual activity, including on-site parking, could potentially be established on the site, however as this would require the demolition of all buildings on the site, I consider it an unlikely scenario.

56. More likely to occur on the site would be the establishment in the existing buildings of another care facility such as previously existed on the site, for the care of elderly persons (i.e. a rest home) or people with special needs. Such an activity could establish on the site relying on the existing resource consents which were issued for the Cerebral Palsy Society, provided the activity operated in accordance with the approved plans and any consent conditions.

Permitted 'community corrections facility'

57. Of most direct relevance for this current proposal, I note that community corrections facilities with hours of operation between 7am and 7pm only could operate as a permitted activity from the site, without a residential component. An example of such a facility would be a probation centre where clients would visit the site to meet with Corrections staff (probation officers etc) or other support workers or counsellors, attend programmes, workshops and training and may also be used as a base for people undertaking community service to meet and travel to their work location.
58. The applicant has supplied further detail, including a site plan, and assessment to demonstrate that a community corrections facility could operate as a permitted activity from the site, utilising the majority of the existing buildings³.
59. The definition of 'community corrections facility' identifies that such facilities are used for '*probation, rehabilitation and reintegration services, assessments, reporting, workshops and programmes*'. It appears that the existing buildings could lend themselves to such a facility, with some internal alterations, for example removing some internal walls to create a larger 'programme room' as shown on the site plan for the current proposal. Smaller rooms could be used for offices, assessments, counselling and so on.
60. The applicant's permitted baseline scenario shows the easternmost standalone building removed to accommodate the requisite amount of on-site parking. With respect to parking requirements, the applicant notes that community corrections facility is not listed in Appendix 7.5.1 and therefore it is necessary to choose the closest category. To that end the applicant's planner has identified some of the building (103.08m²) to be used for office space with the remainder (361.5m²) categorised as 'other health care facility'. Whilst a community corrections facility does not fall neatly into the 'health care facility' definition, I note that that definition does include activities such as social workers and counsellors. I consider 'health care facility' to be the closest in definition to a 'community corrections facility' and therefore appropriate to base parking, cycle parking and loading calculations on.
61. The updated permitted baseline plan provided by Boffa Miskell shows the permitted community corrections facility provided with 17 parking spaces, based on parking reduction factors of 23% as detailed above, including a 10% reduction factor for exceeding cycle parking requirements by more than 10%. In order to qualify for this additional parking reduction factor a total of six cycle parks would be required on the site.
62. I agree with the applicant's calculation that the permitted baseline facility requires 17 parking spaces once reduction factors are taken into account. I have reviewed the plans and the remainder of the applicant's Chapter 7 assessment and concur that the activity would comply with the requirements of the transport chapter.
63. The permitted baseline plan has been updated from the version provided prior to the s95 decision, as that plan did not take into account the required setback for impervious surfaces from a small section of

³ Memo from Karen Williams of The Property Group titled 'Permitted Baseline Assessment for a Community Corrections Facility' dated 3 April 2020 and updated permitted baseline provided by Boffa Miskell, 1 July 2021.

waterway adjacent to the northern site boundary. The amended plan provides for this setback, removing the one parking space which was located within the 5m setback area. I note that cycle parking is not specifically shown on the plans however I consider there is adequate space on the site to accommodate three complying visitor cycle parking spaces close to an entrance and a minimum of two covered, secure staff cycle parks elsewhere on the site (noting one additional cycle space is required to qualify for additional car parking reduction factors and this sixth space could be a visitor or a staff space).

64. I note that the existing building has street scene non-compliances, with the buildings not set back 4.5m from either road frontage. These street scene intrusions were approved under resource consent 91/244 approved in October 1991 (new Council reference number RMA/1991/711). The existing buildings and existing built form non-compliances are therefore permitted by way of resource consent. It is also possible (although perhaps less likely) that the buildings on-site could be removed in their entirety and a purpose built community corrections facility be constructed on the site, which complied with all built form and transport standards.
65. I do not consider the permitted community corrections facility put forward by the applicant, utilising the existing buildings on the site, to be a fanciful baseline proposal. While other existing community corrections facilities in Christchurch tend to be located in industrial or commercial zones, the specific inclusion in the District Plan of 'community corrections facilities' as permitted activities in residential zones indicates that a residential location for such a facility cannot be considered fanciful.
66. One of the submitters, the Bristol Street Community Network, has noted in their submission that the Council has discretion over whether to consider the permitted baseline. The submitter considers it is not appropriate to apply the permitted baseline in this instance as the nature of the men's offences adds an additional layer to the consideration of this consent, which is not present with other permitted activities. The submission states that the application is unique and should be considered as such without reference to the permitted baseline.
67. I agree that the use of s104(2) is discretionary, however in my opinion there is no reason why the discretion to disregard the adverse effects of permitted activities should not be exercised in this case. The baseline of a community corrections facility is in my opinion not a fanciful one as the District Plan provides for such an activity in this location, while the existing buildings also lend themselves to such a use with some alterations. The two activities being compared are not so different in kind and purpose that a useful comparison cannot be made. The nature of the people using the site (people with criminal convictions, corrections and probation staff, psychologists and other training or counselling staff) would be similar under both scenarios.
68. As noted above and described in detail in section 2.1 of the application, there is also the established baseline of the previous care facility buildings and activities on the site. The adverse effects of that activity, in terms of matters such as parking and traffic generation, are a relevant baseline against which to compare the effects of the current proposal.

Risk of crime or harm to the community

69. Risk of harm to members the community from the proposed residents of the facility (as men with a history of serious violent offending and a high risk of reoffending) in particular to more vulnerable groups such as children and the elderly, is the primary concern raised by submitters with respect to this proposal. Submitters are concerned that they and their families will no longer be safe to move around the neighbourhood in the ways they currently do and that they will no longer feel safe in their homes. They consider the proposed location to be inappropriate for such a facility and that public safety could not be guaranteed.

70. Expert advice on risk to the community from the proposed facility has been sought from Dr Jacinta Cording, a lecturer from the School of Psychology at Canterbury University and a specialist in forensic psychology, with a focus on offender rehabilitation and risk assessment. Dr Cording has reviewed the application, submissions and all further information and her assessment is attached as Appendix 6 to this report.

The Tai Aroha programme

71. Further information submitted by the applicant in February and November 2020 indicates that to be eligible for the programme residents must meet the following criteria:

- Male aged over 18 years, with at least one violent conviction in their history;
- Must be considered 'high risk', i.e. to have a 'RoC*RoI' score of over 0.7 – the applicant states that this risk refers to the resident's risk of being sentenced to a prison term in future, not their risk to the safety of the public;
- No convictions for child or adult sexual offences;
- Be on a sentence of home detention;
- Must be assessed as being ready for and capable of participation in the programme and have a good level of motivation and willingness to achieve a lifestyle change;
- Must pass an assessment of the individual's suitability for the programme by way of a pre-acceptance clinical assessment, with the assessment undertaken by a case management team comprising the Programme Manager, Probation Officer and the Manager Psychological Services;
- Must not have significant untreated mental health or addiction issues.

72. Dr Cording noted that the RoC*RoI score of an individual is calculated based on general offenders on a community sentence who would mostly not be subject to the intensive supervision and treatment delivered by this programme. The RoC*RoI score also only takes into account static factors which cannot be changed (for example, gender, number of previous offences) but does not factor in dynamic risk factors which can change. Dr Cording commented:

*"This is important because rehabilitative programmes such as Tai Aroha work by reducing dynamic, not static, risk factors. This means that residents' likelihood of reoffending is likely to reduce with successful engagement in the Tai Aroha programme, but this will not be reflected in their RoC*RoI score. Relevantly, New Zealand-based research has shown that high-risk violent offenders who attended a prison-based rehabilitative programme similar to Tai Aroha were significantly less likely to offend than comparison offenders who did not attend the programme, and that this reduction in reoffending was mostly explained by a reduction in dynamic risk."*

73. Successful reduction in risk of reoffending depends on the effectiveness of the programme. Dr Cording considers that the proposed Tai Aroha programme demonstrates best practice in reducing offender risk. This includes:

- the involvement of trained psychologists in treatment delivery;
- grounding the programme within a therapeutic community approach;
- individualising interventions and support based on known treatment needs;

- adherence to the Risk-Need-Responsivity (RNR) principles of effective offender rehabilitation, which is the most widely-recognised and evidenced approach to offender rehabilitation; and
- in-depth psychological assessment, and selection of individuals most likely to benefit from the programme.

74. Dr Cording considers these factors are likely to further reduce the chances of treatment dropout and reoffending for residents of the programme. She noted that the assumptions about the effectiveness of the programme are borne out by the 2015 assessment of the Tai Aroha Hamilton programme which found that those who were treated through the programme reoffended at significantly lower rates than those who did not attend the programme and that the effectiveness of the programme was increasing over time.

75. Submitters have raised concerns at what they perceive as the low success rate of the Tai Aroha Hamilton programme to date, with some opining that the positive effects of the programme have been overstated and that the benefits do not outweigh the risks they have identified to the local community. Dr Cording addressed this point in her memo, stating that in her opinion:

“... the evidence of a significant treatment effect is an indication of the success of the programme in shifting relatively entrenched patterns of thinking and behaviour within a relatively short period of time. Indeed, a reduction in reimprisonment of 15% is within the common range of effects seen for rehabilitation programmes that would generally be considered ‘successful’ by experts in this area. As mentioned by some submitters, the previous offending perpetrated by these residents caused significant harm to the community and are high-impact offences, and the prevention of even a small number of these offences therefore has the potential to have a substantial positive impact on the community at large.”

Tai Aroha Hamilton and risk of absconding

76. Updated information has been provided by the applicant with regard to the number of incidences at the Hamilton facility between January 2015 and May 2021 where a resident left the site without authorisation or otherwise interacted with a member of the community in an unauthorised manner. This time period was chosen as the period during which the current Tai Aroha operating model has been in place at the Hamilton site.

77. That information indicates that there have been 24 instances of residents leaving the site without permission during the above time period. No interaction was noted with any member of the public on any of these occasions. On one other occasion a resident did not abscond from the site but became verbally agitated on a supervised visit to a store when he was not able to buy cigarettes. On that occasion the supervising staff member was able to deescalate the situation.

78. In addition, Corrections have previously provided information about a 2012 incident where a resident left the facility and entered a neighbouring dwelling through an open door and encountered the neighbour. The resident left the property and was later arrested. Corrections note that the Tai Aroha programme has been modified since that time, including more rigorous pre-acceptance psychological assessment, not accepting those with significant untreated mental health issues and the allocation of a one-on-one psychologist to each resident.

79. Dr Cording reviewed this information and noted that the data indicates that the risk of absconding from the proposed facility is relatively low and that no absconding incidents have occurred since the implementation of an increased monitoring procedure (to every five minutes) where a resident is considered at risk of absconding. She also noted that the data indicates risk to the community from absconders is also low, pointing to the lack of interaction with members of the public in any of the

absconding incidents after 2012 and the short timeframe within which Police were notified on each occasion once staff became aware of the situation.

80. Dr Cording further noted that none of the absconding incidents occurred on unsupervised outings, identifying that permission for such outings will be subject to individual approval, based on a detailed assessment of the resident requesting the unsupervised outings. She noted that these processes are likely to reduce the risk of reoffending or absconding during such outings.

Security measures and staffing

81. Submitters have raised concerns with the perceived lack of security and supervision on the site and that the staffing levels proposed will be inadequate to effectively manage and monitor residents, particularly in evenings and on weekends.

82. Department of Corrections responded to these concerns in their June 2021 further information response, noting that staffing levels are only one aspect of the security procedures on the site. Notwithstanding this, in order to address submitters' concerns, a reduction in the number of residents and an increase in the number of daytime staff has been proposed in order to help allay some of these concerns. With a minimum of four daytime staff on-site, the weekday ratio will increase from one staff member per five residents to one staff member per three residents. Given the reduction in resident numbers, the evening and weekend ratio would increase from a minimum of one staff member per eight residents (previously two overnight staff to 16 residents) to a minimum of one staff member per six residents.

83. In addition, the further information response noted the following aspects which contribute to security on the site:

- The pre-assessment process, which assesses residents suitability and motivation for the programme;
- The “community of change” residential rehabilitation model where everyone contributes to the rehabilitation process. Because of the rolling nature of the programme, residents who have been there longer help to regulate the behaviour of others;
- The day-to-day management and supervision activities of staff which include:
 - Checks on residents every 20 minutes or more frequently if there is a risk of a resident leaving the programme;
 - Staff trained to identify signs of atypical behaviour;
 - House rules / kawa;
 - Creation of individually tailored treatment plans for each resident;
 - Regular staff meetings to discuss any behavioural issues requiring monitoring and/or actions required.
- The programme itself, which is structured and does not leave much “down-time” for the residents.
- Physical features on the property, including additional fencing, restricting access to the Berry Street frontage and along the eastern boundary of the site and perimeter checks twice during the day and hourly at night;
- Surveillance cameras; and
- GPS/radio frequency monitoring of residents via ankle bracelets.

84. Having reviewed these measures, Dr Cording noted that research suggests that electronic monitoring is effective in reducing the risk of absconding for high risk individuals. With regard to the proposed frequency of staff surveillance of residents, she noted that this is a significant level of surveillance, particularly the five minute monitoring period for residents deemed to be potentially at risk of leaving the programme. Dr Cording did however identify that this significant level of monitoring will place a high demand on staffing capacity on the site, particularly at evenings and weekends when staffing levels are lower and the staff who are present may have competing demands on their time.
85. The applicant has proffered this intensive monitoring as an additional security measure and therefore Dr Cording and I have assumed that they will be able to comply with this requirement. It is however incumbent upon the applicant to ensure that such an intensive monitoring regime is feasible and sustainable at the staffing levels proposed. It may be that additional staff are required on the site in times when a higher level of monitoring is required and the applicant would need to ensure that this additional resource is provided.
86. With respect to the security procedures to prevent contraband entering the site, the applicant has stated that the improved fencing around the site, including 2m concrete block and timber paling fencing on the northern site boundary, in conjunction with surveillance cameras, perimeter checks and restricting resident access to the southern and eastern site boundaries, will prevent contraband from entering the site. The applicant also states that staff monitoring for signs of banned substances in combination with regular drug testing will reduce residents' desire to import contraband.
87. Based on the advice of Dr Cording, I consider the measures proposed, including the reduction in resident numbers and the increase in staff levels and monitoring outlined by the applicant, are likely to considerably mitigate the risk of residents leaving the site, however this will rely on the rigorous and diligent implementation of these measures and processes. If the Panel were minded to grant consent to the proposal, I consider it appropriate to include the aforementioned security measures as conditions of consent.
88. The applicant's proposed draft conditions include one which states '*The ratio of resident programme participants to staff shall not exceed 5:1, with a minimum of 2 staff always present on the site when residents participating in the programme are also present.*' I note that this does not reflect the ratios they have detailed in their further information response which offer as mitigation a minimum of four daytime staff for up to 12 residents (a ratio of 1:3). I consider it appropriate to impose a condition requiring that the minimum number of staff on site during the day be a ratio of one staff member per every three residents.
89. As noted above, the applicant has proposed 2-3 staff to be present on site during evenings and weekends. Given the level of concern expressed by submitters, particularly around night-time and weekend staffing levels, when presumably the risk of absconding may be higher due to more downtime available for residents and lower staffing numbers, I consider it appropriate to impose a condition requiring the minimum number of staff on-site at evenings and weekends be three.

Risk from visitors / associates

90. A number of the submissions received included security concerns relating to visitors to the site, including how visitors will be vetted or approved, how they will be managed on the site and how additional unapproved persons outside the site would be managed. Concerns about gang affiliates of residents visiting the site were also a concern for some submitters.

91. The applicant's June 2021 further information response addresses these issues, noting that each resident will initially nominate only one family member or support person as a contact and visitor and that this person is screened by the probation officer, the reintegration coordinator and by a Residence Review Panel. This screening process is intended to ensure the contact person is supportive of the goals of the programme and that they understand and agree to comply with the expectations around the role of family support people. Anyone serving a community sentence, with recent drug or violence offences, associated with a gang or a victim of the resident would be excluded from being a nominated support person. Visits from the support person can occur from week 3 of the programme and once this has occurred, additional visitors may be nominated. These further visitors will be screened through the same process.
92. Further restrictions on visitors include advising support people that they are unable to bring any others to the visit, nor have others wait for them outside the site. Visitors will be asked not to congregate on the street outside the property. Corrections have also stated that staff undertaking perimeter checks throughout the week (not just on Saturday visiting times) will also observe what is occurring on the street and will approach vehicles or people they believe to be congregating outside the property.
93. Dr Cording reviewed these visitor vetting procedures and made the following remarks:
- “...I consider that the extensive visitor vetting procedures outlined in the proposal will significantly reduce the risk of harm caused by visitors to the site. Indeed, meaningful contact with pro-social friends and family and restriction of contact with antisocial friends has been found to promote successful reintegration of offenders. Additionally, although contact with antisocial peers is a significant risk factor for future reoffending, therapeutic communities (or ‘communities of change’) such as the proposed Tai Aroha programme are not generally considered to be harmful in this respect. Despite the congregation of high risk offenders, well-designed and managed therapeutic communities have been found to promote desistance from offending and rehabilitative change through processes such as social learning and mentoring.”*
94. I accept Dr Cording's advice and concur that the visitor vetting procedures will adequately mitigate risk to the community from visitors to the site. I consider a requirement to adhere to these processes should be included as a condition, should consent be granted.

Comparison with existing situation / permitted baseline

95. In her report Dr Cording also addressed the issue of the comparative level of risk to the community if the proposed facility was not provided. Noting that most of the residents will come from the Canterbury region, in the absence of the facility those offenders would be on home detention sentences. This means that they would be living in the community but without the support and rehabilitation afforded by the Tai Aroha programme. Dr Cording noted however that the level of risk posed to residents in the immediate vicinity of the Bristol Street site would likely be higher than under the alternative scenario where the offenders were dispersed throughout the community.
96. Dr Cording also pointed out that community safety is one of the factors taken into consideration by judges when making sentencing decisions, based on reports from Police, probation officers and psychologists. If a judge sentences an offender to a community-based sentence then this indicates that the judge considers the benefits of such a sentence to outweigh any potential harm to the wider community. Again Dr Cording noted that the structured environment provided by the proposed Tai Aroha programme, including removing offenders from the home and/or social situation within which their previous offending occurred, will reduce the likelihood of offending occurring within the immediate environment of the programme.

97. Dr Cording also considered the level of risk which would result from a permitted community corrections facility, which could locate on the site as of right under the District Plan. This could include a probation office or facility where psychologists or treatment providers deliver programmes and support for offenders on home detention, intensive supervision or those released from prison. I note that such a facility would involve a relatively high number of offenders visiting the site and that they would be required to move unsupervised through the neighbourhood before arriving and on departure from the site. Dr Cording made the following comments with respect to the comparative risks from the proposal and the permitted community corrections facility:

“Due to the regular throughput of offenders with different backgrounds, risk levels, and offending histories associated with these typical community corrections facilities (potentially including offenders who have committed serious sexual and/or violent offences), it is my professional opinion that the proposed Tai Aroha facility does not pose a greater level of risk to the local community than that posed by the permitted baseline activities in the District Plan. Indeed, the proposed Tai Aroha facility appears to have higher levels of staffing (i.e. staff to offender ratios) than many community providers of group rehabilitative services, and may therefore pose a lower risk of harm to individuals in the local community.”

98. I accept Dr Cording's advice on this aspect and consequently consider the level of risk to the community to be similar to, or potentially less than, a permitted community corrections facility.

Effects of low probability but high potential impact

99. The Bristol Street Community Network submission documents concerns relating to effects of low probability but high potential impact and other submitters have raised similar concerns with statements around the damage and trauma which would be incurred by a violent incident. BSCN consider it appropriate for the decision maker to take particular note of these effects, stating:

“While the applicant and the Council's experts agree that there is a low chance of offenders absconding and committing a violent crime, the potential impact if this were to occur is very high and cannot be ignored. There is real concern by BSCN that it would only take one single event (regardless of whether it has or has not occurred yet at Tai Aroha) to have a significant negative effect of high impact on the entire neighbourhood. The fact that offenders abscond from facilities like this is a fact, and not a mere risk. This cannot be ignored.”

100. I agree that in assessing the effects of the proposal, it is important to consider effects of low probability but high potential impact. A situation where a resident of the site elected to leave and went on to commit a violent offence against a member of the public in the vicinity of the site would result in such an effect. I note that the applicant and Council experts consider the likelihood of impacts on the local community such as these to be low, particularly when considered in light of the permitted baseline or in light of the same persons being housed in a private dwelling on home detention, without the level of supervision, support and rehabilitation which will be provided at the proposed facility.
101. Taking into account the advice of the experts, I consider the risk to the community from this proposed facility is similar to these other permitted corrections scenarios. In coming to this conclusion I have also had regard to the fact that, based on the information supplied by the applicant, no effects of this nature have arisen during the time that the Hamilton Tai Aroha facility has been operating.
102. However, in light of the level of concern expressed by submitters regarding low probability/high consequence effects, I consider it appropriate for the Panel to impose a review condition, should they be of a mind to grant consent. Dr Cording has recommended that the applicant undertake data collection and monitoring of the programme, to ensure that the actual level of risk or harm caused by the facility is measured. She considered the monitoring framework should include collection of data on

key indicators (such as programme completion rates, absconding incidents and any on or off-site incidents or unapproved interactions involving members of the community), ongoing evaluation and review of the programme and procedures for responding to identified concerns relating to the safety and security of members of the public, residents of the facility and/or staff. Such data should be made available to the Council on request and a review condition under s128 of the Act would give the Council the ability to amend the conditions of consent to address such concerns, should this prove necessary.

Cumulative effects

103. Some submitters have raised concerns with what they consider to be the concentration of corrections facilities in their suburb due to the existing Salisbury Street Foundation facility being sited on St Albans Street.
104. The applicant has provided an assessment of cumulative effects under point 26 of their June 2021 further information response. I generally concur with that assessment, that the proposal does not result in any additional risk to the community or cumulative effect over and above a permitted community corrections facility and/or the existing level of risk which exists due to the proposed residents otherwise being accommodated in the community on home detention.

Conclusion on community risk

105. Based on the advice provided to me by Dr Cording and taking into account the security measures and resident assessment and screening processes discussed above, I consider any adverse effects from the proposed activity, in terms of risk of harm to members of the community, will be mitigated to an acceptable level and will be the similar to or less than the effects arising from a permitted community corrections facility.

Impacts on social wellbeing

106. Many, if not all, of the submissions in opposition to this proposal raise concerns with adverse social effects on themselves, their families and their community or neighbourhood. Submitters express significant concerns over their health and wellbeing, in terms of increased anxiety and stress caused by the proposal, changes to the amenity and family friendly character of their neighbourhood and their sense of place, and the changes which they consider will result to their way of life.
107. The applicant has submitted a social impact assessment prepared by Beca. That assessment reviewed the social impacts of the proposal in terms of effects on people's way of life, sense of place and character, quality of the environment (fears and concerns for safety) and health and wellbeing. The study included a literature review, a case study of the Tai Aroha Hamilton facility, a survey and interviews. Based on this assessment the Beca researchers came to the following conclusions with respect to the potential social impacts on the community in the vicinity of the site:
 - Way of life: effects on how people use the neighbourhood or their own properties will be a low negative impact, decreasing over time to a very low effect as management procedures on the site demonstrate their effectiveness and people become more comfortable with the facility. With regard to direct privacy effects for adjoining directly adjoining neighbours, Beca consider there are opportunities for landscape planting and window coverings on these properties to screen the facility from view.
 - Sense of place and character: noting the high level of concern expressed by neighbours, Beca considered the effects on the sense of place and character, particularly the desirability of the neighbourhood, including worry over the effects such as the safety of the area, traffic

congestion and property values, to be low to moderate in the planning stage, although that this would be temporary (first 6-12 months of operation) and would reduce to a low effect as trust between Corrections and the community increased.

- Quality of the environment – fears and concerns for safety: noting the advice of the psychological experts, Beca considered the actual impact on physical safety would be very low, but that people’s fears would remain at least in the initial stages of the project.
- Health and wellbeing: Beca considered that the increased stress and anxiety expressed by some members of the community would have moderate negative effects on health and wellbeing during the planning phase, but that these would again reduce over time as the facility settles into the community and demonstrates it is a ‘good neighbour’ through effective management and maintenance of the site.

108. Overall, Beca reached the conclusion that the social impacts of the proposal relate primarily to anticipatory fears expressed by the community and that the information from Tai Aroha Hamilton and opinions of the psychological experts indicate the actual risk of the proposal, or of the anticipatory fears being realised, is very low. Beca concluded that, although there were some temporary potential moderate adverse effects, after 6 – 12 months of operation these will be low to very low. In an RMA context Beca considered the social effects of the proposal to be minor, becoming less than minor over time.

109. The application and the Beca social impact assessment have been reviewed by Louise Strogon, a planner and Associate at Aurecon with expertise in social impact assessment. In addition, Ms Strogon has had the benefit of reviewing the submissions and the applicant’s further information provided after the close of submissions, which the Beca researchers did not have at the time of completing their assessment. Ms Strogon’s memo on the social impacts of the proposal is attached as Appendix 7 to this report.

Quality of the environment – fears and concerns for safety

110. Ms Strogon reviewed the social effects of the proposal using the same categories as the Beca assessment. With respect to fears and concerns of a negative impact on safety due to the high risk nature of the offenders to be housed, Ms Strogon also noted Dr Cording’s assessment of a low actual risk and the result of the literature and Tai Aroha Hamilton reviews which indicate that crime rates do not increase in the vicinity of such facilities. She noted the significant level of surveillance proposed at the facility as a positive aspect, however raised a concern with respect to staffing levels at the Saturday visitation time. She recommended the number of staff present on Saturday for visitation be a minimum of three (rather than a minimum of two), to ensure that required resident and perimeter checks can continue during this time. This aligns with my recommendation above that the minimum number of staff present on site during evenings and weekends should be three.

111. Ms Strogon also identified that there is at present a lack of trust that the programme will be safely and effectively managed and I concur that this is a theme that has come through in a number of submissions. Submitters are concerned that there has been a lack of openness, transparency and engagement with the local community on the part of the applicant and that the level of detail included in the application does not give them confidence that the facility would be properly managed. Ms Strogon considered that a key method to help reduce anticipatory fears and concerns is engagement and the sharing of information with the community. In addition to the measures proposed in the applicant’s draft conditions, Ms Strogon recommends additional measures for engagement with the community, including

- a more comprehensive complaints management process;

- the appointment of a nominated community liaison person as a readily accessible point of contact for the community;
- expanding the number of community representatives on the community liaison group; and
- instigating the community liaison group prior to the build-up or setting-up phase of the facility, rather than just prior to it becoming operational.

112. I agree with Ms Stroger that these additional measures are necessary to facilitate information flow to and engagement with the community. With regard to the community liaison group, if the Panel is minded to grant consent, I have recommended a number of changes or additions to the applicant's draft conditions. This includes the requirement for the consent holder to invite local residents to join a mailing list if they are interested in receiving updates about the facility and the minutes of the community liaison group meeting. In the absence of this, the applicant's proposed conditions make no provision for the distribution of information to other submitters or the wider community and appear to leave that responsibility to the two community representatives on the liaison group. I do not consider that this is a role which should be required of these two (or more) volunteer community members. I consider it is incumbent upon the applicant to take responsibility for keeping the wider community informed about the facility on an ongoing basis.
113. Ms Stroger also recommended a requirement for the applicant, as part of a monitoring regime, to undertake a further social impact assessment after the facility has been in operation for a set period of time, documenting any actual effects on the community which may have arisen as a result of the operation of the facility. As noted above, I concur that a monitoring regime is warranted and while I have not gone as far as to recommend a further social impact assessment be carried out, my recommended conditions include the requirement to monitor factors such as absconding incidents and any incidents involving members of the public. This information would be available to inform any review of the consent conditions carried out under s128.

Impacts on way of life

114. Many submitters identified changes that they feel they would need to make to their way of life or day to day activities if the facility goes ahead, including not walking near the site or allowing children to walk unsupervised in the neighbourhood and not wanting to be home alone or to leave family members home alone. These type of concerns extended to changes to the way people use their properties, for example not wanting to spend time in their front gardens or the feeling of needing to protect privacy by having gates or curtains closed. Privacy impacts are discussed further below.
115. On most occasions when residents leave the site they will be accompanied by staff members, or otherwise be allowed unsupervised leave for up to two hours a week following a detailed assessment of the individuals progress during the later stages of the programme. Taking into account Dr Cording's advice that the risk of reoffending or absconding whilst on outings is low and the evidence from Tai Aroha Hamilton that no community harm has resulted from occasions when a resident has left the site without permission, Ms Stroger considered the likelihood of harm resulting to members of the community from the facility to be low.
116. Overall Ms Stroger considered the adverse social effects of the proposal on way of life would initially be moderate, decreasing over time to a low effect on the assumption that the management regime will be adhered to and that the community will be actively engaged with, as recommended by the amended consent conditions discussed above.

Sense of place and character

117. Both social impact experts identified that submitters value the area for being pleasant, safe and family oriented and that they were concerned the facility would impact on the character and desirability of the area. Some were concerned this would impact on property values in the area.
118. Ms Strogon considered that the appearance of the site would remain the same with some minor alterations to fencing and some additional landscaping and, as a result, the appearance of the site itself would not have adverse social effects. In terms of activities on the site however she did note that some submitters were concerned about the level of visitor activity to the site and that visitors would congregate on the street outside the property. Ms Strogon acknowledged that having regular gatherings outside the property may be unsettling for neighbours and she therefore recommended that an area inside the facility is set aside as a visitor waiting area. Beca have also recommended this in their social impact assessment. I agree with this suggestion and have recommended two conditions relating to visitor management: that visitor arrival times on Saturday afternoons be staggered to avoid visitor groups arriving en masse; and that on arrival visitors be directed to enter straight into the building and wait inside rather than waiting on the street or on the front of the site.

Health and wellbeing

119. It is clear from the submissions in opposition that some members of the St Albans community are experiencing very high levels of anxiety and stress over the proposed facility, particularly those located near the facility, and those who have experienced previous trauma or been the victim of previous criminal activity in their lives. A number of submitters also mentioned that the wider Christchurch community is still recovering from the impacts of the earthquakes and the trauma of the mosque attacks, whilst also having to deal with the current COVID pandemic.
120. Beca and Ms Strogon both note in their assessments that research in this area indicates that the fear and anxiety over such facilities is highest in the planning phases and these fears are not generally borne out through actual community experiences once the facility is operational. Ms Strogon notes that there that once a facility has established itself as a good neighbour fears diminish over time and that she has no evidence to conclude that the facility would not be effectively managed.
121. I concur that the information provided by the applicant with respect to screening and management procedures, the information from Tai Aroha Hamilton and the assessment undertaken by the psychological experts indicates that the fears expressed by the community are unlikely to be realised in practice. I do acknowledge however that some people who are particularly concerned about the proposal will not find this conclusion in any way comforting and will continue to experience this heightened sense of stress and anxiety, at least in the initial establishment and operation phase, should the consent be granted. Relying on the advice of the social impact experts, I consider these effects at least in the interim period will likely be moderate, or in planning terms more than minor, for some members of the community.

Conclusion on social effects

122. The Beca social impact assessment identifies moderate adverse social effects in the interim stages of the development, over the planning pause and the first 6-12 months of operation, with effects becoming low to very low over time. Beca conclude therefore that the overall social effects are minor.

123. The Beca assessment illustrates (in Figure 1 of the social impact assessment) that a moderate effect is equivalent to a more than minor effect⁴. I consider it is important to acknowledge that the social impacts (in terms of anticipatory fears and anxiety), when viewed in isolation without reference to the permitted baseline, experienced by the some members of the community will be more than minor at least in the initial phases of the proposal. This finding is supported in Ms Stroger's assessment where she concludes the overall potential social effects of the proposal will be more than minor before reducing to minor.
124. I note however in this instance there is a strong permitted baseline under the District Plan for a community corrections facility such as a probation centre on the application site. Previous experience of community opposition to a proposed probation centre on Ensors Road in 2009⁵ suggests that the strength of community fears and anxiety about such a centre would likely be similar to the proposed facility. Dr Cording considers the actual effects in terms of community risk would be similar or potentially greater for a permitted community corrections facility than for the current proposal, due to the high level of professional support and monitoring proposed here and the much lower number of offenders being catered for. For these reasons, I conclude any adverse social effects of the proposal over and above those generated by a permitted community corrections facility would not be more than minor.

Cultural matters

Position statement of Te Ngāi Tūāhuriri Rūnanga

125. Mahaanui Kurataiao Ltd, on behalf of Te Ngāi Tūāhuriri Rūnanga as mana whenua exercising rangatiratanga over the takiwā in which Bristol Street is located, have provided the applicant with a document entitled 'Assessment of Impacts on Rangatiratanga and Treaty Principles – Position Statement' in lieu of a cultural impact assessment. This document outlines the position of Te Ngāi Tūāhuriri Rūnanga on the proposed facility, its consistency with the principles of Te Tiriti o Waitangi and the requirements under the Resource Management Act in relation to Te Tiriti and cultural matters.
126. The statement notes that the integration of Māori values, concepts and customs have been highlighted as a critical component of the programme and that the bi-cultural premise is considered an essential component. Mahaanui Kurataiao note that a collaborative approach in conjunction with mana whenua is desired through the development of the Tai Aroha programme and it is hoped the partnership will assist in the creation of further successful outcomes. They further note that proximity to Rehua Marae allows potential for an affiliation or link with the marae to be created.
127. Te Ngāi Tūāhuriri Rūnanga advises that it does not oppose the granting of the required consent for the Department of Corrections Bristol Street project. The report notes that further engagement in the development of the programme / facility with Ara Poutama will be at the discretion of the Rūnanga. The kaitiaki go on to make the following recommendations:
- Providing an option to name the facility. Naming of the facility would be a process undertaken by the Upoko of Te Ngāi Tūāhuriri Rūnanga, Te Maire Tau, and facilitated via Mahaanui Kurataiao.
 - Nomination of a tikanga advisor - the Rūnanga may wish to assign a tikanga advisor to the project.

⁴ I understand that this is reflected in a recent High Court decision (Trilane Industries Ltd v Queenstown Lakes District Council [2020] NZHC 1647) where the Court found in that instance found "a conclusion that there would be moderate adverse effects imports a clear finding that the effects would not be minor or less than minor".

⁵ <https://www.stuff.co.nz/the-press/news/4879784/Challenge-over-probation-centre>
<http://www.stuff.co.nz/the-press/news/3657475/Probation-centre-threat-to-good-community>

- Any activities associated with the implementation of this proposal should be managed to avoid adverse impacts on ecological processes, particularly waters, species or habitats.
- The return of native and endemic species is in keeping with Māori tikanga of improving the current state of the environment. Landscaping utilising indigenous species should be established on site to create urban habitat for taonga species, allowing for the provision of mahinga kai while also ensuring participants can establish a connection to the whenua.
- Mahinga kai is a source of mana and an integral part of Ngāi Tahu culture. Opportunities to enhance, and advocate for, biodiversity and mahinga kai should be explored within the urban landscape.

128. In terms of these recommendations, I note that the proposal will not have adverse effects on ecological processes given that the buildings are all existing. Construction of the concrete block fence on the northern boundary will be outside the setback from the network waterway, Frees Creek, located at the eastern end of the northern site boundary. New landscaping proposed on the site will all be native species, although some are non-local cultivar species. I consider it appropriate to impose a condition that all planting be of locally sourced native plant species. There are limited opportunities on the site to enhance mahinga kai, although the planting of local species provides a marginal overall benefit to the local urban ecosystem.
129. In terms of future involvement of the Rūnanga in the facility going forward, should consent be granted Te Ngāi Tūāhuriri Rūnanga should be involved in the naming of the facility and development of the bi-cultural programme and associated kawa / tikanga, if that is their wish. However given that it is for the Rūnanga to establish and decide upon their level of involvement, I do not recommend any consent conditions in respect of these matters. I note that the applicant has committed in their application to incorporating Māori values, concepts and customs into all parts of the programme. In order for this to occur, they will need to seek local cultural input and guidance. It is for the two parties to decide between themselves, outside of the resource consent process, the best way for this to occur.

Rehua Marae submission

130. A submission was also received from Te Whatumanawa Maoritanga o Rehua Marae Trust Board advising that the trustees of Rehua Marae are opposed to the granting of consent on the basis of non-alignment of the activity with the Trust's mission statement. In particular the Trustees state:
- The Marae has many solid relationships with Government and non-governmental agencies. These have evolved over many years and are based on trust, integrity and communication. Rehua Marae do not believe that a foundational relationship of this nature exists with the Department of Corrections and Kainga Ora in order to give our support to the proposal. The Trustees are yet to be officially engaged in any form of dialogue on the matter.
 - Interviews undertaken with Marae members as part of the Beca social impact assessment do not represent a formal position of Rehua Marae.
 - Little information provided to support the statements that the proposal is a culturally responsive, programme aimed at men who have long-standing personal or iwi links to the South Island.
 - Large groups of people are often sleeping overnight at the Marae and the proposal represents a safety concern in those situations and also to those who live in social housing on the Marae.
 - The proposal may impact on the ability of the Marae to generate income through venue hire and holding functions.
131. The impacts on the Marae in terms of safety of people on site and in the community and any subsequent potential reductions in revenue as a result of the area being seen as unsafe or

undesirable, are very similar to the matters which have been raised in a number of submissions from other residents within the community. These matters have been addressed in the preceding sections on social effects and community risk.

132. With regard to the lack of relationship building and formal engagement with the Marae, this will be a situation for the applicant to remedy, if they wish to seek cultural input into the programme from Marae members or look for opportunities for residents of the facility to work with or on the Marae. I consider it will be important for this engagement and dialogue to occur as the Marae is a key community stakeholder in this area, however again I note that this process would need to occur outside of the resource consent process. Rehua Marae trustees have indicated in their submission that they are open to this dialogue taking place. I understand from the applicant that this dialogue has now commenced.

Impacts on residential character and amenity

133. Non-residential or larger non-household accommodation activities have the potential to have adverse effects on the residential character and amenity of living zones in terms of the scale of activities and buildings, and levels of noise, traffic generation, parking and general levels of activity which may be out of character with the receiving environment.
134. Community corrections facilities and community welfare facilities which do not comply with the required hours of operation are required to be assessed against the relevant matters of discretion in clauses 14.15.5 Scale of activity, 14.15.6 Traffic generation and access safety and 14.15.21 Non-residential hours of operation. While the proposal is for a full discretionary activity for which all effects must be assessed, these matters of discretion provide a useful guide for assessing impacts on residential character and amenity effects.

Noise

135. Submitters concerns in respect of noise from the site include the increase in noise levels over the previous care facility use of the site, with some submitters noting that the previous use was very quiet. Generally noise levels for adjoining neighbours were a concern for some submitters, including the potential for bad language and loud voices, with 16 residents on the site along with staff, plus visitors in the weekend.

136. With respect to noise from the site, the application states:

“While at the site, residents will spend their time in the units, utilising the communal areas, or working with support staff. As with any residential activity, general noise that is residential in nature will be associated with this activity. Noise from the residential use of the subject site will generally be dispersed throughout the site, rather than being concentrated in any one area. Moreover, as outlined in section 3 of this report, residents are required to comply with a number of rules and guidelines, whilst residing at the site, including prohibiting overnight stays/visitors, parties or outdoor music to be played on audible speakers after 2200. Other rules may also be added as and when it is deemed necessary by the Service Provider. Given the above, overall, it is not anticipated that any noise generated from the proposed use of the site will be over and above the permitted noise levels for this environment, nor is it expected to be any greater than the noise generated from the current use of the site and other surrounding properties.”

137. Further information provided by the applicant (draft house rules / kawa) has amended this outdoor music curfew to 8pm. Further conditions volunteered require the site to comply with the decibel levels

specified in the District Plan. While such levels represent a suitable maximum level of noise from a residential zone, such a condition referring to decibel levels may not provide much comfort to neighbours as it is difficult to measure without acoustic equipment. I consider the house rules / kawa which require no use of the outdoor areas after 9pm, no noise after 8pm which may impact on neighbours, no violence or intimidation towards other people, no swearing and no entering unapproved areas of the grounds will be more effective in controlling noise from the site and therefore compliance with and enforcement of those rules will be important. I consider however that the rules could be more specific in relation to impacts on neighbouring sites and should therefore be amended to specify that those using the outdoor areas of the site should be respectful of neighbours at all times of the day and that noise in the outdoor area should be kept to reasonable levels at all times.

138. I generally concur with the statements made by the applicant with respect to noise. Taking into account the reduction in resident numbers, I consider that use of the outdoor areas will be similar to that which would have occurred previously under the consented care home activity, where up to 24 residents would have utilised the space for their outdoor living requirements. I concur that noise from outdoor areas will likely be residential in nature and note the high level of oversight and control the on-site staff will have, to ensure residents comply with guidelines relating to the use of outdoor areas.

Privacy

139. Privacy impacts were raised as a concern by residents of properties immediately adjacent to the site and by those in the vicinity where residents of the Bristol Street facility may be passing by. Some submitters stated that where it was possible for residents of the facility to view their properties, they would feel the need to keep curtains or blinds drawn and other who live immediately adjoining also felt that site residents would be able to overhear conversations on neighbouring sites.
140. The applicant has sought to address those concerns via amendments to the proposal through their June 2021 further information response. These amendments include:
- Obscured glazing on the programme room and dining room windows on the southern façade of the building (these rooms are highlighted on the floor plan at Figure 2 below);
 - Increased internal boundary fence height to 2m on the northern boundary of the site with 20 Bristol Street;
 - The addition of a fence and gates on the Bristol Street frontage to ensure that residents wait within the site prior to embarking on outings;
 - Removing resident access, unless accompanied by a staff member, to the areas between the building and the Berry Street road boundary, between the eastern building and the eastern site boundary with 13 Berry Street and the area to the north of the eastern building, adjacent to the boundary with 20 Bristol Street. This is indicated on the applicant's proposed Operations Plan.
141. I note that the Beca social impact assessment identifies the possibility for the applicant to pay for further planting or window coverings on adjoining properties to mitigate any perceived privacy effects. The applicant's further information response also indicates that they are willing to pay for obscured glazing on adjoining dwellings if desired by those living there. I agree with submitters however where they comment that they do not consider it acceptable for neighbours to have to cover their windows or plant additional trees to screen the site from view as this can impact on their outlook and access to sunlight and may make living spaces less pleasant.
142. Rather, I consider mitigation measures on the application site to be a more appropriate response to address privacy concerns. In terms of the Berry Street (southern) frontage, the programme and dining room windows, where residents will likely spend a considerable amount of time are to be obscured. I

note that there are several other windows on this façade which are not obscured; these are indicated by a red 'x' on Figure 2 below and in yellow on the southern elevation depicted in Figure 3. The windows are (from west to east) a kitchen, laundry, bedroom and a further kitchen in the separate eastern building.

Figure 2: Proposed floor plan

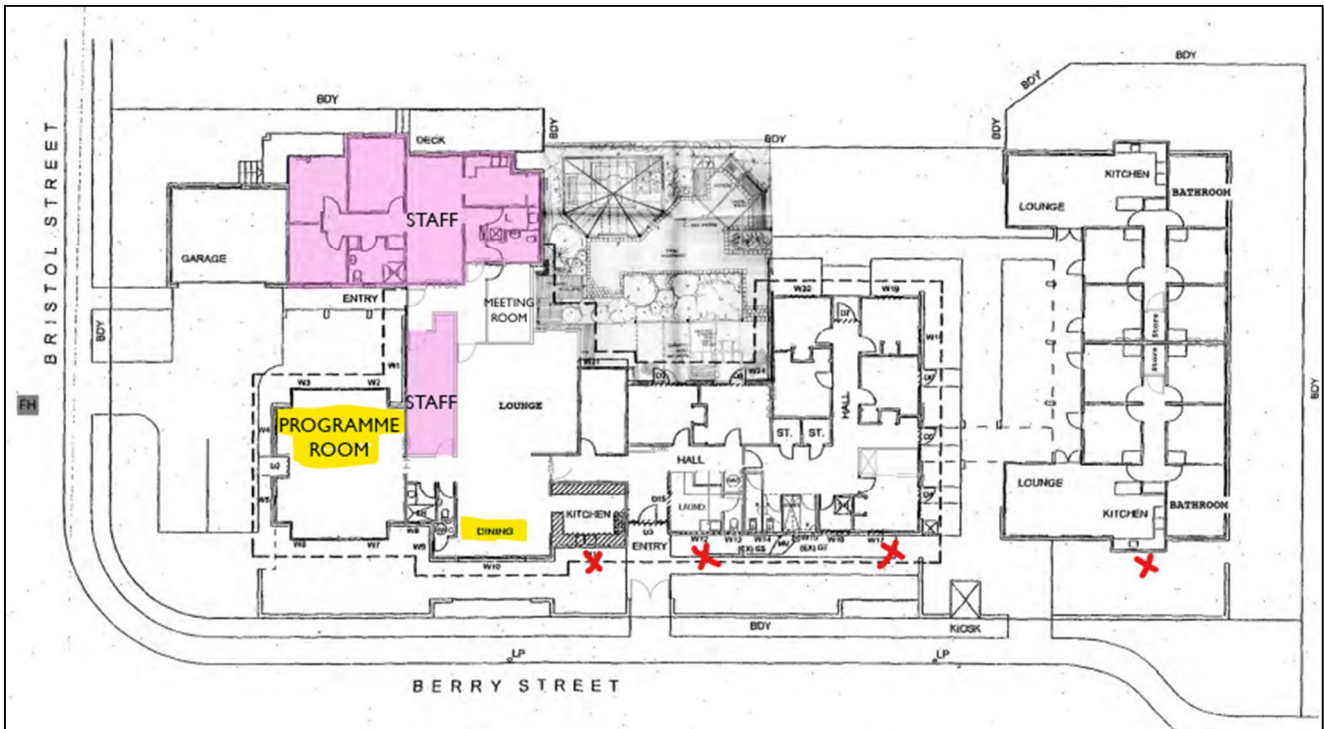
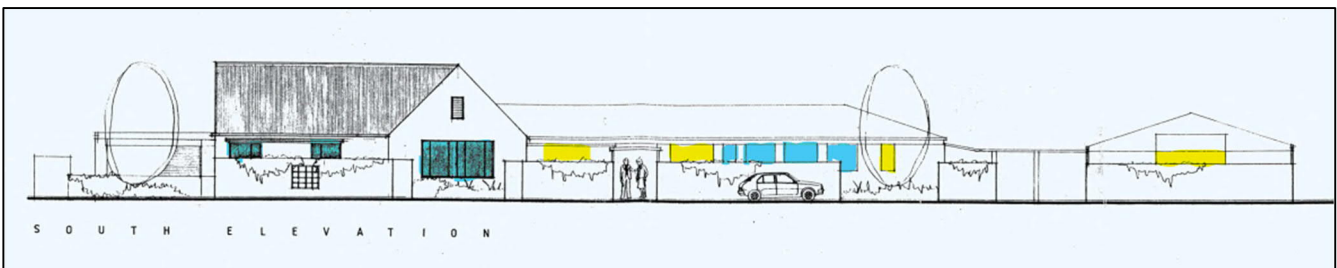


Figure 3: Southern building elevation showing existing and proposed obscured windows



143. With respect to these unobscured windows, I note that there is existing vegetation planted on the southern frontage of the site in the form of shrubs and hedges. Some of these appear to be kept trimmed back to just above the existing fence height. Given the lower frequency of usage of the kitchen, laundry and bedroom windows I consider these windows can be appropriately screened by allowing the existing vegetation on the site frontage, particularly adjacent to these unobscured windows, to be allowed to grow to a minimum height of 2.5m. I also consider the existing small tree adjacent to the laundry window, which is not currently shown on the proposed landscape plan as being retained, should be retained or otherwise replaced with a similar small tree. I have included conditions to that effect, should the Commissioners be of a mind to grant consent. Using planting instead of obscured glazing on these windows allows for some outlook and daylight access for the internal spaces, while screening views out of the site.
144. In my opinion, the proposed obscured windows and restrictions on residents' access along the southern and eastern boundaries of the site, in combination with the condition in respect of

landscaping recommended above, appropriately mitigate any perceived privacy effects for adjoining neighbours to the south opposite the site on Berry Street and for the neighbouring site to the east at 13 Berry Street. Given the size of the existing windows on the Bristol Street (western) elevation and their setback distance from the road boundary (behind the car parks and proposed fencing), I do not consider any adverse privacy effects will arise for properties opposite the site on the western side of Bristol Street.

145. In terms of the properties to the north of the site (22 and 24 Bristol Street at the front and the five terraced units to the rear at 1/20 to 5/20 Bristol Street) submitters' specific privacy concerns include:
- 22 Bristol Street – daughter's second storey bedroom has views into the courtyard and the bedrooms of the proposed facility. Bedrooms of the proposed facility look into the submitter's driveway and backyard;
 - 1/20 Bristol Street – views into the submitter's driveway, front door and second storey bedroom. Garage and parking area faces the application site outdoor area;
 - 2/20 Bristol Street – residents will be able to look directly into the upstairs bedroom and front entrance.
146. The applicant has sought to address concerns relating to views from the application site outdoor area and bedrooms into the driveway, garages and front doors of the units at 20 Bristol Street by proposing to replace the existing wooden slat-type fence along the northern site boundary with a 2m high concrete block fence adjacent to the outdoor courtyard area accessible to residents. I note that this would also assist mitigation of noise effects, with concrete block providing more noise attenuation than the current slatted fence with gaps. I consider the increased fence height to 2m will mitigate overlooking of the driveway and ground floor areas of the adjoining site to an acceptable level.
147. In terms of privacy concerns relating to the upper level bedroom windows for Units 1/20 to 5/20 Bristol Street, I note that 4/20 and 5/20 Bristol Street at the rear are not located adjacent to the outdoor courtyard but instead located facing that north-eastern corner of the site where resident access is proposed to be excluded. With regard to units 1/20 to 3/20, the upper level windows are located approximately 14m (Unit 1) and 17m (Units 2 and 3) from the shared boundary with the application site. Some established trees are located on that boundary and provide some visual screening between the two sites, however as these are located on 20 Bristol Street rather than the application site, they could not be relied upon as mitigation for the current proposal.
148. Generally with the separation distances between the outdoor living area for the site and the upper level windows of the neighbouring units noted above, in a standard residential situation I would not consider there to be a privacy effect on the units at 1/20 to 5/20 Bristol Street as the District Plan allows for unobscured upper level living area windows to be as close as 4m from an internal boundary. Even then, the privacy effect of concern, if there was one, would be of the residents inside the first floor rooms having adverse privacy effects on the outdoor living courtyard of the adjoining site, rather than vice versa.
149. However in this instance, the application is not for a standard residential activity and I acknowledge that submitters have significant additional concerns over the nature of the residents proposed on the application site, leading to heightened concerns over privacy. In order to assist in mitigating these concerns, I consider the applicant should undertake additional landscaping screen planting along the northern boundary of the application site. I consider this planting should be undertaken along the full length of the proposed concrete block wall from the eastern wall of the weights room to the corner of the proposed hobbies room (noting this would necessitate the removal of the existing conifers on this boundary). This planting should occur in a planting strip with a minimum width of 1m and comprise

species capable of forming a hedge such as *Griselinia littoralis* or similar and be allowed to grow to a height of at least 3m. Plants in this strip should be a minimum height of 2m at the time of planting if possible.

150. Subject to the installation of the 2m concrete block fence and this additional hedging on the northern boundary, I consider that any privacy effects on the units adjoining the northern boundary of the application site will be mitigated to an appropriate level, commensurate with the level of privacy to be expected in a medium density residential neighbourhood.
151. Notwithstanding my comments that neighbours should not have to screen their own windows from the application site, it is of course still open to residents to discuss measures such as net curtains or privacy blinds further with the applicant if they so desire. I do not consider such measures to be necessary however to mitigate the privacy effects, with the implementation of the recommended mitigation discussed above.
152. It would be helpful if the applicant were to prepare an updated landscape plan for the hearing which incorporates the recommendations I have made for additional landscaping and includes the comments above in relation to allowing existing vegetation to grow to specified heights.

Hours of operation

153. Regarding the additional hours of operation for the community corrections facility, the Plan sets out a number of matters of discretion which are helpful in guiding assessment of the activity:

14.15.21 Non-residential hours of operation

a. Whether the hours of operation are appropriate in the context of the surrounding residential environment taking into account:

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

154. Traffic generation effects on residential character are discussed below. With respect to pedestrian movements, the nature of the activity is such that it is not likely to generate a large number of pedestrian movements, and not at a level which would be out of character with the surrounding residential environment.
155. I do not consider that the extended hours of operation, relating to the overnight residential component of the activity and the overnight presence of supervising staff, to result in additional noise, disturbance or privacy effects, over and above the use of the site for a permitted residential activity or for the previously consented care facility. Residents will not be leaving the site in the evenings and will instead

spend time cooking, sleeping, undertaking recreation activities and so on, in a similar manner to other residential units. As noted above, the application states that noise in the outdoor area will be controlled to appropriate levels for a residential environment.

156. An effect of the extended hours of operation and nature of the activity may be the requirement for additional on-site lighting during the hours of darkness. No detail of proposed on-site lighting has been provided, however the applicant has volunteered a condition that all lighting on the site be operated and maintained in accordance with the applicable District Plan lighting standards, which I take to mean the glare and light spill rules in Chapter 6.3 of the Plan. I do not envisage any issues with being able to install compliant lighting on the site and subject to compliance with these standards, I consider any effects associated with on-site lighting will be managed appropriately. I have included a condition to that effect, should the Panel see fit to grant consent.
157. I do not consider that the activity will have adverse effects on the surrounding residential area, in terms of loss of security as a result of people other than residents frequenting the area. Whanau visits to residents will only occur on Saturday afternoons and for the remainder of the week, visitors to the site will be confined to external staff with occasional deliveries or maintenance visits. I note with the care home facility or with the development of a number of residential units on the site, occupancy of the site would be higher, with a corresponding increase in the number of visitors to and from the site which, in the case of standard residential units at least, could occur in an unrestricted manner at any time of day.

Scale of the activity

158. The Plan is also concerned with the scale of non-residential activities in residential zones. The relevant matters of discretion in this regard are:

14.15.5 Scale of activity

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

- i. the compatibility of the scale of the activity and the proposed use of the buildings with the scale of other buildings and activities in the surrounding area;*
- ii. the ability for the locality to remain a predominantly residential one; and*
- iii. the appropriateness of the use in meeting needs of residents principally within the surrounding living environment.*

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

- i. the character of the surrounding living environment; and*
- ii. noise, disturbance and loss of privacy of nearby residents.*

c. n/a

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

e. The ability to avoid, remedy or appropriately mitigate any adverse effects of the extended hours of operation; and other factors which may reduce the effect of the extended hours of operation, such as infrequency of the activity or limited total hours of operation.

f. The opportunity the activity provides to support an existing nearby commercial centre.

g. The opportunity the activity provides to support and compliment any existing health-related activities and/or community activities in the surrounding area.

h. n/a

159. With respect to the compatibility of the scale of the building and activity with activities in the surrounding area, the applicant's planner has provided some assessment of this matter on page 19 of the application, stating:

"The immediately surrounding environment is predominantly residential with housing varying in character, typology, scale and density, due to its inner city, suburban location. There are several examples of unit developments that are of a similar scale to the existing buildings on the subject site, as well as bed & breakfast accommodation, motels and hotels in the area, particularly along the nearby Papanui Road. The design, scale, appearance and layout of the site has been established by the previous care facility development and more recent short-term accommodation. No external alterations are proposed as part of this proposal, and therefore the existing design, scale, appearance and layout of the site will remain unchanged and be in keeping with the existing environment. In addition to the built development of the site, the existing boundary landscaping will also be retained and will be kept in a tidy manner while the site is occupied for the proposed use.

Importantly, when considering the size and capacity of the existing buildings on the site, the level of occupancy proposed (including residents and support staff) will be at a reduced level of intensity/occupation than previous on-site activities such as short-term accommodation and the Cerebral Palsy care facility."

160. I accept and concur with this assessment, with the exception of the references to the existing short-term accommodation activity which was not lawfully established and which I have therefore not given any weight to. Given that there will be no external changes aside from some obscured glazing, the visual appearance of the site will remain the same. With respect to the scale of the activity itself, as noted previously the use of the building for supervised residential accommodation and rehabilitation will generate similar levels of noise, traffic, parking, pedestrian movements and general activity to the previously consented use. Whilst the activity does not fit the District Plan definition of 'residential activity', it does still involve living accommodation and other activities of a residential nature, albeit in a non-household setting similar to the previous consented activity.
161. One of the matters of discretion relates to the appropriateness of the use in meeting needs of residents principally within the surrounding living environment. As noted in Dr Cording's assessment, the residents of the proposal will come from the Christchurch and Canterbury area, rather than from the immediately surrounding area. However, I note that given that there would only be one of these facilities in the Canterbury region, regardless of where it is located, it would not be possible to serve the needs of residents in solely that local area. Some of the residents of the facility may come from the local area and may otherwise have been on home detention in the local community, in the absence of this facility.
162. With regard to the opportunity the activity provides to support an existing nearby commercial centre, I note that the proposal will support the Merivale, Papanui or Edgware commercial centres to a similar extent that the previous care home facility or residential units on the site would, in that residents will likely shop and access community facilities in these locations. Regarding other existing activities in the area, the facility will not directly complement existing health-related activities in the surrounding area, although the application does raise the possibility that visits and community work may be carried out on local marae. The close proximity of the site to Rehua Marae would facilitate this interaction however

as noted above this would need to occur in consultation with Marae trustees who are, at this time, not supportive of the proposal.

Traffic generation and parking effects

163. One of the most noticeable impacts of non-residential activities or larger non-household accommodation activities can be the traffic generation and overspill parking effects of the activity. High levels of traffic generation or on street parking demand can have adverse effects on the residential nature of the surrounding streets.
164. Submitters concerns in respect of traffic and parking include traffic noise, adverse effects on amenity from increased traffic movements on the existing narrow streets, and that there will be inadequate on-site parking for the activity, with overflow parking to be accommodated on the street. Submitters considered the existing parking situation to be problematic, with many cars parked on the streets such that finding a park near ones house is already a problem and that the proposed activity will exacerbate this issue.
165. The District Plan matters of discretion relating to traffic generation and access are found in Clause 14.15.6 of the Plan and are split into impacts on residential character and amenity and safe and efficient functioning of the road network, as follows:

14.15.6 Traffic generation and access safety

a. Whether the traffic generated is appropriate to the residential character, amenity, safety and efficient functioning of the access and road network taking into account:

i. in the case of effects on residential character and amenity:

A. any adverse effects in terms of noise and vibration from vehicles entering and leaving the site or adjoining road, and their incompatibility with the noise levels acceptable in the respective living environments;

B. any adverse effects in terms of glare from headlights of vehicles entering and leaving the site or adjoining road on residents or occupants of adjoining residential sites;

C. any reduction in the availability of on-street parking for residents, occupants or visitors to adjoining residential sites to the point that it becomes a nuisance;

D. any adverse effects in terms of fumes from vehicles entering or leaving the site, on residents or occupiers of adjoining residential sites; and

E. the ability to mitigate any adverse effects of the additional traffic generation such as through the location and design of vehicle crossings, parking areas and loading areas or through the provision of screening and other factors that will reduce the effect of the additional traffic generation, such as infrequency of the activity, or limited total time over which the traffic movements occur; and

ii. in the case of the safe and efficient functioning of the road network:

A. any cumulative effect of traffic generation from the activity in conjunction with traffic generation from other activities in the vicinity;

B. adverse effects of the proposed traffic generation on activities in the surrounding living environment;

C. consistency of levels of traffic congestion or reduction in levels of traffic safety with the classification of the adjoining road;

D. the variance in the rate of vehicle movements throughout the week and coincidence of peak times with peak traffic movements on the wider network; and

E. the location of the proposed access points in terms of road and intersection efficiency and safety, and the adequacy of existing or alternative access points.

Traffic generation

166. Traffic generation and parking estimates provided in the applicant's original Novo Group Integrated Transport Assessment (ITA), dated November 2020, have been further refined in the June 2021 further information response to take into account matters raised by submitters and changes to the proposal. Novo Group revised traffic generation estimates to include additional staff trips and trips in the Corrections van and provided an updated typical weekday traffic generation of between 54-62 vehicle trips per day (depending on how many staff drive or choose alternative transport options). The ITA specifies that on Saturdays when pre-arranged visitors are permitted in the afternoon, the activity could generate 32-46 vehicle trips. Sunday traffic generation is assessed in the ITA as negligible; I note it would include trips for the 2-3 staff per shift and any outings for residents in the Corrections van.
167. Novo Group have assessed this level of traffic generation as not being significant and being akin to a permitted or anticipated residential development on the site. Their ITA notes that a potentially permitted development of five dwellings on the site would generate 55 vehicle trips per day while a 24-bed retirement home would generate approximately 58 vehicle trips per day. Novo Group consider the existing road network is easily able to accommodate the level of traffic generated by the proposal.
168. The Novo Group ITA, further information and a summary of the submissions have been reviewed by Andy Milne, a Council Senior Transport Planner. Mr Milne's memorandum is attached as Appendix 8 to this report.
169. With respect to traffic volumes generated by the activity Mr Milne stated:
- "In terms of the traffic impact of the proposal I consider the road network capable of accommodating the estimated 54-62 vehicle movements per day and concur with the RRFI statement 6 that this is not a significant scale of traffic and is potentially akin to an otherwise permitted residential (or other) development on the same site.*
- The impacts on the surrounding road network have been assessed within the Novo Group Transport Assessment and further clarified in the RRFI. The parking and trip generation estimates are based on a first principles approach using conservative assumptions of car occupancy, mode choice and all staff in attendance on site at the same time and from that perspective I consider the assessment to be robust."*
170. In terms of the matters listed above under 14.15.6(a)(ii) in relation to the safe and efficient functioning of the road network, neither of the traffic experts have identified any issues in terms cumulative effects, congestion, traffic safety or safety in relation to the site access point from the proposed levels of traffic generated by the activity.
171. Neither traffic expert has provided information or data to compare the effects of the proposal with a permitted community corrections facility, such as a probation centre, presumably because suitable published trip generation rates are not available from the NZTA or other sources for such an activity. I note however that a probation centre would likely generate a reasonable amount of vehicle traffic from staff (such as probation officers, psychologists and trainers), clients, and vehicles travelling to community service sites.

⁶ RFFI Appendix A response # 29

Parking

172. Further information supplied in the June 2021 RFI response revised the parking demand of the activity, due to an increase in staff which the applicant has proffered in order to help address submitters' concerns around the level of supervision and security on-site. At weekday shift change periods parking demand is calculated at a maximum of 17 vehicles, for a period of approximately 15 minutes while staff undertake hand over to the next shift. Outside of these periods up to 14 spaces could be required if all staff drove to the site or 11 if 80% of staff drove. With one on-site parking space dedicated to the Corrections van, three on-site spaces remain, giving a weekday overflow parking demand of 8 – 11 spaces, depending on how many staff drive or use alternative transport. Novo Group estimate up to eight on-street parks may be required on Saturday afternoons for visitors, with negligible on-street parking demand for the rest of the weekend and in the evenings.
173. Further data with respect to existing levels of on-street parking were supplied by Novo Group⁷. Novo Group state that their parking surveys suggest that there is sufficient supply of available kerbside car parking spaces in the vicinity of the site, identifying between 43 – 59 spaces available on Bristol and Berry Streets in the vicinity of the site (within 120m) at various times of the day and week.
174. Novo Group's ITA indicates that a five unit residential development could result in overspill on-street parking of up to five spaces and a retirement/rest home in the existing buildings could generate on-street parking of five to six spaces.
175. Mr Milne reviewed the parking survey data and concurred with the Novo Group conclusion that there is space available outside the site and along Bristol Street to safely accommodate the 11 space parking overspill demand. Overall he concluded that the effects of on-street parking associated with the proposal on the safety and efficiency of the immediately surrounding road network would be acceptable.

Figure 4: Location of existing cycle stand and covered staff patio area



176. As noted above, the proposal will provide more than the required number of cycle parking spaces however none of these spaces are proposed to be covered. Three covered cycle spaces are required;

⁷ Novo Group Spot Parking Spot Parking Surveys (Monday 24 May 2021 to Thursday 3 June 2021), submitted 17 June 2021.

seven uncovered spaces are provided. I do not consider the non-provision of three covered cycle spaces will result in any adverse effects, noting that there would be the ability for staff to park a cycle in the garage in adverse weather conditions or alternatively at the end of the covered patio in the staff outdoor area (as shown in Figure 4 above) if necessary.

Amenity effects

177. With respect to the residential character and amenity effects of traffic generation and parking, I again note that the levels of traffic generated by the proposal are likely to be very similar to those which were generated by the previous 24 bedroom care home or by a rest home or care facility activity which could establish on the site in reliance on the existing resource consents. The matters of discretion under 14.15.6(a)(i) above also identify traffic noise, glare from headlights and fumes as possible adverse effects of non-residential activities. Given the amount of vehicle traffic proposed, I do not consider the activity will create undue levels of traffic noise, vibration, glare or fumes, to an extent that would be incompatible with the surrounding residential environment, particularly when compared to the consented care home activity. I also note that a redevelopment of the site for five residential units could potentially generate similar levels of traffic to the current proposal. As a result, I do not consider the levels of traffic proposed to be out of character with the existing environment or with what could be anticipated on the application site.
178. As previously discussed, during weekdays and Saturday afternoons there will be overspill parking from the site onto Bristol or Berry Streets, of between 8 – 11 on-street parking spaces. Given the combined length of the two road frontages of the site (catering for approximately 11 vehicles), I consider a reasonable proportion of this parking would be able to occur along the site frontages. Taking into account the amount of on-street parking available in the immediate vicinity of the site (in excess of 40 spaces), I do not consider that the overspill of some on-street parking further afield than the application site frontages will have undue nuisance effects for surrounding residents.

Conclusion on traffic matters

179. Based on the advice of the two traffic experts, I consider the traffic generation and parking effects of the activity will be no more than minor, particularly when viewed in light of the levels of traffic which could be generated by a permitted or consented use of the site.

Positive effects

180. The applicant has discussed positive effects in section 5.5 of their original application, outlining the following positive effects which they consider to be significant:
- Tai Aroha provides an option for men with complex needs to gain access to a wrap-around, targeted rehabilitation service.
 - The programme also provides opportunities to develop community connections and re-establish links with whanau.
 - The programme strives to provide a healing environment, where residents can retain their sense of dignity, while at the same time be provided with skills and resources to take responsibility for their own lives.
 - Tai Aroha provides opportunities for reintegration as well as rehabilitation, to lessen the sense of separation and isolation from community and whanau that a participant might experience in a custodial environment.

- Tai Aroha facilitates whanau engagement and healing within the family by providing opportunities for the whanau to take an active role in supporting their family member.
- The development of working relationships with mana whenua also provides an opportunity for residents to enhance ties with local support agencies.
- Use of the existing buildings for a correctional/welfare facility for residents will be an efficient use of an existing development.

181. I also note that submitters in support have identified a number of positive aspects to the proposal, as previously discussed. Submitters' statements include:

- Effective rehabilitation is important for whanau and the community. The programme will have worthwhile benefits.
- There are few programmes such as this and submitters with psychological training/background noted the benefits of such approaches, involving intensive rehabilitation and wrap-around support. Programme is soundly based on internationally recognised rehabilitative principles and research indicates that rehabilitation programmes for violent offenders are more effective than prison-based programmes.
- Positive effects in terms of providing placement opportunities for trainee clinical psychologists.
- Christchurch community will be safer overall if this programme goes ahead. If the facility is not available, eligible offenders would either serve a community sentence without the wrap-around services that the facility would provide, or be imprisoned for a short term that would likely be too brief to allow for meaningful rehabilitation.
- A location in a residential area is very important for rehabilitation purposes. Successful reintegration into the community – reconnecting with whānau and family, making steps toward gaining employment – is a key factor in reducing reoffending.

182. I accept that the proposal will have a number of positive effects in terms of offender rehabilitation and reintegration, which would not otherwise be realised if the Tai Aroha programme is not able to go ahead, whether in this location or on a different site. I note a number of submitters in opposition also acknowledged the positive benefits of the programme and rehabilitation more generally, however considered that the Bristol Street site was not a suitable location for the programme.

Conclusion with respect to effects on the environment

183. Generally submitters in opposition to the proposed residential rehabilitation programme are concerned that the adverse effects in terms of risk of harm to the immediate neighbours and residents of St Albans will outweigh the positive benefits of the Tai Aroha programme, benefits which generally accrue to the wider Christchurch and Canterbury community as a whole.

184. As noted above, the submissions received and expert social impact advice provided indicates that the social effects on some members of the community, in terms of anticipatory fears and anxiety, have the potential to be more than minor in the interim establishment and initial operational phases, with these reducing to minor or less than minor over time as the facility becomes established in the neighbourhood.

185. Taking into account the mitigation and management measures proposed by the applicant and relying on the advice of Ms Strogen, Mr Milne and in particular Dr Cording, who considers the actual risk to the community to be low, I consider that the adverse effects of the proposal are not greater than those which would be generated by a permitted community corrections facility. As previously noted,

community opposition to a proposed probation centre in Ensors Road in 2009 suggests that the strength of the community feeling and fears about such a centre would likely be similar to the proposed facility. The District Plan has been amended since 2009 and such community corrections facilities are now specifically provided for as permitted activities in residential areas.

186. I consider traffic effects to be similar to those which could be generated by a permitted or consented use of the site.
187. In the light of this District Plan context, I consider the adverse effects of the proposal on the environment over and above a permitted community corrections facility to be no more than minor. I acknowledge that submitters in opposition to the proposal will strongly disagree with this conclusion and I note that these conclusions above are reliant on the diligent implementation of the proposed resident psychological screening, management, security and monitoring procedures proposed by the applicant and strict adherence to the recommended consent conditions. This includes open and transparent two-way communication with the community and meaningful engagement through the community liaison group process, the information mailing list and the provision of a dedicated community liaison representative for the facility.

Relevant Objectives, Policies, and other Provisions of a Plan or a Proposed Plan (S.104 (1)(b))

188. Regard must be had to the relevant objectives and policies in the Christchurch District Plan, which are attached in Appendix 4.

Chapter 14 Residential

Provisions relating to non-residential activities

189. As the activity involves aspects of a community corrections facility and a community welfare facility⁸, and as noted above, given that the District Plan excludes situations where residents are detained on the site from the definition of 'residential activity', the Chapter 14 objective and policies relating to non-residential activities⁹ are the most directly relevant to this proposal.
190. Objective 14.2.6 (Non-residential activities) seeks to ensure that residential activities remain the dominant activity in residential zones, whilst also recognising the need to provide for community facilities which by their nature and character typically need to be located in residential zones. Policy 14.2.6.2 (Community activities and community facilities) enables community facilities, which include community corrections and welfare facilities, within residential areas to meet community needs. The Plan then goes on to make specific provision under the zone rules for community corrections facilities and community welfare facilities to be located in a number of residential zones¹⁰, with no further controls on location within those residential areas.
191. I consider the community corrections / community welfare aspects of the proposal to be consistent with Objective 14.2.6(a)(i) and Policy 14.2.6.2, as these aspects are activities which are anticipated and provided for in residential areas. These community welfare and corrections aspects will continue

⁸ These aspects being the staff working on the site for corrections purposes such as rehabilitation and reintegration services, workshops and programmes and providing "information, counselling and material welfare of a personal nature" to residents on the site.

⁹ For clarity, given that the plan does not define 'non-residential' and the 'residential' part of the phrase non-residential is not underlined in the relevant objectives and policies, in this instance I take the plain meaning of residential to effectively mean the same thing as residential as defined in the District Plan. Any activities not provided for as residential are therefore considered to be non-residential, including supervised living accommodation where the residents are detained on the site.

¹⁰ Including Residential Suburban, Residential Suburban Density Transition, Residential Medium Density, Residential New Neighbourhood and Residential Banks Peninsula.

outside of the 7am to 7pm permitted hours of operation for such facilities, however I note that the support provided outside of these hours will be limited to up to three on-site supervisory and support staff. The psychologists and other staff delivering the training and rehabilitation aspects of the programme (identified as the 'therapy team' in the June 2021 further information response) will be on-site from 8am to 5pm only, meaning that the main busy period of staff arrivals and activity on the site will be confined to daytime hours, as envisaged by the Plan.

192. The other component of the activity is the living accommodation for up to 12 men in circumstances where they are considered to be detained on the site. As previously discussed, the District Plan specifically excludes situations where residents are detained on the site from being considered within the definition of 'residential activity'. As a result the living accommodation aspect is considered a non-residential activity and, as that aspect is not considered to fall within the definition of community corrections facility or community welfare facility, it falls to be considered under the second part of Objective 14.2.6 and Policy 14.2.6.4 (Other non-residential activities).
193. Objective 14.2.6(a)(ii) seeks to restrict other non-residential activities in residential areas, unless the activity has a strategic or operational need to locate within a residential zone. Policy 14.2.6.4 goes further and in addition to requiring a strategic or operational need, states that effects of such activities on the character and amenity of residential zones should be insignificant.
194. The matter of strategic or operational need was not addressed in the original application and so further information on this aspect was requested. The applicant provided the following discussion of strategic and operational need under point 2 of their June 2021 further information response:

"Firstly there is a clear strategic and operational need for the participants to live in a residential environment as part of the programme. Successful rehabilitation into the community is most effectively accomplished in a realistic community setting where the residents can encounter typical pressures and stresses that come with living in a residential community but within in a safe, supported Community of Change setting where they can process their experiences with therapy staff and other residents. In order to achieve this goal, the residents need to be living in a normal residential environment close to community resources, public transport and other facilities which will be part of pro-social daily life for the residents once they have completed the programme. Accommodation for the men that is isolated from normal residential environments are highly artificial and would adversely impact the successful rehabilitation of the residents and is inconsistent with them having been given support to live in the community, by the courts.

As such, operationally and strategically it is the strong position of the applicant (and will be supported by its evidence) that locating the activity in a predominantly residential environment is a critical component of the programme.

In effects terms, the presence of programme participants on the property as their place of residence will not result in anything other than an insignificant effect on the character and amenity of the zone."

195. I consider the information provided does indicate an operational need for a residential location, as the applicant states that the programme would be less effective without this aspect. Dr Cording has also addressed this aspect in her report, stating:

"...literature has found that offender reintegration is more successful where offenders are provided with opportunities to develop positive, supportive social connections with friends, family or whānau, and community members, and less successful where offenders are socially isolated during rehabilitation. Additional research has also found that successful offender

reintegration is supported by improved access to community connections, resources and facilities, and where offenders have an opportunity to practice the skills they learn in treatment in “real world” settings.

In my opinion, it is reasonable to assume that locating the facility within a residential location would likely make creating and maintaining social and community connections easier for residents than locating the facility within a non-residential location. It would also likely make it easier for residents to practice implementing the skills they learn at the residence in real-world, community settings.”

196. The applicant's further information goes on to address the second part of Policy 14.2.6.4, stating that the effects of the activity on the character and amenity of the residential zone will be insignificant. I note however that this is somewhat at odds with the applicant's social impact assessment, prepared by Beca, which states that the proposal will likely initially have moderate effects on health and wellbeing and low-moderate effects on sense of place and character, although stating that they consider these effects will reduce to low over time. In planning terms, the Beca report clarifies that a low effect would be commensurate with a minor effect, while a moderate effect would be more than minor. Overall Beca concluded the effects would be minor, reducing to less than minor over time.
197. Ms Strogon conversely concluded that the overall social effects of the proposal would be moderate to low (the low level of effects being a situation that would be reached over time) and in a planning context the potential social effects would be more than minor, reducing to minor over time.
198. I consider that the social effects discussed by the two social impact experts, including impacts on way of life, sense of place and character and health and wellbeing effects are effects on the amenity and character of the neighbourhood for those people who are anxious about the establishment of this facility in their neighbourhood. Notwithstanding the fact that the psychological experts consider the actual risk to the community to be low, as noted above, residents will still feel fearful and worried about the operation of the facility, at least at the outset. As noted by both social impact experts, they consider that these effects are likely to be at least minor in the initial establishment and operation period. However in terms of my planning assessment, I have concluded that the adverse effects will be no more than minor when compared to the permitted baseline of a community corrections facility. The proposal therefore does not meet the second part of Policy 14.2.6.4 as the effects, at least in the short term, will not be insignificant¹¹.
199. The Environment Court has assessed a proposal for a non-residential activity (a hairdressing salon) in a residential zone against Objective 14.2.6 and its subordinate policies¹². I understand in that instance the Court stated the threshold of insignificant effects in Policy 14.2.6.4 was ‘strong, directive language’. However I also note that Policy 14.2.6.4 directs the Council to ‘restrict’ the establishment of other non-residential activities (especially those of a commercial and industrial nature), rather than to ‘avoid’. In the context of this Objective 14.2.6 and Policy 14.2.6.4, I consider that ‘restrict’ means to ‘limit’, with particular emphasis on commercial and industrial type activities.
200. In this case, the proposal is not for a commercial or industrial activity. The activity is partly a community facility, which as noted above is provided for under Policy 14.2.6.2, and partly living accommodation. Whilst the living accommodation technically falls to be considered as a non-residential activity due to the residents being detained, the nature of the activity is similar to a residential activity, in that men will live on the site and sleep, eat, cook and undertake household and recreational activities in a similar manner to other residential activities. As such, I do not consider that

¹¹ I consider ‘insignificant’ to be less than minor.

¹² *Fright v Christchurch City Council* ENV-2017-CHC-7.

this activity is one which Policy 14.2.6.4 is intended to restrict, given the emphasis in that policy on commercial and industrial activities. I consider that 'residential activity' (in the sense of the District Plan definition) will remain the dominant activity in the surrounding area, as sought by Objective 14.2.6.

201. Policy 14.2.6.1 also addresses the effects of non-residential activities on residential coherence, character, and amenity, however sets a different threshold, seeking that non-residential activities do not have significant effects. I have not assessed the effects of the activity as being significant and therefore the proposal is consistent with this policy. I note however that Policy 14.2.6.1 applies to all non-residential activities, including those expressly provided for in the Plan such as health care facilities for example, for which people are generally willing to accept a higher level of adverse effects to allow for ready access to such services. Policy 14.2.6.4 deals specifically with non-residential activities not otherwise provided for, as is the case here, setting a lower effects threshold for those activities.
202. For the reasons outlined above, I do not consider the proposal to be inconsistent with the District Plan provisions relating to non-residential activities in residential zones.

Other Chapter 14 provisions

203. Objective 14.2.4 seeks high quality, sustainable, residential neighbourhoods which are well designed, have a high level of amenity, enhance local character and reflect the Ngāi Tahu heritage of Ōtautahi. Policy 14.2.4.1 is aimed at ensuring that individual developments contribute to high quality residential environments, by reflecting the character and scale of building anticipated, contributing to a high quality street scene, providing a high level of on-site amenity, minimising noise effects, providing safe access and incorporating crime prevention through environmental design (CPTED) principles.
204. I consider the proposal generally consistent with these provisions, noting that the external appearance of the site is not proposed to change noticeably from the existing situation. The street frontages, particularly the Bristol Street frontage and the Bristol / Berry Street corner of the site have good opportunities for landscaping and I note that the applicant intends to remove the existing lower level planting and replace it with a mix of native vegetation as well as planting two additional trees on the Bristol Street frontage. The application site in general has an attractive frontage and this will be maintained. Noise effects will be commensurate with those experienced throughout living zones and suitable safe access to the site is provided. While the screening of windows will not contribute to passive surveillance from the site, otherwise I consider the proposal consistent with CPTED principles as there will be a clear demarcation of public and private space, areas for concealment are not created and the site will be well maintained.
205. Policy 14.2.4.4 describes the characteristics of both low and medium density areas, with low density areas having a low scale of (one or two storey) buildings and plenty of space for landscaping, while medium density areas provide for a medium scale and density of generally two-three storey buildings, with landscaping in publicly visible areas and potential for reduced privacy and access to sunlight commensurate with higher density living. The application site is located in the Residential Density Transition zone, which is identified in Policy 14.2.1.1 as a low-medium density zone, although it immediately adjoins the Residential Medium Density zone (to the east and south-east). Again I note that the external appearance of the site will remain very similar to the existing situation and that the existing built form on the site has been lawfully established. The buildings are single storey and the site provides adequate areas for landscaping, in keeping with expectations for the RSDT zone. I consider the proposal consistent with Policy 14.2.4.4.
206. Other Chapter 14 provisions are of less relevance in this specific situation but are included here for completeness. Objective 14.2.1 seeks to enable a wide range of housing types, sizes and densities to

meet the diverse needs of the community and assist in improving housing affordability. That objective is implemented by a number of policies which provide for specific housing densities in specific zones (Policy 14.2.1.1), as well as social housing developments (Policy 14.2.1.6) and non-household residential accommodation in the form of sheltered housing, refuges, and student hostels (Policy 14.2.1.7). Given that the existing built form on the site is well established and already provides for a large non-household living situation, the proposal does not impact on housing distribution and density, although it does provide an alternative type of living accommodation. The proposal is not one of the specific non-household accommodation examples provided for in Policy 14.2.1.7 and, as discussed previously, has instead been assessed under the non-residential activities policies. I consider the proposal neutral with respect to 14.2.1 and its associated policies.

Chapter 7 Transport

207. Relevant transport related objectives and policies are listed in Chapter 7 and detailed in Appendix 4. Objective 7.2.1 seeks an integrated transport system for Christchurch that is safe and efficient for all transport modes, supports safe, healthy and liveable communities by maximising integration with land use, that reduces dependency on private motor vehicles and that promotes the use of public and active transport. Its subordinate policies, of relevance to this activity, seek:
- Provide vehicle access and manoeuvring which ensures safety and the efficiency of the transport system (Policy 7.2.1.3);
 - Require car parking spaces and loading spaces which provide for the expected needs of an activity in a way that manages adverse effects (Policy 7.2.1.4);
 - Require that car parking areas and loading areas are designed to operate safely and efficiently, and be formed in a way that is compatible with the character and amenity values of the surrounding environment (Policy 7.2.1.5); and
 - Promote public and active transport by ensuring activities provide an adequate amount of safe, secure, and convenient cycle parking (Policy 7.2.1.6).
208. With respect to car parking I note that the activity provides a compliant number of spaces in terms of District Plan requirements. As noted above, the traffic engineers agree that although the proposal will result in overspill car parking onto Bristol or Berry Streets, the adjoining road network is able to cater for this additional parking without causing adverse effects on the receiving environment. No concerns have been raised, either by the traffic experts or by submitters, with respect to the vehicle access, manoeuvring or the design and layout of the parking area, noting that these are compliant with District Plan requirements.
209. In terms of public and active transport, the activity provides more cycle parking than required under the Plan, notwithstanding that three covered spaces will not be provided as stipulated in Appendix 7.5.2. Adequate cycle parking is provided for staff, and residents of the facility will be able to utilise bikes to cycle on some outings from the site. The site is served by public transport on Papanui Road. I therefore consider the proposal consistent with Policy 7.2.1.6.
210. I consider the proposal to be consistent with the Chapter 7 transport related objectives and policies.

Conclusion on objectives and policies

211. After considering the relevant objectives and policies it is my conclusion that in an overall sense, the application is consistent with the objectives and policies of the District Plan.

Proposed Plan Changes

212. A number of proposed changes to the District Plan are currently underway. Plan Change 5D, concerning rules relating to home occupations is the only one of relevance to this current proposal. The plan change seeks, among other things, to expand the matters of discretion under 14.15.5 Scale of Activity to cover not only the scale of non-residential activities, but also the nature of those activities. In this case, the fully discretionary activity status allows all effects to be considered and I have assessed the nature of the activity in my discussion of effects and objectives and policies.
213. I do not consider the proposal to be inconsistent with Plan Change 5D.

Other relevant Statutory Documents (S.104 (1)(b))

214. Regard must be had to the NPS Urban Development (NPS-UD) which came into effect on 20 August 2020. The only provisions of relevance to this application are those relating to the removal of minimum parking requirements from District Plans.
215. The Council has not yet amended the District Plan to give effect to the NPS-UD, although has notified Plan Change 5G which seeks to make consequential amendments to the District Plan which are needed in order to remove parking requirements from the Plan. Notwithstanding this, I do not consider the proposal to be inconsistent with the NPS-UD, noting that it provides a compliant number of parking spaces under current Plan standards, but the actual parking demand is assessed as being higher than those requirements. Effects of overspill parking from the activity are considered acceptable. While the NPS-UD removes parking requirements from the Plan, parking will still be an effect which needs to be assessed for discretionary and non-complying activities, as has been done in the preceding assessment of effects.
216. The District Plan has been recently reviewed and gives effect to the higher order planning documents such as the Canterbury Regional Policy Statement. As such, there is no need to address them specifically in this report.

Relevant Other Matters (S.104 (1)(c))

Precedent effect/Plan integrity

217. Given the fully discretionary status of this application, it is appropriate to have regard to the issue of precedent, as well as the effect of granting consent upon the integrity of the District Plan and public confidence in its consistent administration. Case Law has established however, through the High Court in *Rodney District Council v Gould*, that concerns relating to plan integrity and precedent effect are not mandatory considerations. The Court held that they are matters that decision makers *may have regard to*, depending on the facts of a particular case including:
1. Whether a proposal is contrary to the objectives and policies of the plan; and if so
 2. Whether in the circumstances of a particular case a proposal can be seen as having some unusual quality.
218. In this case the proposal is not considered to be contrary to the objectives and policies, therefore I am satisfied that issues of plan integrity do not arise. In terms of precedent, while the activity is unusual in the Christchurch context in that it is the first Tai Aroha facility in this district, should the Panel be minded to grant consent I do not consider that granting would create a precedent effect. A similar application on a different site, where residents are detained on the site, would also require consent as

a discretionary activity. Such an application would also need to be assessed on its merits, in terms of effects and against the objectives and policies of the Plan.

Part 2 of the Act

219. The matters outlined previously are subject to Part 2 of the Act which outlines its purpose and principles.
220. The use, development and protection of resources is to be sustainably managed in a way that enables people and communities to provide for their social, economic and cultural wellbeing and their health and safety, while avoiding, remedying or mitigating any adverse effects of activities on the environment.
221. The Christchurch District Plan was reviewed in 2014–2017. Its provisions were prepared under the higher order planning documents and, through its preparation and the process of becoming operative, have been assessed against the matters contained within Part 2.
222. Taking guidance from recent case law¹³, the District Plan is considered to be the mechanism by which the purpose and principles of the Act are given effect to in the Christchurch District. It was competently prepared via an independent hearing and decision-making process in a manner that appropriately reflects the provisions of Part 2. Accordingly, no further assessment against Part 2 is considered necessary.

Conclusion

223. As identified in a number of submissions both in support and opposition to the proposal, the wider community has a need for facilities such as this. It is important to note that the District Plan now makes provision for community corrections facilities to locate in residential zones and the applicant considers that a residential neighbourhood is the most suitable location to deliver a rehabilitation programme such as Tai Aroha. Expert psychological advice indicates that the programme will assist in achieving positive outcomes for those men who attend the facility and their whanau. While there will be a residual level of risk, as discussed above, the proposed psychological screening, management, security and monitoring procedures will manage and mitigate the effects to the extent that Dr Cording considers the risk to be low.
224. In my opinion the proposal is generally consistent with the objectives and policies of the District Plan for the reasons outlined above. After considering the actual and potential effects on the environment of allowing the application, it is my conclusion that the adverse effects over and above those which would be generated by a permitted community corrections facility will be no more than minor. In that context, I consider the effects of the proposal to be acceptable.
225. I consider that the proposal is consistent with Part 2 of the Resource Management Act 1991.
226. Having considered all of the relevant matters under Sections 104 and 104B, it is my opinion that consent can be granted subject to conditions.

¹³ *R J Davidson Family Trust v Marlborough District Council* [2018] NZCA 316

Recommendation

227. I have assessed this application to use the property and existing buildings at 14 Bristol Street to provide residential accommodation, as part of a rehabilitative and reintegrative programme for men identified as having a high risk of further serious criminal offending. Having considered all the matters relevant to this application, I recommend that this application be **granted** pursuant to Sections 104, 104B and 108 of the Resource Management Act 1991 subject to the following conditions:

General

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

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

Residents & Staffing

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

Eligibility

5. Only residents who meet the eligibility criteria set out in the Application shall be authorised to reside at the programme. Individuals must:
 - Be male, aged between 18 and 40 years old;
 - 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.

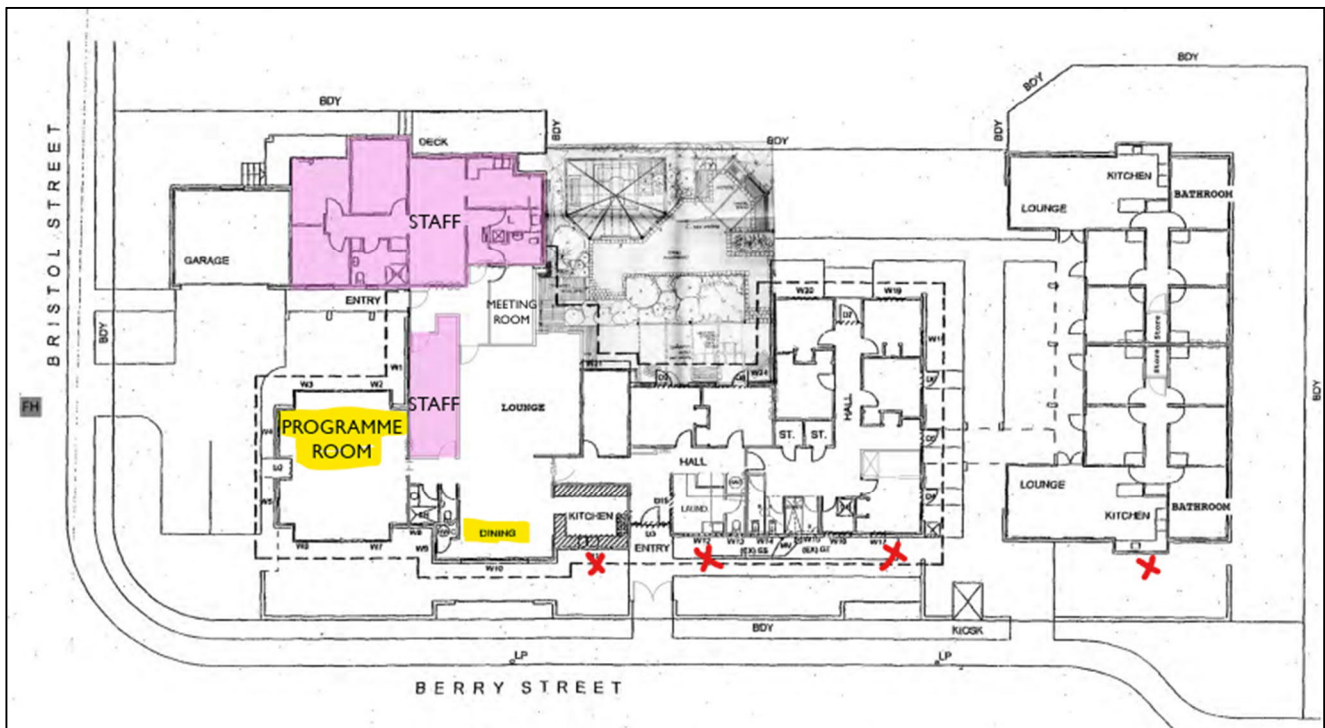
Security measures

7. The following security measures and operational procedures shall be in place at all times on the site:
 - Minimum staffing numbers as detailed in condition 4 above;

- Staff shall carry out checks on residents every 20 minutes or every five minutes if staff consider there is a risk of a resident leaving the programme;
- Staff shall carry out perimeter checks of the site boundaries twice daily between the hours of 8:00am to 5:00pm and once every hour outside these times;
- All staff working on the site shall be trained to identify signs of atypical behaviour which may lead to a resident absconding from the programme;
- A set of house rules / kawa in accordance with condition 19 below shall be in place at all times, and all residents shall be required to adhere to these as a condition of taking part in the programme;
- Site boundary fencing in accordance with condition 17 below;
- CCTV surveillance cameras shall be in operation on the site at all times and shall be actively monitored by staff ; and
- No alcohol shall be permitted on the site and regular drug and alcohol testing shall be carried out for all residents of the site.

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 prepared by Boffa Miskell, submitted 3 June 2021) shall be prohibited unless accompanied by a staff member.
9. Prior to the exercise of this consent, the windows of the programme room and dining room windows (as highlighted yellow on the floor plan below) on the southern façade of the main building shall be altered to have permanently obscured glazing.



10. Except as amended by the conditions of this consent, the proposed hard and soft landscaping shall be established in accordance with the amended landscape plan labelled Proposed Landscape Plan (Revision D) and the Planting Schedule prepared by Boffa Miskell, submitted on 30 June 2021 (pages 160 & 161 of the Approved Consent Document).

11. All new planting on the site shall be locally source native species.
12. Existing planting of shrubs and bushes adjacent to the unobscured kitchen, laundry and bedroom windows on the Berry Street frontage shall be allowed to grow to a height of at least 2.5m.
13. The existing small tree 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 programme participants (residents).
16. All landscaping required for this consent shall be appropriately maintained. Any dead, diseased, or damaged landscaping shall be replaced by the consent holder within the following planting season (extending from 1 April to 30 September) with trees/shrubs of similar species to the existing landscaping.
17. Boundary fencing shall be installed in accordance with the amended landscape plan (labelled Proposed Landscape Plan (Revision D) prepared by Boffa Miskell, submitted on 30 June 2021). The decorative steel boundary fencing along the Bristol Street property frontage shall have a minimum of 50% transparency.
18. All CCTV devices shall be installed, positioned and orientated so as to restrict visible coverage only to areas within the boundaries of the site.

House Rules / Kawa

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

Visitors

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

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

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

Communication / information sharing with local community

25. Prior to this consent being exercised (prior to the commencement of the build-up phase of staff recruitment, training and development of site policies and procedures), the consent holder shall undertake a mail drop to all submitters and to all properties in the surrounding area advising them of the facility, including a provisional opening date, and giving an outline/description of the intended operation of the community liaison group. The mail drop shall invite all interested parties to join an email and/or postal mailing list (hereafter referred to as the mailing list) if they wish to be kept informed regarding the development and operation of the facility, including receiving minutes of the community liaison group meetings.
26. The mail drop shall include at a minimum all submitters and all properties on Bristol Street, Berry Street, Springfield Road and Clare Road identified in red on Figure 2 of the Beca Social Impact Assessment report (dated 28 January 2021), but shall be extended to include all properties with frontage to Bristol Street as far as the corner with Holly Road and all properties with frontage to the northern side of Clare Road between Bristol Street and Springfield Road. The mail drop shall also include the key community stakeholders identified in condition 31 below.
27. The mailing list shall be maintained at all times by the consent holder and used for the purposes of communicating information about the facility with local residents as necessary and as required by subsequent conditions. Any persons (including those residing outside the area defined in condition 26 above) shall be able to join the mailing list and new members shall be allowed to join the mailing list at any time. At least once every two years, a further mail drop shall be undertaken to the properties identified in condition 26 to inform any new neighbours of the facility and invite them to join the mailing list.
28. Prior to the programme commencing on the site, the consent holder shall appoint a nominated community liaison person to be the main and readily accessible point of contact for the community. The community liaison person shall be available by phone during working hours, seven days per week. Appropriate steps to advise the community of this person's details (name, telephone number and email address) must be undertaken such that all members of the community can access these contact details, including circulating these details to parties who have joined the mailing list, publishing them on the consent holders website and providing them to the Council via email to rcmon@ccc.govt.nz. If the nominated community liaison person is not available for any reason, an alternative person must be put forward. An after-hours contact number for the residence shall also be provided.

Community Liaison Group

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

36. The Consent Holder must ensure that members of the CLG are provided with the opportunity and facilities to meet:
- i. Prior to the commencement of the build-up phase of staff recruitment, training and development of site policies and procedures; and
 - ii. Not less frequently than once every two months for the build-up phase and the first six months of the programme operating, and once every four months thereafter for the following four years of the programme operating, unless all members of the CLG agree there is no need for a meeting;
37. If the Consent Holder wishes to call a meeting of the CLG to obtain community input, the meeting regime may be shifted to accommodate such a request with agreement of the CLG, allowing for an additional meeting or for bringing the next meeting forward to an earlier date.
38. The time, date and venue of proposed meetings must be notified to members of the CLG at least 15 working days prior to the meeting date.
39. The Consent Holder must:
- i) Keep minutes of the CLG meeting and make these publicly available, including circulating these to all members of the mailing list required under conditions 25-27.
 - ii) Engage an independent chairperson to facilitate CLG meetings unless the CLG agrees otherwise;
 - iii) 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;
 - iv) 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;
 - v) 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.

Advice Note: In the event that it is not possible to establish a CLG or convene meetings through lack of interest or participation from the invitees, then such failure to do so will not be deemed a breach of these conditions. Should the CLG wish to re-establish meetings after a period of inactivity then the conditions above shall continue to apply.

40. The consent holder shall hold an open day prior to occupation but after upgrade of the facility to allow the community an opportunity to inspect the facility, meet all staff who will be working at the site, the nominated community liaison person and the appointed CLG. Copies of the House Rules/Kawa and the Operations Manual should either be made available for inspection or means to view them electronically provided.
41. 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.
42. Where practicable, all complaints received by the consent holder must be acknowledged to the complainant within 24 hours. This acknowledgement should advise the complainant how long it will take the consent holder to investigate the complaint and a date by which the complainant will receive a response. The consent holder must 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

43. An Operations Manual for the Bristol Street Tai Aroha programme shall be prepared and kept up to date by the consent holder in accordance with these consent conditions. The Operations Manual shall be provided to all staff working in the facility and to the Council (via email to rcmon@ccc.govt.nz) prior to the programme commencing on the site.
44. The Operations Manual shall include direction regarding:
- The use the property and requirements to avoid negative impact on neighbours, including specifying areas available or excluded from use (e.g. smoking, vaping, outdoor exercise, playing music, congregating or circulating in public areas adjacent the residence, undertaking group activities);
 - Property maintenance and upkeep;
 - Staff and residence shift management;
 - Residence rules, including to ensure there is a safe and beneficial community of change in the residence and to reflect standards for living respectfully in the wider community;
 - Residence house rules/Kawa relating to what is allowable and not allowable regarding personal behaviour, conduct and common expectations;
 - Residence drug and alcohol testing procedures;
 - Procedures for ensuring contraband is not brought onto the site;
 - Expected daily routines;
 - Routine staff procedures for supervision and supervisory requirements for staff;
 - Procedures for supervised and unsupervised excursions from the site;
 - Visitor management procedures;
 - Addressing performance and behaviour issues, should they arise;
 - The process for exiting a resident, or required response if a resident was to elect to leave without permission; and
 - General staff, visitor and resident safety and wellbeing.

Noise

45. 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 65L_{Amax}

Lighting

46. 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.
47. 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

48. The consent holder shall undertake on-going monitoring of the programme and operation of the facility in order to document the actual effects of the proposal on the environment. This monitoring shall include, but is not limited to:
 - Key indicators including programme completion rates, absconding incidents and any on- or off-site incidents or unapproved interactions involving members of the community;
 - Any incidences of contraband being introduced to the site;
 - Responses to any incidents involving contraband or residents leaving the site without permission;
 - Incidents reported to the CLG and the response to and resolution of those incidents;
 - Compliance of staff with required perimeter checks and 20 minute or 5 minute resident surveillance checks;
 - Any changes to the programme or facility which have been made to address any of these matters.
49. 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.
50. Copies of any reports on reviews of the facility or the Tai Aroha programme shall be provided to the CLG and to the Council within one month of the report being produced.

Review of consent conditions

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

Advice notes:

- i) *Monitoring*

The Council will require payment of its administrative charges in relation to monitoring of conditions, as authorised by the provisions of section 36 of the Resource Management Act 1991. The current monitoring charges are:

- (a) A monitoring programme administration fee of \$102.00 to cover the cost of setting up the monitoring programme; and
- (b) A monitoring fee of \$175.50 for the first monitoring inspection to ensure compliance with the conditions of this consent; and
- (c) Time charged at an hourly rate if more than one inspection or additional monitoring activities (including those relating to non-compliance with conditions), are required.

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

- ii) This resource consent has been processed under the Resource Management Act 1991 and relates to planning matters only. You will also need to comply with the requirements of the Building Act 2004. Please contact a Building Consent Officer (ph: 941 8999) for advice on the building consent process.



Emma Chapman
SENIOR PLANNER

Reviewed by:

Paul Lowe
TEAM LEADER PLANNING

26 July 2021

APPENDICES

Appendix 1 – District Plan definitions referred to in the report

Residential activity

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

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

excludes:

- d. guest accommodation;
- e. the use of land and/or buildings for custodial and/or supervised living accommodation where the residents are detained on the site; and
- f. accommodation associated with a fire station.

Residential unit

means a self-contained building or unit (or group of buildings, including accessory buildings) used for a residential activity by one or more persons who form a single household. For the purposes of this definition:

- a. a building used for emergency or refuge accommodation shall be deemed to be used by a single household;
- b. where there is more than one kitchen on a site (other than a kitchen within a family flat or a kitchenette provided as part of a bed and breakfast or farm stay) there shall be deemed to be more than one residential unit;
- c. a residential unit may include no more than one family flat as part of that residential unit;
- d. a residential unit may be used as a holiday home provided it does not involve the sale of alcohol, food or other goods; and
- e. a residential unit may be used as a bed and breakfast or farm stay.

Community corrections facility

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

Community welfare facility

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

Sheltered housing

means a residential unit or units used solely for the accommodation of persons for whom on-site professional emergency care, assistance or response is available, but not where residents are detained on the site.

Boarding house

means one or more buildings, used for paid lodgings or boarding, providing accommodation on a site whose aggregated total contains more than two boarding rooms and is occupied by six or more tenants.

Care facility

means a facility providing rest home care within the meaning of the [Health and Disability Services \(Safety\) Act 2001](#), or a home for the residential care of people with special needs, and/or any land or buildings used for the care during the day of elderly persons or people with special needs.

Community facility

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

In relation to the open space zones of [Chapter 18 Open Space](#), community corrections facilities and community welfare facilities are excluded from this definition.

Appendix 2 – Legal advice to Council on whether residents are detained on site

Memo

26 February 2020

To: Emma Chapman

Copy to: Brent Pizzey, John Higgins

From: Cedric Carranceja

LEX21757 – 14 Bristol Street – Resource consent – Department of Corrections

1. This memorandum has been provided as part of my secondment to the Christchurch City Council (**Council**).

Background

2. On or about 29 January 2020, Kāinga Ora on behalf of the Department of Corrections (**Corrections**) lodged a resource consent application to provide residential support housing at 14 Bristol Street, St Albans (**Property**) as a short term residence for men identified as having a risk of further serious criminal offending in the future (**Application**).¹
3. The Application provides additional details of the proposal. In summary, Corrections proposes that:
 - (a) Residents (men) will live together in the house as a household, carrying out regular household activities such as cooking, cleaning, shopping, attending appointments and receiving visitors.²
 - (b) The proposal will provide "wrap-around rehabilitative support" for men on home detention or serving community-based rehabilitation sentences. Residents will be subject to the conditions of their sentences, including in some instances electronic monitoring and curfew. However, residents are not physically confined to or by the buildings on-site.³
 - (c) Residents will work with experienced psychologists, other on-site staff including a programme facilitator, and each other to progress toward a crime free life.⁴ Corrections staff members will be on-site during the day and night, including a manager.⁵
 - (d) The residence programme (i.e. living on site) will be for up to 16 residents, over an average duration of 14 to 16 weeks, with follow-up maintenance sessions and support provided once the programme is completed.⁶

¹ Application, at section 1 (Introduction).

² Ibid, at section 3 (Proposal).

³ Ibid.

⁴ Ibid, at sections 1 (Introduction) and 3 (Proposal).

⁵ Ibid, at section 3 (Proposal).

⁶ Ibid, sections 1 (Introduction) and 3 (Proposal).

4. In response to Council's further information request, Corrections advised that:
- (a) The proposal will be based on an existing model, Tai Aroha in Hamilton, which has been refined and developed over a number of years to create a safe and efficient community based environment for the rehabilitation and reintegration of high risk offenders.⁷
 - (b) The proposal is not considered to involve participants being "detained" as they will not be locked in, but are monitored electronically (CCTV and ankle bracelets), are not forced to attend the programme, and have the choice to leave the residence.⁸
 - (c) The programme targets "high risk individuals" and serving either home detention or an intensive supervision community based sentence.⁹
 - (d) There will be clear and consistent rules and expectations for residents, as well as consequences for residents who choose to end their association with the programme (either by opting to leave, or by engaging in rule-violating behaviour). To assist with enforcing expectations, staff will be at the residence 24/7. The intent is to provide a non-custodial environment without exposing the local community to undue risk.¹⁰
 - (e) Residents who choose not to comply with rules will have their sentence conditions amended, which could include their community based sentence being replaced with a custodial detention sentence.¹¹
 - (f) Home detention is a sentence that requires a person to remain at an approved residence under electronic monitoring and close supervision by a probation officer. Staff do not attempt to detain any resident who wishes to leave. However, an alarm is triggered and a security guard is sent. Additionally, if home detention conditions are not met, a fine of up to \$2000 or a sentence of imprisonment for up to one year can be imposed.¹² Leaving the site without permission would be considered a serious breach of sentence conditions.¹³
 - (g) The programme allows for a range of approved and escorted outings, where residents are accompanied by staff.¹⁴
 - (h) At least two programme supervisors will be on site at all times to provide supervision and oversight.¹⁵
5. The Property is in the Residential Suburban Density Transition Zone (**RSDT Zone**) in the Christchurch District Plan (**Plan**). The Property was previously used for a consented care facility, then as a shared accommodation facility (although no records exist to authorise this use).
6. According to the Application, the components of the proposed activity are captured under the Christchurch District Plan's (**Plan**) definitions of *residential activity*, *community corrections facility*,

⁷ Further information response, at section 1 (Introduction).

⁸ Ibid, at section 1 (Introduction) and section 6 (Response to specific questions raised by Council), answer to question 9.

⁹ Ibid, at section 2 (Profile of individuals anticipated to reside at the property).

¹⁰ Ibid, at section 4 (Enforcement).

¹¹ Ibid, at section 5 (Choice).

¹² Ibid, at section 6 (Response to specific questions raised by Council), answer to question 1.

¹³ Ibid, at section 6 (Response to specific questions raised by Council), answer to question 8.

¹⁴ Ibid, at section 6 (Response to specific questions raised by Council), answer to question 5.

¹⁵ Ibid, at section 6 (Response to specific questions raised by Council), answer to question 9.

and *community welfare facility* for the purposes of chapter 14 of the Plan. You have asked me to advise:

- (a) Whether the proposal involves a "residential activity" as suggested by Corrections?
- (b) Assuming the proposal is for a fully discretionary activity, what is the scope of effects that can be considered with respect to the potential for crime or anti-social behaviour?

Summary

7. Based on information provided in the Application and further information response, it is my opinion that:
 - (a) The accommodation component of the Application is not captured by the definition of "residential activity".
 - (b) Assuming the proposal is for a fully discretionary activity, Council is able to consider potential effects from crime or anti-social behaviour arising from the proposal if they are reasonably based on real risk or where they are substantiated by evidence.

Approach to plan interpretation

8. This matter raises issues of plan interpretation. Accordingly, I summarise my approach to plan interpretation below.
9. The Courts generally attempt to give a plain ordinary meaning to a plan provision, having regard to the immediate context. However, where any ambiguity, obscurity or absurdity arises, it becomes necessary to refer to the other sections of the plan (such as the objectives and policies) in order to derive a purposive interpretation.¹⁶
10. The Court of Appeal in *Powell v Dunedin City Council*¹⁷ contains guidance on the interpretation of district plans as follows:

In this case, the appellants argued that the Court should look to the plain meaning of the access rule and, having found that there is no ambiguity, interpret that rule without looking beyond the rule to the objectives, plans and methods referred to in the earlier parts of section 20 of the plan. While we accept it is appropriate to seek the plain meaning from the words themselves, it is not appropriate to undertake that exercise in a vacuum. As this court made clear in *Rattray*, regard must be had to the immediate context (which in this case would include the objectives and policies and methods set out in section 20) and, where any obscurity or ambiguity arises, it may be necessary to refer to the sections of the plan and the objectives and policies of the plan itself. Interpreting a rule by a rigid adherence to the wording of the particular rule itself would not, in our view, be consistent with a judgment of this Court in *Rattray* or with the requirements of the Interpretation Act.

11. Where competing interpretations of a district plan are available, the interpretation ought to:
 - (a) avoid absurdity or anomalous outcomes;
 - (b) be consistent with the expectation of property owners; and

¹⁶ *Powell v Dunedin City Council* [2005] NZRMA 174 (CA); *Lower Hutt City Council (Re an Application)* (W46/07); *Nanden v Wellington City Council* [2000] NZRMA 563, 573.

¹⁷ [2005] NZRMA 174 (CA).

- (c) promote administrative practicality (e.g. rather than requiring lengthy historical research to assess lawfulness or otherwise).¹⁸

Does the proposal involve a "residential activity"?

12. The proposal will involve a "residential activity" if it is used for the purpose of living accommodation, and is not used for custodial and/or supervised living accommodation where the residents are detained on the site. Chapter 2 of the Plan definition of "residential activity" states:

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

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

excludes:

- d. guest accommodation;
- e. **the use of land and/or buildings for custodial and/or supervised living accommodation where the residents are detained on the site; and**
- f. accommodation associated with a fire station."

[my underlining for emphasis]

13. The Proposal will not be a "residential activity" if it involves the use of land and/or buildings where:
- (a) It is for custodial and/or supervised living accommodation; and
 - (b) The residents are detained on the site.
14. The Application asserts that the Property will not be used for custodial or supervised living accommodation where residents are detained on the site.¹⁹

Is it for custodial and/or supervised living accommodation?

15. The District Plan does not define the word "custodial". Where words or phrases are undefined, the District Plan states they are best defined using their ordinary dictionary meaning,²⁰ which in the case of "custodial" is "pertaining to imprisonment or forcible institutionalisation".²¹ On this basis, it is my opinion that the plain ordinary meaning of custodial anticipates physical forcible detainment of residents.
16. The Application and the response to further information advise that residents will not involve the physical forcible detainment of residents. On that basis, I consider the Application is not for custodial living accommodation.
17. However, it is clear the Application involves "supervised" living accommodation. Amongst other things, the response to further information advises that at least two programme supervisors will be on site at all times to provide "supervision and oversight", with state-of-the-art CCTV equipment that

¹⁸ *Nanden v Wellington City Council* [2000] NZRMA 563; *Mount Field Limited v Queenstown Lakes District Council* 31 October 2008, Heath J, HC Invercargill CIV 2007-425-700.

¹⁹ Application, at sections 4.0 and 5.1, and appendix 5.

²⁰ See Chapter 2 of the Plan, third paragraph under the heading "Definitions List".

²¹ *The New Shorter Oxford English Dictionary* (6th ed, Oxford University Press, 2007).

will be monitored from a central control room on site.²² I understand Corrections accept that the Application involves supervised living accommodation.

18. However, a proposal involving supervised living accommodation will not be excluded from being a "residential activity" unless residents are "detained" on the site.

Are residents detained on the site?

19. Corrections say the proposal does not involve participants being "detained" as they will not be locked in, but are monitored electronically (CCTV and ankle bracelets), are not forced to attend the programme and have the choice to leave the residence.²³ At its core, Corrections suggest that residents are not detained on the site if they are *physically* free to leave the site, notwithstanding that that they may be prohibited from doing so by law (e.g. the Sentencing Act 2002).

20. I disagree with Correction's view for the following reasons.

21. The District Plan does not define the word "detained". Where words or phrases are undefined, the District Plan states they are best defined using their ordinary dictionary meaning,²⁴ which in the case of "detain" is:²⁵

"2 Place or keep in confinement; keep as a prisoner, esp. without charge

4 Keep in a certain place or condition; hold

5 Keep from proceeding; hold back, delay, stop. Restrain from action".

22. Thus, the plain ordinary meaning of detain is to keep residents/persons at the site, or keep or restrain them from proceeding off the site. The plain ordinary meaning of detain does not specify that a person can only be kept or restrained from leaving the site by physical means.

23. Corrections have previously referred to the Court of Appeal decision in *Everitt v Attorney General*²⁶ as the leading case regarding the meaning of "detained". That case considered the meaning of the word "detained" in section 22 of the New Zealand Bill of Rights Act 1990 (**BORA**) which provides:

Everyone has the right not to be arbitrarily arrested or detained.

24. In my opinion, the *Everitt* case confirms that a person can be detained without *physical* detention. The test mentioned by the Court of Appeal is not whether a person is physically free or detained, but whether a person has "*a reasonably held belief*" that he or she is not free to leave.

25. In my opinion, residents serving home detention sentences are "detained" because they will have a reasonably held belief that they are not free to leave. In particular:

- (a) Residents will have been made aware of their home detention sentence conditions and given their agreement to comply with them. Section 80A(2)(a)(iii) of the Sentencing Act 2002 anticipates that a Court would not impose a home detention sentence unless satisfied that the offender has been made aware of and understands the conditions that apply during home detention, and he or she agrees to comply with them. Standard conditions applying to a

²² Further information response,, at section 6 (Response to specific questions raised by Council), answer to question 9.

²³ Ibid, at section 1 (Introduction) and section 6 (Response to specific questions raised by Council), answer to question 9.

²⁴ See Chapter 2 of the Plan, third paragraph under the heading "Definitions List".

²⁵ *The New Shorter Oxford English Dictionary* (6th ed, Oxford University Press, 2007).

²⁶ *Everitt v Attorney General* [2002] 1 NZLR 82 (CA).

home detention sentence include *prohibiting* the offender from leaving the home detention site at any time (except in limited specified circumstances).²⁷ The response to further information advises that persons on home detention will be *required* to remain at the Property. The Corrections website similarly advises that home detention *requires* an offender to remain at a suitable and approved residence at all times and be monitored 24 hours a day, seven days a week.²⁸

- (b) The proposed programme will make residents aware of rules requiring them to remain on the site. Amongst other things, residents will be provided with a copy of rules, verbally inducted into rules and expectations, and meet weekly with their probation officer where the focus of discussions will be on how they are managing to adhere to their sentence conditions.²⁹
- (c) Residents will also be made aware of consequences for leaving the site without permission. Consequences include triggering an alarm, the sending of a security guard, a breach of sentence conditions, a fine of up to \$2000 and/or a sentence of imprisonment for up to one year (see paragraph 4(f) above).
- (d) Residents will be aware of other measures intended to encourage and reinforce compliance with rules and conditions, including CCTV coverage and 24/7 staff supervision.
- (e) Residents will likely also understand that the word "detention" in home detention is derived from the word "detained".

26. Furthermore, case law confirms that a person need not be physically deprived of their liberty in order to be detained. A person may be detained in circumstances where:

- (a) a person is required to attend a particular place or remain in a particular place, and a failure to do so is subject to a penalty; or
- (b) words or conduct of an enforcement officer provides a person with a reasonable belief that he or she is not free to leave.³⁰

27. A sentence of home detention fits (a) above because it requires a person to attend a particular place or remain in a particular place, with non-compliance subject to a penalty.

28. The context of the District Plan definition of "residential activity" also supports a conclusion that "detained on site" is not limited to situations involving *physical* detention. In particular:

- (a) The definition anticipates residents may be "detained" where land/buildings are used for custodial purposes. As noted above, the plain ordinary meaning of "custodial" pertains to imprisonment or forcible institutionalisation.³¹ Thus, residents detained in custodial accommodation can expect *physical* detention where they are not *physically* free to leave.

²⁷ Section 80C(2)(b) of the Sentencing Act 2002.

²⁸ https://www.corrections.govt.nz/working_with_offenders/community_sentences/sentences_and_orders/home_detention_and_post_detention_conditions

²⁹ Further information response, at section 6 (Response to specific questions raised by Council), answer to question 6.

³⁰ *R v M* [1995] 1 NZLR 242.

³¹ *The New Shorter Oxford English Dictionary* (6th ed, Oxford University Press, 2007).

- (b) However, the definition also anticipates residents may be "detained" where land/buildings are used for "supervised living" accommodation that is not custodial accommodation. Thus, detention can occur in a supervisory situation which does not involve *physical* detention in custodial accommodation. If detention can only ever be physical, then the reference to "supervised living" accommodation would be rendered nugatory.

29. For the reasons given above, I consider the Application involves residents being "detained on the site", and is therefore excluded from the definition of "residential activity".

Consideration of crime or anti-social behaviour

30. Assuming the Application is to be assessed as a fully discretionary activity, you have queried whether Council can consider potential effects from crime or anti-social behaviour.

31. A general allegation, perception or fear that the proposal will be the source of increased crime or anti-social behaviour does not constitute evidence of the same. It is an established practice in the RMA jurisdiction that there is no place for the Court (and thus any RMA decision-maker) to be influenced by mere perceptions of harm which are not shown to be well founded.³² If it is found on probative evidence that there would be no adverse actual or potential effect on the environment of allowing the activity, then the fact that some people remain fearful and unconvinced by the weight of evidence is not a relevant matter to be taken into account.³³

32. Fears can only be given weight if they are reasonably based on real risk³⁴ or where they are substantiated by evidence.³⁵ For example:

(a) In *Beadle v The Minister of Corrections*³⁶ the Court was not influenced by perceptions and fears about personal safety and property security related to possible escapees from a new corrections facility. Instead, the Court accepted expert evidence that the risk to the community generally from escaped prisoners is low, and is not directly related to the proximity of a prison.

(b) In *Minister for Children v Auckland Council*³⁷ the Court considered a proposal to alter an existing designation for a care and protection residence for up to 20 residents in order to increase numbers to 30 residents with the addition of youth justice services. The primary relief sought by most submitters was for the application to be declined on the basis of security and safety concerns arising from the proposed shift to a youth justice residence. After considering expert evidence on security and safety provided by the Council³⁸ the Court considered that:

³² *Northern Wairoa Dairy Co v Dargaville Borough Council* (A181/82); *Affco v Hamilton City Council* (A3/84); *Purification Technologies v Taupo District Council* [1995] NZRMA 197; *Contact Energy v Waikato Regional Council* (A4/2000); *Beadle v The Minister of Corrections* (A74/2002).

³³ *Telecom v Christchurch City Council* (W165/96)

³⁴ *Shirley Primary School v Christchurch City Council* (C136/98)

³⁵ *Department of Corrections v Dunedin City Council* (C131/97).

³⁶ *Beadle v The Minister of Corrections* (A74/2002)

³⁷ *Minister for Children v Auckland Council* [2019] NZEnvC 131.

³⁸ The expert was an independent security consultant with prior security and risk management roles with the Department of Corrections, Child Youth and Family and the Ministry of Social Development. The evidence provided an assessment of the risk of psychological and physical harm to people in the community if someone was to abscond from the facility. Amongst other things, the

- (i) the proposal would give rise to an increased risk of absconding;
 - (ii) there is a real and obvious risk of an absconder entering residential properties;
 - (iii) although the likelihood of an act of violence occurring during such an event is low, the adverse impact of such an occurrence is potentially high. Pursuant to section 3 of the RMA, this risk would be classified as a potential effect of low probability which has a high potential impact;
 - (iv) if the proposal is to be confirmed, all reasonable steps need to be taken to reduce the risk factor such as limiting residents to 20, and having a comprehensive screening process to determine suitability of placement of residents at the facility.
33. In the present case, minimal information is provided regarding the risk (or likelihood) of crime or antisocial behaviour occurring in proximity to the proposal, and the potential impact of such occurrences on the community.³⁹ For example, there is no information regarding whether similar activities have been attractors of crime and/or antisocial behaviour elsewhere and the associated impact on a neighbourhood, or alternatively whether they contribute to a reduction of such occurrences in a neighbourhood.
34. If the proposal is to be assessed as a fully discretionary activity, Council may wish to request further information regarding potential effects from crime or anti-social behaviour arising from the proposal. Such information might include:
- (a) The likelihood of residents leaving without authorisation / absconding.
 - (b) The likelihood of absconders committing a crime or anti-social behaviour.
 - (c) The potential impact of crime or anti-social behaviour incidents on the neighbourhood.
35. Corrections may be able to obtain such information from the operation of the Tai Aroha facility in Hamilton that the current proposal has been based on.
36. Please feel free to call me if you have any queries arising.

Cedric Carranceja

expert considered there would be a high risk of absconding from the site and that although there would be a low probability of offending absconders in the immediate surrounds there was potential for serious impacts.

³⁹ The absence of information is expected, as the Application was lodged on the basis that the proposal is for a restricted discretionary activity with potential effects from crime or anti-social behaviour (e.g. potential effects on community safety and security) not falling within the scope of the restricted matters of discretion.

Appendix 3 – Legal advice to Council regarding site coverage

14 May 2021

To: Emma Chapman

Copy to: Brent Pizzey

From: Cedric Carranceja

LEX22850 Legal advice on Department of Corrections Application – Site Coverage

1. This memorandum has been provided as part of my secondment to the Christchurch City Council (**Council**).
2. On or about 29 January 2020, Kāinga Ora on behalf of the Department of Corrections (**Corrections**) lodged a resource consent application to provide residential support housing at 14 Bristol Street, St Albans (**Property**) as a short term residence for men identified as having a risk of further serious criminal offending in the future (**Application**).¹ The Application has been publicly notified for submissions.
3. The Council has received a submission from Bristol Street Community Network Incorporated (**BSCN**) which identifies the possibility that the Application might be for a non-complying activity under Residential Suburban Density Transition Zone (**RSDT Zone**) rule 14.4.1.5 NC4 of the Christchurch District Plan (**Plan**). The relevant part of BSCN's submission states:²

We also consider it possible that this activity might be non-complying under Rule 14.4.1.5 NC4. However, we are unable to determine whether the activity complies with the relevant site coverage standard as the applicant has assessed this standard as not applicable (because the buildings already exist). It is noted that Rule 14.4.1.5 NC4 applies to activities, not just buildings, and therefore needs to be assessed as against this proposal.

[underlining is as per the submission]
4. You have confirmed that:
 - (a) all buildings at the Property were lawfully established, with the last building additions authorised by a resource consent granted on 7 December 2000;
 - (b) the Application does not alter the existing building site coverage of the Property, which is to remain at 46.6% of the net site area of the Property;
 - (c) the Application is not for an activity classified as a multi-unit residential complex, social housing complex or older person's housing units under the District Plan.
5. You have asked me to advise whether the Application proposal also requires resource consent as a non-complying under rule 14.4.1.5 NC4, on the understanding (a) to (c) above applies.
6. For the reasons given below, I consider that:
 - (a) Although rule 14.4.1.5 NC4 refers to "activities", contextual and purposive considerations best support a purposive interpretation that rule 14.4.1.5 NC4 is concerned about *buildings*

¹ Application, at section 1 (Introduction).

² At paragraph 44.

being limited by site coverage, not activities. The activity is relevant only for determining what particular site coverage limitation (being a specified percentage for maximum net site area) applies to the buildings on a site.

- (b) Resource consent is not required under rule 14.4.1.5 NC4 to authorise legally established (and previously consented) buildings in the absence of any proposed extension to those buildings.

Approach to plan interpretation

7. This matter raises issues of plan interpretation. Accordingly, I summarise my approach to plan interpretation below.
8. The Courts generally attempt to give a plain ordinary meaning to a plan provision, having regard to the immediate context. However, where any ambiguity, obscurity or absurdity arises, it becomes necessary to refer to the other sections of the plan (such as the objectives and policies) in order to derive a purposive interpretation.³
9. The Court of Appeal in *Powell v Dunedin City Council*⁴ contains guidance on the interpretation of district plans as follows:

In this case, the appellants argued that the Court should look to the plain meaning of the access rule and, having found that there is no ambiguity, interpret that rule without looking beyond the rule to the objectives, plans and methods referred to in the earlier parts of section 20 of the plan. While we accept it is appropriate to seek the plain meaning from the words themselves, it is not appropriate to undertake that exercise in a vacuum. As this court made clear in *Ratray*, regard must be had to the immediate context (which in this case would include the objectives and policies and methods set out in section 20) and, where any obscurity or ambiguity arises, it may be necessary to refer to the sections of the plan and the objectives and policies of the plan itself. Interpreting a rule by a rigid adherence to the wording of the particular rule itself would not, in our view, be consistent with a judgment of this Court in *Ratray* or with the requirements of the Interpretation Act.

10. Where competing interpretations of a district plan are available, the interpretation ought to:
 - (a) avoid absurdity or anomalous outcomes;
 - (b) be consistent with the expectation of property owners; and
 - (c) promote administrative practicality (e.g. rather than requiring lengthy historical research to assess lawfulness or otherwise).⁵

Interpreting rule 14.4.1.5 NC4

11. Rule 14.4.1.5 NC4 describes the following as a non-complying activity:

Activities and buildings that do not meet Rule 14.4.2.4 where the site coverage exceeds 40% (except as provided for in Rule 14.1.1.5 NC5)

12. There are 3 parts to rule 14.4.1.5 NC4:

³ *Powell v Dunedin City Council* [2005] NZRMA 174 (CA); *Lower Hutt City Council (Re an Application)* (W46/07); *Nanden v Wellington City Council* [2000] NZRMA 563, 573.

⁴ [2005] NZRMA 174 (CA).

⁵ *Nanden v Wellington City Council* [2000] NZRMA 563; *Mount Field Limited v Queenstown Lakes District Council* 31 October 2008, Heath J, HC Invercargill CIV 2007-425-700.

- (a) it applies to "activities and buildings";
 - (b) that do not meet Rule 14.4.2.4 where site coverage exceeds 40%;
 - (c) unless the exception in Rule 14.1.1.5 NC5 applies.
13. I comment on each part of the rule in turn, followed by my conclusion on the interpretation of the 14.4.1.5 NC4 as a whole.

"Activities and buildings"

14. Rule 14.4.1.5 NC4 refers to both activities and buildings. The District Plan does not define "activities". In the absence of a defined term, the District Plan mentions that words are best defined using their ordinary dictionary meaning⁶ which, for the word "activity", is:⁷

An active force or operation; an occupation, a pursuit.

Things that a person, animal, or group chooses to do.

15. In my opinion, the ordinary dictionary meaning of "activities" would capture uses of land which a person might choose to undertake on that land.
16. The word "building" is defined in chapter 2 of the District Plan quite widely, and can include any structure or part of a structure, whether permanent, moveable or immovable. For present purposes, I have assumed the 46.6% site coverage calculation for the Property accounts for all "buildings" as defined in the District Plan.
17. Considered in isolation, the reference to activities and buildings in rule 14.4.1.5 NC4 could be interpreted to suggest that the site coverage limit is to be applied and calculated against both activities and buildings on the site. This opens the door to an interpretation that rule 14.4.1.5 NC4 could be triggered by a new activity exceeding the 40% site coverage limit even if (for example):
- (a) the buildings themselves do not exceed 40% site coverage; or
 - (b) buildings already in excess of 40% site coverage were legally established (or resource consented) but the activity within those buildings changes.
18. However, for reasons given below, I consider contextual and purposive considerations better support an interpretation of rule 14.4.1.5 NC4 that is concerned about *buildings* exceeding site coverage limitations, not the *activities* per se.

"that do not meet Rule 14.4.2.4 where site coverage exceeds 40%"

19. An important part of the context for understanding the meaning of the phrase "activities and buildings" is the reference to activities and buildings that "do not meet Rule 14.4.2.4 where site coverage exceeds 40%".
20. Rule 14.4.2.4 is a built form standard that, according to its title, is concerned about "site coverage". The District Plan does not define what "site coverage" means, but the rule itself confirms the

⁶ District Plan, chapter 2, under the heading "Definitions List".

⁷ *The New Shorter Oxford English Dictionary* (6th ed, Oxford University Press, 2007).

concern is to set different maximum percentages of net site area that can be covered by buildings, depending on what activity is occurring on a given site. Rule 14.4.2.4 states:

14.4.2.4 Site coverage

a. The maximum percentage of the net site area covered by buildings shall be as follows:

	Zone/activity	Standard
i.	All activities unless specified below.	35%
ii.	<u>Multi-unit residential complexes, social housing complexes, and groups of older person's housing units</u> where all the <u>buildings</u> are single storey. The percentage <u>coverage by buildings</u> shall be calculated over the <u>net site area</u> of the entire complex or group, rather than over the net area of any part of the complex or group	40%
iii.	<u>Market gardens.</u>	55%
iv..	<u>Retirement villages.</u>	45%

b. For the purposes of this rule this excludes:

- i. fences, walls and retaining walls;
- ii. eaves and roof overhangs up to 600mm in width and guttering up to 200mm in width from the wall of a building;
- iii. uncovered swimming pools up to 800mm in height above ground level; and
- iv. decks, terraces, balconies, porches, verandahs, bay or box windows (supported or cantilevered) which:
 - A. are no more than 800mm above ground level and are uncovered or unroofed; or
 - B. where greater than 800mm above ground level and/or covered or roofed, are in total no more than 6m² in area for any one site.

21. It is clear rule 14.4.2.4 is concerned about ensuring that *buildings* (not activities) are controlled in terms of the maximum percentage they can cover of the net site area of a given site or allotment.⁸ In particular:

- (a) rule 14.4.2.4.a confirms that site coverage is concerned about maximum percentage of the net site area covered by *buildings* (not activities);
- (b) rule 14.4.2.4.b lists a variety of structures or parts of structures that might otherwise be captured by the broad definition of "building" in the District Plan, but which are to be ignored for the purpose of calculating the maximum percentage of the net site area covered by *buildings* (not activities).

22. "Activities" are mentioned in the table for rule 14.4.2.4, but not for the purposes of limiting the site coverage of those activities per se. The second column of the table is headed with "Zone/activity", and the rows in that column go on to describe different types of activities. The site coverage limitation (stated as a maximum percentage of net site area) is specified for buildings, but the maximum percentage limit depends on what activity occurs on the site. For example, if there is a social housing complex, then the maximum percentage of the net site area to be covered by buildings shall be 40%. Row i of the table provides a catch-all that applies to all "activities" not

⁸ "Net site area" is defined in chapter 2 of the District Plan as follows:

"in relation to a site or allotment, means the total area of the site or allotment less:

- a. any area subject to a designation intended to be taken under the Public Works Act 1981 for any purpose;
- b. any entry/exit strip of land 6 metres or less in width; and/or
- c. any area of land where that land is the shared access for more than one site."

described in the other rows of the table. Thus, for an activity not described by rows ii to iv of the table, row i imposes a 35% maximum percentage of the net site area that can be covered by buildings.

23. It is evident from the context that the purpose of the references to different activity descriptions in the table for rule 14.2.4.2 is not to control the area used by *activities* per se, but to impose a limitation on the area covered by *buildings*, with the applicable maximum percentage net site area of buildings determined by what activity occurs on site. Thus, if the buildings comply with the site coverage limitation, then it is irrelevant under the rule whether the activity involves using additional areas of the site outside of any buildings.
24. Accordingly, I consider the phrase "[a]ctivities and buildings that do not meet Rule 14.4.2.4 where site coverage exceeds 40%" is best interpreted as being triggered if the *buildings* exceed the site coverage limitation, not if the *activities* themselves exceed the limitation. Thus, rule 14.4.1.5 NC4 would only be triggered if:
- (a) the *buildings* exceed the applicable site coverage limit in rule 14.4.2.4 (as determined by what activity occurs on site); and
 - (b) the *buildings* exceed 40% site coverage (maximum percentage of net site area).
25. A purposive interpretation of rules 14.4.2.4 and 14.4.1.5 NC4 that restricts the site coverage of *buildings*, not *activities*, is reinforced by assessment criteria 14.15.2 for site coverage breaches, as the criteria are concerned about the scale and dominance of *buildings* (not activities) and the balance between open space and *buildings* (not activities). Assessment criteria 14.15.2 states:

14.15.2 Site density and site coverage

- a. Whether the non-compliance is appropriate to its context taking into account:
 - i. whether the balance of open space and buildings will maintain the character anticipated for the zone;
 - ii. any visual dominance of the street resulting from a proposed building's incompatible scale;
 - iii. any loss of opportunities for views in the Residential Banks Peninsula Zone; and
 - iv. the proportion of the building scale in relation to the proportion of the site.
- b. Where the site is within the Akaroa Heritage Area, the matters set out in Rule 9.3.6.3.

"unless the exception in Rule 14.1.1.5 NC5 applies"

26. The phrase "unless the exception in Rule 14.1.1.5 NC5 applies" confirms that rule 14.4.1.5 NC4 does not apply if rule 14.1.1.5 NC5 applies. Unfortunately, there is no rule 14.1.1.5 NC5 in the District Plan.
27. However, it is clear from Decision 10 of the Independent Hearings Panel (Residential) that the exception was intended to refer to rule 14.4.1.5 NC5.⁹ I recommend this cross-referencing error be corrected by Council to give effect to Decision 10.
28. The exemption in rule 14.4.1.5 NC5 applies only to multiunit residential complexes, social housing complexes and older person's housing units. As the Application is not for a multi-unit residential

⁹ See page 152 of Decision 10.

complex, social housing complex or older person's housing units (see paragraph 4(c) above), the exception does not apply in this case.

Applying rule 14.4.1.5 NC4 to the present case

29. As rule 14.4.1.5 NC4 is concerned about the site coverage of *buildings* not *activities*, the issue in the present case is whether resource consent is now required for the buildings under rule 14.4.1.5 NC4.
30. You advised that the existing site coverage of the buildings on the Property is 46.6%. Accordingly, the buildings currently exceed:
 - (a) the 35% maximum site coverage specified in rule 14.4.2.4.a.i (as it is not a multi-unit residential complex, social housing complex, older person's housing units, market garden or retirement village); and
 - (b) the 40% maximum site coverage specified in rule 14.4.1.5 NC4.
31. However, under sections 9 and 10 of the RMA, resource consent is only required to authorise a breach of the rules of the District Plan if the buildings:
 - (a) have not already been authorised by resource consent; or
 - (b) have no existing use rights.
32. As you have confirmed that all existing buildings were lawfully established, with the latest building additions authorised by resource consent, I consider there is no need for further resource consent to authorise the existing site coverage breaches of the buildings.
33. As a final note, I consider an interpretation of rule 14.4.1.5 NC4 that would force owners of existing lawfully established (or consented) buildings to apply for resource consent for existing site coverage breaches every time there is a change in activity within those buildings, would be absurd and inconsistent with property owners' expectations that buildings, once consented, need not be consented again.

Cedric Carranceja

Appendix 4 – Relevant District Plan objectives and policies

Chapter 14

14.2.1 Objective - Housing supply

- a. An increased supply of housing that will:
 - i. enable a wide range of housing types, sizes, and densities, in a manner consistent with Objectives 3.3.4(a) and 3.3.7;
 - ii. meet the diverse needs of the community in the immediate recovery period and longer term, including social housing options; and
 - iii. assist in improving housing affordability.

14.2.1.1 Policy - Housing distribution and density

- a. Provide for the following distribution of different areas for residential development, in accordance with the residential zones identified and characterised in Table 14.2.1.1a, in a manner that ensures:
 - i. new urban residential activities only occur in existing urban areas or in greenfield priority areas identified in Map A of the Canterbury Regional Policy Statement;
 - ii. high density residential development in the Central City, that achieves an average net density of at least 50 households per hectare for intensification development;
 - iii. medium density residential development in and near identified commercial centres in existing urban areas where there is ready access to a wide range of facilities, services, public transport, parks and open spaces, that achieves an average net density of at least 30 households per hectare for intensification development;
 - iv. a mix of low and medium density residential density development in greenfield neighbourhoods, that achieves a net density (averaged over the Outline development plan) of at least 15 households per hectare;
 - v. greenfield land that is available for further residential development up to 2028;
 - vi. low density residential environments in other existing suburban residential areas and in the residential areas of Banks Peninsula, and in small settlements are maintained, but limited opportunities are provided for smaller residential units that are compatible with the low density and township suburban environment; and
 - vii. within Banks Peninsula, limited low density residential development adjacent to existing residential townships and small settlements, that complements the surrounding environment, is able to be efficiently serviced by public infrastructure and in some limited circumstances private infrastructure; and is in locations not subject to significant risks to life safety and property damage from natural hazards.

Table 14.2.1.1a

Residential Suburban Density Transition Zone	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.
Residential Medium Density Zone	Located close to the Central City and around other larger commercial centres across the city. The zone provides a range of housing options for people seeking convenient access to services, facilities, employment, retailing, entertainment, parks and public transport. The zone provides for medium scale and density of predominantly two or three storey buildings, including semi-detached and terraced housing and low-rise apartments, with innovative approaches to comprehensively designed, high quality, medium density residential development also encouraged. Residential intensification is anticipated through well-designed redevelopments of existing sites, and more particularly through comprehensive development of multiple adjacent sites. Zone standards and urban design assessments provide for new residential development that is attractive, and delivers safe, secure, private, useable and well landscaped buildings and settings.

14.2.1.6 Policy - Provision of social housing

- a. Enable small scale, medium density social housing developments throughout residential areas as a permitted activity and social housing developments generally throughout residential areas.

Note: This policy also implements Objective 14.2.2

14.2.1.7 Policy - Non-household residential accommodation

- a. Enable sheltered housing, refuges, and student hostels to locate throughout residential areas, provided that the building scale, massing, and layout is compatible with the anticipated character of any surrounding residential environment.

Note: This policy also implements Objective 14.2.2.

14.2.4 Objective - High quality residential environments

- a. High quality, sustainable, residential neighbourhoods which are well designed, have a high level of amenity, enhance local character and reflect the Ngāi Tahu heritage of Ōtautahi.

Note: Policies 14.2.6.1, 14.2.6.2, 14.2.6.3, 14.2.6.6, and 14.2.6.8 also implement Objective 14.2.4.

14.2.4.1 Policy - Neighbourhood character, amenity and safety

- a. Facilitate the contribution of individual developments to high quality residential environments in all residential areas (as characterised in Table 14.2.1.1a), through design:
 - i. reflecting the context, character, and scale of building anticipated in the neighbourhood;
 - ii. contributing to a high quality street scene;
 - iii. providing a high level of on-site amenity;
 - iv. minimising noise effects from traffic, railway activity, and other sources where necessary to protect residential amenity;
 - v. providing safe, efficient, and easily accessible movement for pedestrians, cyclists, and vehicles; and
 - vi. incorporating principles of crime prevention through environmental design.

14.2.4.4 Policy - Character of low and medium density areas

- a. Ensure, consistent with the zone descriptions in Table 14.2.1.1a, that:
 - i. low density residential areas are characterised by a low scale open residential environment with predominantly one or two storey detached or semi-detached housing, and significant opportunities for landscaping and good access to sunlight and privacy are maintained; and
 - ii. medium density areas are characterised by medium scale and density of buildings with predominantly two or three storeys, including semi-detached and terraced housing and low rise apartments, and landscaping in publicly visible areas, while accepting that access to sunlight and privacy may be limited by the anticipated density of development and that innovative approaches to comprehensively designed, high quality, medium density residential development are also encouraged in accordance with Policy 14.2.4.2.

14.2.6 Objective - Non-residential activities

- a. Residential activities remain the dominant activity in residential zones, whilst also recognising the need to:
 - i. provide for community facilities and home occupations which by their nature and character typically need to be located in residential zones; and
 - ii. restrict other non-residential activities, unless the activity has a strategic or operational need to locate within a residential zone or is existing guest accommodation on defined sites.

Note: this objective and its subsequent policies do not apply to brownfield sites.

(Proposed Plan Change 4)

14.2.6.1 Policy - Residential coherence character and amenity

- a. Ensure that non-residential activities do not have significant adverse effects on residential coherence, character, and amenity.

Note: This policy also implements Objective 14.2.4

14.2.6.2 Policy - Community activities and community facilities

- a. 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.
- b. Enable larger scale community activities and community facilities within defined arterial locations that:
 - i. are within walking distance of the Central City and suburban commercial centres;
 - ii. front onto core public transport routes; and
 - iii. are not dominated by residential development.

14.2.6.4 Policy - Other non-residential activities

- a. 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 residential zones are insignificant.

7.2 Objectives and Policies

7.2.1 Objective - Integrated transport system for Christchurch District

- a. An integrated transport system for Christchurch District:
 - i. that is safe and efficient for all transport modes;
 - ii. that is responsive to the current recovery needs, future needs, and enables economic development, in particular an accessible Central City able to accommodate projected population growth;
 - iii. that supports safe, healthy and liveable communities by maximising integration with land use;
 - iv. that reduces dependency on private motor vehicles and promotes the use of public and active transport;
 - v. that is managed using the one network approach.

Advice note:

1. The "One Network Approach" is an approach where the transport network is considered as a whole. The aim of this approach is to ensure that the management and provision of all transport infrastructure (including all transport modes) is well connected and undertaken in an efficient and integrated manner. For more guidance on how the "one network approach" is applied, please refer to the [Greater Christchurch Transport Statement 2012](#) and [Christchurch Transport Strategic Plan 2012](#).
-

7.2.1.3 Policy - Vehicle access and manoeuvring

- a. Provide vehicle access and manoeuvring, including for emergency service vehicles, compatible with the road classification, which ensures safety, and the efficiency of the transport system.

Advice note:

1. Policy 7.2.1.3 also achieves [Objective 7.2.2](#).
-

7.2.1.4 Policy - Requirements for car parking and loading

- a. Outside the Central City:
 - i. Require car parking spaces and loading spaces which provide for the expected needs of an activity in a way that manages adverse effects.
 - ii. Enable a reduction in the number of car parking spaces required in circumstances where it can be demonstrated that:
 - A. the function of the surrounding transport network and amenity of the surrounding environment will not be adversely affected; and/or
 - B. there is good accessibility by active and public transport and the activity is designed to encourage public and active transport use; and/or
 - C. the extent of the reduction is appropriate to the characteristics of the activity and its location; and/or
 - D. the extent of the reduction will maintain on-site parking to meet anticipated demand.
 - b. Within the Central City:
 - i. Enable activities to provide car parking spaces and loading spaces, whilst minimising any adverse effects on the efficiency and safety of the transportation networks, including public transport, to the extent practicable.
 - ii. Manage the development of commercial car parking buildings and parking lots within the Central City so that they:
 - A. support the recovery of the Central City;
 - B. are easily accessible for businesses within the Central City;
 - C. minimise any adverse effects on the efficiency and safety of the transportation networks of all users, to the extent practicable;
 - D. protect the amenity values of the Central City;
 - E. reduce the need for activities to provide their own on-site parking;
 - F. do not significantly adversely affect the demand for public transport to, from or within the Central City.
 - iii. Allow for temporarily vacant sites to be used for car parking areas within the Central City until 30 April 2018.
-

7.2.1.5 Policy - Design of car parking areas and loading areas

- a. Require that car parking areas and loading areas are designed to:
 - i. operate safely and efficiently for all transport modes and users;
 - ii. function and be formed in a way that is compatible with the character and amenity values of the surrounding environment; and
 - iii. be accessible for people whose mobility is restricted.

Advice note:

1. Policy 7.2.1.5 also achieves [Objective 7.2.2](#).

7.2.1.6 Policy - Promote public transport and active transport

- a. Promote public and active transport by:
 - i. ensuring new, and upgrades to existing, road corridors provide sufficient space and facilities to promote safe walking, cycling and public transport, in accordance with the road classification where they contribute to the delivery of an integrated transport system;
 - ii. ensuring activities provide an adequate amount of safe, secure, and convenient cycle parking and, outside the Central City, associated end of trip facilities;
 - iii. encouraging the use of travel demand management options that help facilitate the use of public transport, cycling, walking and options to minimise the need to travel; and
 - iv. requiring new District Centres to provide opportunities for a public transport interchange.
 - v. encouraging the formation of new Central City lanes and upgrading of existing lanes in the Central City, where appropriate, to provide for walking and cycling linkages and public spaces.
 - vi. developing a core pedestrian area within the Central City which is compact, convenient and safe, with a wider comprehensive network of pedestrians and cycle linkages that are appropriately sized, direct, legible, prioritized, safe, have high amenity, ensure access for the mobility impaired and are free from encroachment.
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Appendix 5 – Summary of matters raised in submissions

Reasons for submissions in support:

	COMMENT	
	Supports the programme, intention behind the programme / it is our social responsibility to support these members of the community through programmes that help with reintegration / will bring significant public good.	5
	Supports innovative approaches to rehabilitation and reintegration, we need to rethink our approach to corrections / firmly believe in the need for more rehabilitation programs outside traditional jails / supports non-punitive programmes when possible	3
	Welcome the facility to the area, as well as future residents and staff of the facility / happy for the facility to be in the area / close residents support the facility / As a resident of St Albans, I was pleased to see that our community might be welcoming in former inmates, we are a diverse and tolerant community uniquely positioned to be supportive / I wish the participants in the programme well with their rehabilitation and hope being part of the St Albans community helps them to achieve their goals of living without crime or violence.	6
	Locking people away does not help them to integrate back into society, nor does it allow a society to see and empathize with those who need our kindness and support in their season of need.	
	This active approach to place these men in our community will enrich our lives as it will hopefully enrich their lives	
	Dept of Corrections is willing to work closely with the community	
	Security will be well structured and effective / happy with security measures proposed	2
	Effective rehabilitation is important for whanau and the community / such facilities are an important part of our justice system, to restore offenders to 'normal' society	2
	Will be a beneficial programme for residents and their families/whanau / this rehabilitation approach will have worthwhile benefits	3
	Submitter is a clinical psychologist with experience working offenders and treatment programmes – submitted has seen the power of a therapeutic community, where living together with highly trained staff, supportive structure and evidence-based treatment, is the overall intervention. A different and positive experience compared to attending a programme for a few hours a week whilst continuing to live in a standard prison unit without intensive support.	
	There are few such programmes in the community, important that these programmes are allowed to be undertaken within a positive community setting to inspire hope for the future for residents, as well as to give access to the multiple services they need.	
	Putting criminals well out of the way simply feeds social dislocation and exclusion from prosocial experiences.	
	Tai Aroha in Hamilton is clearly effectively and professionally managed / have confidence that the programme is well conceived, well designed, professionally managed and will not put the surrounding community to undue risk	2
	The clinical manager at Tai Aroha, and the clinical team here in Christchurch are very experienced in the area of criminal justice psychology services.	

	I have read the Social Impact Assessment and agree that, like Tai Aroha, this service will integrate into the community environment.	
	Submitter undertook a google search "tai aroha Hamilton problems" with no negative stories identified, again highlighting how well integrated the residence is.	
	The proposal at Bristol Street would allow the Department to fulfil more of its obligations to public safety, which have to extend well beyond imprisonment.	
	Can see no reason, from the extensive experience of Tai Aroha or the current proposal, to suggest why safety would be compromised for the immediate community by the presence of the Bristol Street programme / submitter is satisfied that even with a high recidivism rate, the safety precautions in place will keep our community safe.	3
	Will bring important benefits to the wider New Zealand/Aotearoa community, in particular the South Island	
	The proposed programme is soundly based on internationally recognised rehabilitative principles and practices combined with kaupapa Maori principles and practices to ensure cultural responsivity.	
	The evaluation findings from the North Island-based sister programme Tai Aroha of meaningful changes in the psychological functioning of graduates and reduced recidivism	
	The individuals who would become residents of the proposed programme are members of the community in their own right and a duty of care exists towards them	
	Currently a shortage of clinical psychologists in NZ - programme would provide a placement site for trainees psychologists undertaking their training at University of Canterbury.	
	Ara Poutama Aotearoa will set up a community representative group. Submitter believes that the community has a joint responsibility with the Department of Corrections to provide a representative group.	
	Important that the Community Representative Group established is made up of individuals who will allay fears of the local residents, but more so, encourage an atmosphere of support and integration between the residents at the facility and other local residents and greater community. Submitter would be happy to volunteer for the group.	
	Noise - there are many AirBNB units in the area with no restrictions on noise. Submitter would rather have a managed facility than a non-managed AirBNB with transient residents who have no community involvement or consequences	
	There is plenty of off-street parking in the area to facilitate this proposal.	
	Important that the community of men at Tai Aroha are given every opportunity to integrate with the local residents	
	Encouraged that the existing residential style Cerebral Palsy care facility buildings have been re-purposed and given another opportunity to serve the community	
	The effects from the proposed use, on the environment and immediately surrounding properties are less than minor and no greater than the current use of the site.	
	This is run with a Te Ao Maori approach with specialists. You cannot go wrong with a kaupapa that is Te Ao Maori based and works for all nations not just Maori.	
	There are not enough residential therapeutic programmes in Otautahi. Family Harm is rife in our communities and there are refuges for the	

	victims but not enough treatment for our men who are the perpetrators. This is a safe space for our Tane to get treatment in an environment that is healing, as many of our perpetrators were once victims. This is a place to restore mana to our Tane in an appropriate setting.	
	Research tells us that rehabilitation programmes for violent offenders are more effective than prison-based programmes.	
	As a result of this programme the overall Christchurch community will be safer than if this programme does not progress.	
	Disgusted / concerned that some of the reasons for opposition to the proposal are racially based.	2
	I would encourage all councils to take similar steps and allow for rehabilitation programs in community environments.	
	The owner of the property is Kainga Ora so this property is already intended for marginal people in our community. By leasing the property to corrections for this purpose the neighbourhood will enjoy far greater safety and right to quiet enjoyment than if it was used for general housing tenants who have had no filtering out for mental health, drug and alcohol, sexual violence etc.	
	I hope that there will be strong liaison and integration support for any persons housed	
	We already have had Salisbury Street Foundation operational for decades	
	We should be aware and proactive and humanly interact on the basis of all being affected in some way by each other's perspectives.	
	The nimby boomers in the neighbourhood that are trying to start a disingenuous moral campaign against this, when all they're really worried about is their property prices, have annoyed me sufficiently that I am now motivated enough to voice my opinion that I'm fine with this in my neighbourhood.	
	The small but vocal voice of opposition currently trying to incite fear in myself and my neighbours might mean that this positive sounding programme is scrapped, and that would be a shame.	
	I note that the resource consent application is for a worthwhile purpose. I live around the corner from 14 Bristol Street. I support the application.	
	Submitter has read the memorandum submitted by Dr Cording and fully agree with her comments about the low risk of harm to the community of the proposed facility and benefits of the rehabilitation and reintegration programmes it will provide.	
	There is an urgent need for facilities such as this, which represent international best practice in efforts to reduce incarceration and reoffending	
	If the Bristol St facility is not available, then eligible offenders in the Canterbury region would either serve a community sentence without the wrap-around services that the facility would provide, or be imprisoned for a short term that would likely be too brief to allow for meaningful rehabilitation programming. In either case, the risk of reoffending for these men will be greater and public safety compromised.	
	Although some might question why the proposed facility should be located in a residential area, this is very important for rehabilitation purposes. We know that successful reintegration into the community – reconnecting with whānau and family, making steps toward gaining employment – is a key factor in reducing reoffending	

Reasons for submissions in opposition:

	LOCATION / SUITABILITY OF SITE	
	Offenders should be rehabilitated but this is not the right way to do it / submitter supports the intention behind the programme / there is a need for a facility like this (elsewhere) / rehabilitate them first before bringing them into the community	17
	Not appropriate activity in a suburban environment / high density residential area / in this location	51
	Wrong location, should be located in rural area, non-residential area, red zone area, less populated area / out by the prison / part of the prison / elsewhere	17
	Site is not fit for purpose / unsuitable / too small / Needs a purpose built facility.	12
	Need a site with more space for inmates to exercise, garden, or have workshops / not enough outdoor space on site for residents. Important for their wellbeing and rehabilitation / should be near a sports arena for exercise	11
	RISK / IMPACTS ON COMMUNITY	
	Risk / danger to schools / preschools / girls schools	26
	Risk / danger to elderly / retired people	33
	Risk / danger to women / women's refuge or to personal safety as a woman	31
	Risk to young families & children, children / teenagers walking to school, riding bikes, playing on driveways etc. Will not feel safe allowing children to walk unsupervised, go to parks.	60
	Risk to vulnerable people including deaf and vision impaired people using the RNZ Foundation for the Blind or Deaf Association sites / violent men lack any form of tolerance. Submitter is legally blind - mobility and to feel safe and secure in familiar surrounds are of the utmost importance, as submitter is in such a vulnerable situation of extremely low vision. Proposal will greatly impact submitters mobility and sense of safety.	13
	Will no longer feel safe in the area/neighbourhood, no longer safe to walk around the area, walk to work	54
	Would no longer feel safe at home alone / within their own home / or feel safe to leave family members home alone	33
	People value the area as a safe, quiet suburb / diverse yet connected / close knit community, excellent location. Adverse effects on safe family friendly suburb / Having a facility like this will change / destroy the community / the nature of the community	43
	Unacceptable effects on residential coherence / amenity / character	4
	Would lose / erode sense of security	7
	Neighbours in a residential suburb should be free to come and go	
	Quality of life / happiness / wellbeing will be affected / compromised, will change the way people live their lives / impacts on way of life	29
	Submitter expects fewer family & friends will visit if this goes ahead / will not be able to have grandchildren visit	9
	Unacceptable risk to submitter's safety / safety of the local community / cannot guarantee public safety or that reoffending wont occur	9

	Unacceptable risk of residents absconding and breaking into submitters house / property	2
	Submitter already has a protection order against a violent man, concerned he may be there in the future / Other submitters have experienced domestic violence / abuse from ex-partner, parents	9
	The area has a village feel / village feel of the neighbourhood will be lost forever.	2
	Opposes the transient nature of this consent, many criminals will visit over short periods of time / residents will be transient and not assimilate into community or form connections with the area.	3
	Putting the activity in a sought after area	2
	Risk from violent offenders outweighs the benefit	3
	Offenders will not contribute to the community / facility will not be a good neighbour / no benefit to the community	8
	The area currently has a low crime rate / has the same low crime rate as Merivale / concerned there will be an increase in crime and antisocial behaviour	6
	People in Christchurch have been through enough with earthquakes, EQC, the mosque attacks and Covid-19, people are still suffering stress and anxiety / Christchurch is a vulnerable community. Not able to cope with any more. Facility will add to this deterioration of people's mental health. As a result, there is unmet mental health needs in this community, we should be planning for the long-term recovery of this community. there were 90 suicides recorded in Canterbury from July 2019 to June 2020. The establishment of this facility will be the " the last straw that breaks the camel's back"	13
	Submitter is / people are appalled, worried, frightened, horrified, upset, already suffering emotional trauma / anxiety / stress / sleeplessness at the thought of the facility / mental health effects / concerned at the anxiety/stress this will cause.	46
	Submitter should not have to live life in constant fear / live like a prisoner in own home / feel vulnerable / should be able to feel safe / have the right to feel safe	13
	Submitter should not have to leave their home and community / submitter will move away if consent granted / submitter contemplating selling house, moving away / doesn't want to move away	14
	OPERATIONAL / SECURITY / VISITORS	
	Lack of security and supervision / staff are not able to 'detain' prisoners on site / facility is not secure enough / security provisions inadequate	20
	Concerns regarding off site visits both supervised and unsupervised, residents of the proposed facility will be free to walk, bike, jog in the area / concerned that residents will be able to leave the property / what are the criteria for these unsupervised trips? / object to residents being able to leave unsupervised	13
	How far will residents be allowed to travel when allowed out?	
	Risk from visitors to the facility, no guarantee that visitors to the facility can be monitored / concerns about visitors loitering or gathering on the street / how will visitors be managed / who will approve the visitors? / no mention of security checks on visitors / additional visitors who are not vetted will wait around outside / undesirable or unsavoury nature of visitors/associates of residents / drawing in many people who do not live in	22

	the area	
	TAI AROHA HAMILTON	
	The Hamilton facility and the Christchurch facility are not comparable – Hamilton facility has a large site with only 10 residents, larger setbacks, with room for parking, located in a lower density area, on a cul-de-sac. Fewer privacy effects. No residents transitioning from prison. Christchurch has a small site, few car parks and a large number of properties very close by, 16 residents proposed.	13
	Lack of success of Hamilton Tai Aroha project / Tai Aroha facility in Hamilton has a 92% failure rate (8% success rate) over 10 years / percentage completing the course also very low / positive effects of Tai Aroha have been overstated while negative effects understated.	14
	Have all available reviews of Tai Aroha been included in the consent application? Have there been any independent reviews of the programme.	
	The day before these submissions close, Correction release a lengthy report about Tai Aroha facility. Another example of the frivolous way in which they have managed their disclosure obligations.	
	Number of absconding incidents at Hamilton Tai Aroha facility and as a result concerns about how many will occur at Bristol Street, potentially one or two per year.	2
	Tai Aroha works well in Hamilton with support from the community, not whole hearted support here	
	PRIVACY	
	Submitter owns a property directly opposite the facility where the programme room, the residents lounge and dining room are located. Submitter has large windows facing the facility / submitter's daughter's bedroom is opposite and looks out onto the property	5
	Submitter's home is next door to the outdoor area at the facility. If residents look over the fence can see into front door and through house into back yard. Garage and parking bay also faces the outdoor smoking area. Another submitter – outdoor area and indeed most of the facility have clear views of my property. Not only the exterior but into the second story spare bedroom window, through the upstairs hall into the master and bathroom. The blinds would have to be constantly kept closed. The communal area and a large part of the facility can look straight through out front door through the lounge to the back yard. To access our property my partner and I have to walk directly beside the communal area and rooms occupied by residents of this facility. Because of the close proximity every conversation will be heard both ways. 2/20 Bristol - views into the submitter's windows and front entrance from the outdoor space of the site. No privacy available short of having closed curtains, for the bedroom upstairs. Concerned with noise from use of the outdoor area.	3
	(1/20 Bristol) Submitter is a Tenancy Manager for Kainga Ora and I has concerns for her safety if she should be recognised by any of the facility residents or their visitors. Also concerned for partner who is ex-police officer who may have dealt with residents and their visitors before. (1/20 Bristol) I served as a Police Officer for 27 years. Most of that time in Christchurch. A real concern for me is that I will be recognised by a	2

	resident at this facility or one of their visitors. I also have many police friends that visit off duty and sometimes on duty.	
	Little privacy to the property, which has a number of large windows in the dining/lounge/kitchen area overlooking the street and surrounding properties with windows facing.	3
	The landscaping plan proposed is not going to assist with privacy concerns at all.	
	CCTV cameras will infringe local residents personal rights and privacy / members of the community should not have CCTV focussed on them going about their lives	2
	Unacceptable for neighbours to have to screen their windows or plant trees. Blocks access to sun / doesn't want to make the house like a prison.	5
	CPTED - suggestion that residents screen their windows seems to fly in the face of contemporary urban design principles which emphasise unobstructed views to reduce offending	
	NOISE, PARKING, TRAFFIC	
	Noise levels / cigarette smoke etc for adjoining neighbours. Noise levels with 16 residents and staff plus visitors in the weekend will change. There will be bad language and loud voices. Traffic noise.	6
	If 8 of the residents have 4 visitors in the weekend, 40 more people coming and going in the area.	
	Parking effects – inadequate parking for the activity / parking is already a problem for residents, many cars already parked on surrounding narrow streets / difficult to park near to one's house / where will staff park? Weekend events in Hagley Park contribute to parking congestion.	28
	Parking for Corrections vehicles not accounted for - Both on Google earth imagery and on the Correction own YouTube video of Tai Aroha (Hamilton) a Correction van is seen parked at the address.	
	Effects from increased traffic movements, staff on site, rubbish collection, visitors etc / resident outings will significantly increase traffic from the site / 32 extra trips (14 on a Sunday) is a significant change / amenity effects of additional traffic on existing local streets, narrow roads / safety effects for cyclists	19
	<p>The traffic report is inaccurate and fails to sensibly identify what the impact will be. Underestimates staff traffic/trips during breaks, professional staff visiting the site, also assumes visitors would all arrived in one car instead of multiple family members. Also trips from medical staff, drug testers, the electronic monitoring company (Attenti) would be multiple times per week. Does not mention Corrections vehicles which will need to be parked on the site for outings.</p> <p>Police will visit the site on regular occasions to serve Protection Orders against the inmates and also to interview inmates about other offending. Inmates have the right to be visited by lawyers at any time. Also restorative justice processes with victims.</p> <p>It is likely that there will be events at the Detention Centre, these will include course openings, course graduations, public Open Days. In fact, Corrections have advertised that this will occur.</p> <p>No mention of the likelihood of drive-by by members of these organised crime groups during gang anniversaries, funeral processions, unveilings.</p>	

	<p>National motorcycle runs often include drive-by of Prisons as a sign of respect for incarcerated members. Unlike prison grounds these vehicles and the behaviour of the visitors cannot be managed by Corrections. Corrections do not have any statutory powers to control this type of behaviour. The Traffic report is silent in respect to this.</p> <p>It is likely that there will be further visits including:</p> <ul style="list-style-type: none"> • Compassionate visitation • Religious visitation. • Inmate travel to and from court (Often on active charges or family court matters. • Volunteers • PARS assistance and visitation • Taxi's. • Uber eats (Staff and Residents) 	
	Cars drive fast in the area, no speed bumps	
	Number of proposed residents	
	Currently only light traffic volumes on Bristol & Berry Streets	
	Increase in number of residents and staff on site over the previous use, increase in noise as previous residents were quiet.	
	Increased traffic flow up and down Bristol Street particular now the new motorway north is open. Further, that there is decreased street parking now that in-fill housing no longer requires the same off-street parking requirements as previously required in the District Plan. New residential at 29, 31 and 37 Webb Street developments are an example of this. Also, I suspect that the north-west corner site of Bristol and Webb Streets (No.95,93,91, etc) will also be developed as Williams Corporation housing unfortunately. In short, I believe traffic volumes will increase further in the area. Further, traffic volumes and speed along Bristol Street has increased dramatically over the last 15 years. This situation needs to be addressed by Council, particularly given the Blind and Deaf Centre and childcare centre on Bristol Street.	
	BRISTOL STREET COMMUNITY NETWORK SUBMISSION (AND OTHERS)	
BSCN	<p>Activity will result in significant and adverse social impacts for neighbours and the wider community, being impacts on amenity as well as:</p> <ul style="list-style-type: none"> - Health and wellbeing, particularly in respect of fears and concerns for people's safety and security; - Quality of life – the potential to change the way people in the community live their lives; and - People's sense of place – the value that people put in their community and the sense of pride or identity they have with that community. 	
BSCN	Concerned with the fact that all of the residents for the Site are proposed to be men who have a history of serious violent offending.	5
BSCN	Concerned about the concentration of these violent offenders in one place	3
BSCN	The application does not adequately consider and mitigate the risks of an offender absconding and perpetrating further violent (or other) crimes within the local area.	
BSCN	Level of staffing (including at night) is not adequate to ensure rules are complied with and prevent absconding. "Up to 8 staff" could mean 1 or 2.	11
BSCN	No copy of the proposed house rules is provided.	
BSCN	No consideration of the two year finding for Tai Aroha that there was a	

	high proportion of residents identified as having personality disorders suggesting that therapists and house staff will need training to help identify and manage personality issues	
BSCN	Possible cumulative effects/risk of having an increase in corrections facilities in the neighbourhood in combination with another men's correction facility (the Salisbury Street Foundation) at 15 St Albans St for men who have committed serious crimes (including child sex offences) / St Albans area and its residents are being disproportionately exposed to the inherent risk that the participants of these programmes pose / already have an existing facility on St Albans Street / concentration of these facilities in the area.	9
BSCN	Not clear whether men undertaking the psychological assessment phase of the programme (which can take up to six weeks) will be on site.	
BSCN	Concerning that only incidents over the last five years at Tai Aroha were referenced and considered by the applicant and the Council. Concerned about the number of absconding incidents and aggressive incidents at Hamilton facility.	
BSCN	High proportion of residents and visitors may have gang affiliations / no mention of a risk mitigation strategy in respect to this significant issue. Corrections are very aware of the instability, influence, and violence that gangs bring.	4
BSCN	Application does not engage with the most recent evaluation of Tai Aroha completed in 2015 that concludes that the programme "appears to be having a limited positive effect on recidivism with some sub-groups of high risk men ... but a detrimental effect with those on Intensive Supervision".	
BSCN	The sample size relating to Tai Aroha on which the social impact assessment was formed is not large enough from which to draw any substantive conclusions.	
BSCN	Application is not correctly applied for / categorised in the application. Entire application is incorrect.	
BSCN	The activity cannot be a 'community activity' as it is not principally (or at all) used by members of the Bristol Street community.	
BSCN	The applicant has not demonstrated there is either a strategic or operational need for this proposal to be located in a residential zone, in accordance with Objective 14.2.6 and Policy 14.2.6.4.	
BSCN	To grant this consent would be contrary to the objectives and policies in the District Plan.	
BSCN	Possible that this activity might be non-complying under Rule 14.4.1.5 NC4 (site coverage).	
BSCN	Application includes offices which are 'commercial activities.'	
BSCN	Applicant considers it is not appropriate to apply the permitted baseline. Application is unique and should be considered as such without reference to the permitted baseline.	
BSCN	Must take particular note of effects of low probability but high potential impact. It would only take one single event to have a significant negative effect of high impact on the entire neighbourhood. The risk of an offender absconding, while low, is a real risk, just as there is a real (albeit low probability) chance that that offender might commit a violent crime while absconding.	
	It is important to realise that once an incident has occurred impacting on a current resident it is too late - the damage has been done to that person / Sorry is cheap and a waste after the damage is done.	2
	Who will be accountable when things go wrong? Neighbours will bear the	5

	brunt of any trauma / what recourse do citizens have if the facility does not work as proposed? / what happens if someone is assaulted or when thefts occur?	
	REHUA MARAE SUBMISSION	
	Do not support because a foundational relationship does not exist with Department of Corrections and Kainga Ora. Dialogue should have occurred before the property was acquired.	
	Rehua Marae member views in the SIA do not represent the formal position of Rehua Marae. Provision of a venue for community engagement sessions does not constitute support for the proposal.	
	Little information provided about the cultural aspects of the programme. Cultural aspects of the programme from Hamilton will not necessarily work here. Significantly more involvement of local iwi in Hamilton.	
	SIA has only looked at locally resident population not those Rehua Marae members who do not necessarily live on the site.	
	Security at daytime or overnight events on the marae is usually light – safety concerns for the people staying if the consent is approved. Same concern for those who live on the site.	
	Concerned that use of the marae as venue hire for schools, organisations will be affected, having adverse financial effects for the marae.	
	Rehua Marae has an obligation to ensure a safe, positive environment for all whanau who wish to associate with the Marae and to minimise risk to those people.	
	ST MARGARETS COLLEGE SUBMISSION	
	Proposal will reduce the freedom of girls at nearby boarding schools to leave the site for recreation, exercise and outings	
	A St Margaret's student was approached on Bristol Street and asked to get into a car, this has caused distress and fear. Other incidents reported to police in the last 12 months.	
	Could be a target because of perceived affluence of a private school.	
	Teachers and students will not feel safe when working at school on evenings and weekends.	
	Visitors to the school for events (including elderly) will feel unsafe walking from their cars.	
	DEPARTMENT OF CORRECTIONS (CONSULTATION ETC)	
	Application is extremely vague / inaccurate / lacks detail / no confidence in the Department of Corrections' vague assurances that risks will be managed appropriately / application contains untruths, half truths and omissions about this proposed facility / application is misleading / Corrections have failed to acknowledge any of the risks, flippant disregard for their duty.	10
	Submitter does not have confidence or trust that key information relating to this facility and how it will impact the community will be communicated with transparency on an ongoing basis / no faith in the applicants ability to either run the facility in a proper manner or to administer it transparently / concerns about future communications with residents if facility approved.	4
	Lack of prior engagement from Department of Corrections with local community / consultation process was flawed due to time of year/day etc / very limited consultation / Corrections have tried to get the proposal through non-notified shows lack of openness/transparency/empathy /	16

	attempt to 'sneak' the proposal through.	
	Corrections state that residents will not have committed serious sexual offences or child sex offences but will not be able to guarantee this, will only know of those they are convicted of. Convictions for sexual assault are very rare / paedophiles will also be there.	4
	Section 6 (l)(a) Corrections Act 2004 states that public safety is paramount, this principal must be continually satisfied before any other factor can be considered. Corrections have failed to recognise this as the cornerstone of their decision making process.	
	Corrections are not being fair or reasonable by proposing the facility in this location.	
	Various statements in information obtained under the OIA appear to infer that the Department of Corrections has a policy to locate similar facilities in suburbs across New Zealand / it appears that Government through the Department of Corrections has an undeclared policy intent to locate detention centres in residential suburbs.	2
	In future Corrections will try to introduce low risk sexual offenders without the community ever being told.	
	Corrections' inability to control the flow of contraband into prisons suggests that it is most unlikely to prevent similar activity in a less secure facility / layout of site will facilitate contraband into this facility, introduction of contraband equals risk to inmates, staff and the public.	2
	ELECTRONIC MONITORING, HOME DETENTION, REOFFENDING	
	There have been a number of cases of violent offenders reoffending whilst monitored on bail or home detention	6
	There has been a spike in the number of criminals absconding while on electronic monitoring	
	Margin of error on GPS bracelets, accurate to 3m, given the size of the site accuracy is insufficient to pick if a resident is off the site.	
	Concern that a resident will escape from GPS monitoring onto a nearby property	
	It is very easy to remove, tamper with or hide an electronic bracelet / videos are available on the internet on how to disable ankle bracelets / electronic monitoring not fool proof / Would take some time before disappearance is noted. / Reliance on such technology does not provide an adequate safeguard against the risks for our residential community / bracelets are useless, just window dressing	10
	In order to mitigate risk to the community when a resident absconds this would be an expectation that a response capacity (including a vehicle) to deploy at least to commence a search and monitor phase for the absconder. If Corrections propose not to have a response capacity, then risk to the community is elevated. The purpose of GPS tracking is obsolete if you know the whereabouts of an escaped inmate but have no capacity to respond or intervene.	
	People who are sentenced to home detention in NZ have often been convicted of serious violent acts	3
	Very high risk that residents will commit further serious violent crimes / having volatile people at such close proximity means we will always be at risk of a violent incident no matter how rare / high risk of reoffending	5
	Any unexpected issue at the site will have a greater impact on the surrounding residents due to the proximity of the building to others on sites, and there are far more residents due to the high density building.	

	SOCIAL IMPACT ASSESSMENT	
	SIA inadequate due to small sample size / submitter was not interviewed even though they live very close by	5
	SIA suggests effects anticipatory only and temporary. Issues such as parking congestion, privacy being lost, and noise from residents are not going to be temporary, will be ongoing.	
	SIA identifies privacy issues for a neighbour at Hamilton facility, more neighbours are closer at this site.	
	SIA states the residents have "multiple treatment needs related to violent and nonviolent offending" and it goes on to say that men with untreated mental health issues and addiction issues won't be accepted, so the question is, what are the other treatment needs in addition to violence if it is not mental health or addiction, and where is the assessment of whether those pose any risk to the community?	
	Submitter strongly disagrees with the SIA report where it claims a low to very low negative impact for immediate neighbours, with effects to decrease over time / SIA assumes all negative effects will occur in the first 6-12 months / nothing to support the assertion that moderate effects will reduce over time.	5
	SIA – effects will only "reduce" because if it goes ahead then what will happen is that people will just feel powerless and just rolled over by the government and be forced to accept it	
	The SIA assessment of "low negative impact" is subjective and varies from person to person. 85% (22 out of 26) of the survey respondents believed there would be mild to strong negative impact. Despite this the report writers (neither of whom will be impacted) concluded it would be low.	
	Disagrees with SIA, as submitter has had intimidating neighbours in the past and can, from experience, inform the Beca researchers that it is not something you get used to, rather you get tired and keep your head down because you're stuck with it, and when it is over, the relief is palpable.	
	SIA noted re Tai Aroha Hamilton, in response to a local resident noting increased stress due to the behaviour of residents of the facility (loud noises and negative language), the writers seemed to indicate that the local resident was overly sensitive and that "these are considered to be a potential experience of any neighbour depending on that neighbour's behaviour". That however does not mean negative behaviour from neighbours should just be accepted and put up with yet it seems to me that those who live in the vicinity of this proposal are being told they should do exactly that.	
	SIA notes that "both the passage of time and geographic distance from the (Hamilton) residence appear to be factors to 'neutralise' potential way of life impacts" (Page 29 Para 2). This would suggest that given the proposed location for the Christchurch residential unit, in a higher density area with more houses immediately neighbouring 14 Bristol St, there will be many more people who do not have the impacts on their way of life 'neutralised'.	
	SIA report authors have not made any comments of their personal knowledge of this community and their approach is consistent with persons who have never lived here. Only cursory comments re earthquakes and terror attacks. The failures to recognise and examine the fragilities of this community caused by these catastrophic events shows an absolute disconnect from the community on which they report.	

	DISTRICT PLAN	
	District Plan definition of residential activity excludes “custodial and/or supervised living accommodation where the residents are detained on site” / Not within definition of residential activity / primarily a non-residential activity / Site will be a Corrections workplace.	6
	Objective 14.2.4 / Policy 14.2.4.1 – proposal does not promote a high quality, sustainable residential neighbourhood.	
	Objective 14.2.6 – proposal is for a non-residential activity and therefore should be discouraged.	
	Contrary to the objectives and policies of the District Plan.	
	Both community corrections facilities and community welfare facilities operate in daytime hours; typically, from 0700 – 1900. Both providers and clients/customers attend these facilities during the opening hours; no persons remain on the premises at night. The proposed use for 14 Bristol St is not synonymous with these two uses permitted under the District Plan.	
	A detention centre is not contemplated by the planning rules for the RSDT zone / activity doesn't meet the residential purpose of the zone	3
	OTHER MATTERS	
	Stated on p9 that residents at the proposed site who do not comply with sentence conditions may be returned to court, this process can sometimes take weeks.	
	In 2012 a resident at TA entered a neighbouring property through an open door. It is suggested that events of this type are not likely with the changes to the programme at TA, however it does not clearly state what those changes are and why the view is held that the risk is reduced.	
	People in the demographic of offenders who will be in the facility will not be able to relate to the people who will be living in the surrounding area.	
	Neighbours will be too afraid to complain, if there are issues, for fear of retribution.	
	The amount of bars and liquor outlets close by is not the appropriate amenities for this programme / too many bars in this location	5
	Submitter will have to invest in / considering extra fencing, gates, screens, cameras, security so they can feel safe and secure on their own property (7, 3/17, 23, 48, 48a, 53 Bristol St, 2/33, 71 Holly Rd, 50 Webb St, Pavilions Hotel)	12
	Submitters daughter has been through extreme trauma and is very anxious about security issues, this will affect her health and wellbeing. Can provide psychological evidence.	
	The purchase of 14 Bristol St providing up to 20 beds is a cheap option for Corrections compared to providing more prison beds	
	Not a good use of social housing, there is a shortage of housing already	
	High level of concern from residents, serious anticipatory effects.	2
	Alternative more appropriate sites have not been fully considered, eg 534A, B & C Ferry Road, previously used as workers accommodation. / Alternative sites available on eastern side of central city, within 4 avenues / what alternatives have been considered?	3
	What will happen if these violent criminals do not find a 'home' suitable for their 'detention' sentence. Does this group of detainees simply remain at 14 Bristol St?	
	No mention of public safety in the application.	

	The Christchurch City Council has a statutory obligation to promote the social, economic, environmental, and cultural wellbeing of this community.	
	Residents will be confronted by these violent men in public spaces, without knowing the circumstances under which they are present. We will not be able to discern whether they are legitimately 'out' from their detention, are absconders, or are in the last days of their sentence and properly at liberty for up to four hours each day. We will therefore have to treat every detainee in a public space as a threat.	
	Submitter will be forced to leave his job to avoid travelling out of town, in order to stay with his partner, who is an abuse survivor. Being forced to a single income will cause financial stress.	
	Submitter feels like she is being asked to trust a system which has previously let her down, being on the receiving end of domestic violence.	
	Council are taking away the right of submitter's children to have a relationship with their grandparents who live next door to the site.	
	Submitters would not be comfortable opening bi-fold doors or leaving doors unlocked during the day.	
	Concern about the knowledge residents of the site will gain about the neighbourhood (people's movements etc) especially as residents will constantly turnover / residents and visitors to the site will be able to identify when people area away from home / makes them a future target for crime, risk of burglary.	6
	Many people in the community will withdraw from the community and become isolated.	
	Will CCC pay for security patrols to protect residents?	
	Will those occupying the premises be instantly identifiable (high visibility orange clothing) at all times so everyone can keep clear of them? Will the CCC offer local men a high viz which signifies they are not a violent criminal?	
	Submitter has had their home has been broken into on several occasions over the past two years / car stolen.	2
	Activity will not be similar to the existing use rights activity / neither cerebral palsy or boarding house uses were considered a danger or unsafe / cannot be compared to the previous use for the Bristol Trust (cerebral palsy), not a like for like comparison / previous use enhanced the community	4
	There is no New Zealand evidence on the effectiveness of 'Transitional Housing' for violent offenders.	
	Submitter experienced homeless people being housed at Camelot Motel during Covid lockdown, was confronted on more than one occasion by persons begging for money. A number of streets fights, arguments and similar disruptive behaviour was heard and seen occurring outside the Camelot. These people were not considered a danger or with a high risk of reoffending.	
	Whilst the majority may cause no issues, there is an incredibly high probability that there will be a few whose behaviour will result in serious incidents. Whether or not those incidents will directly impact on the surrounding properties is unknown however the fear of those incidents is a given.	
	The rights and feeling of the criminals here are being addressed and the rights and feelings of this community are not	
	Offenders should be working hard every day, they need to work hard to earn the respect and security of being part of a community, it is not their	

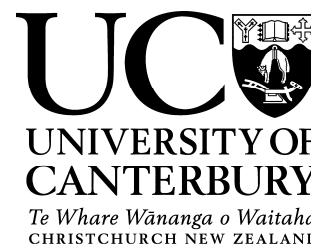
	right, it should be earned.	
	Submitter came to NZ for a better, safer life, moved away from the crime in previous country.	3
	Perhaps reduce the number of men, seems a lot for a confined space and likely will lead to increased tension.	
	Submitter owns Pavilions Hotel and feels concern for the safety of their customers.	
	It is highly likely residents of the site will use the Pavilions site to cut through to the service station on Papanui Road. Submitter would not feel safe to approach them.	
	Impact on professional life – submitter is a female surgeon who sees numerous patients who are under the correction systems supervision. Live near workplace and live within 100m of the proposed Bristol St corrections facility. Worried about the prospect of some of these patients identifying where she lives. If Bristol St facility proceeds that submitter will discontinue offering services to patients from correction facilities, to protect her family.	
	Submitter was verbally abused by resident of Salisbury House.	

Outside scope:

	COMMENT	
	Impacts on property values / no NZ studies on effects on property values from such facilities.	14
	The process indicates a precluded outcome and lip service to consultation.	
	Work on site being undertake prior to consent being obtained.	2
	Earthquakes have already impacted on house values.	
	There has been undue political interference (Duncan Webb) that has meant that the process has been flawed.	
	Public schools have referred this proposal to Ministry of Education but the ministry will not submit against the Department of Corrections – conflict of interest.	
	Residents will not be housed in accordance with the Residential Tenancies Act (RTA).	
	The Government has deep pockets and can simply outspend our community on this matter.	
	Were the Commissioner to approve the application, the onus to mount an appeal to the Environment Court would fall to our community; it would likely be unaffordable.	
	Department of Corrections should be forced to pay drop in market value of properties.	
	Reports provided with the application were commissioned by Corrections and are biased.	3
	Applicant should consider other uses of the site including - building housing for first home buyers / affordable housing for poor elderly / residential use / women's refuge.	4
	Health and Safety Act also applies to CCC and Department of Corrections – proposal contravenes this.	
	Inappropriate that the facility will be leased to Corrections by Kainga Ora, which is supposed to be involved in public housing, not housing violent criminals / Kainga Ora is not fulfilling it's objective as a provider of public housing to our area offering this facility to the Dept of Corrections.	3
	Corrections have a secondary agenda, what is not being openly proposed is	

	Community Residential Transitional Housing.	
	Risk to 18 year old inmates within the facility being placed in with adult men.	

Memorandum



To Ki	Emma Chapman, Senior Planner, Christchurch City Council
From Nā	Dr Jacinta Cording, Lecturer, School of Psychology, Speech & Hearing, University of Canterbury
Date Rā	9 July 2021
Subject Kaupapa	Re: Department of Corrections Residential and Support Housing: “Tai Aroha” – 14 Bristol Street, St Albans, Christchurch

Introduction and description

1. My full name is Jacinta Renee Cording. I hold a Doctor of Philosophy (Ph.D.) in Psychology (specialising in Forensic Psychology), a Bachelor of Science with First Class Honours in Psychology, and a Bachelor of Science in Philosophy. I am a registered member of the New Zealand Psychological Society.
2. I am employed as a Lecturer in the School of Psychology, Speech and Hearing at the University of Canterbury. I have been the lecturer and course-coordinator of the School's 400-level Forensic Psychology course for the past three years, and I am also the lecturer and course-coordinator of the new 300-level Forensic Psychology course being offered from 2021. My previous and current research focusses on offender rehabilitation and risk assessment, particularly for violent offenders (including sexual offenders). This research has been presented at international academic conferences, published in peer-reviewed articles and book chapters, and been used directly by government agencies for policy development, service design, and to support Budget bids.
3. Although this is a Council level resource consent process, I confirm that I have read the Environment Court’s Code of Conduct for Expert Witnesses, as contained in section 7 of the Environment Court’s Practice Note 2014, and I agree to comply with it. I confirm that the matters addressed in this memo are within my area of expertise, with the exception of where I confirm that I am relying on the evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from my opinions expressed in this

memo. I have specified where my opinion is based on partial or limited information and I have identified any assumptions I have made in forming my opinions.

4. These comments are made in relation to an application for land use consent from Kāinga Ora, on behalf of the Department of Corrections, to utilise the site and facilities at 14 Bristol Street, Christchurch, as a short-term residence to support the rehabilitation and reintegration of high-risk male offenders with at least one previous conviction for a violent offence.
5. The site is located in the Council's Residential Suburban Density Transition Zone (RSDT) and had previously been operating as a care facility for the Cerebral Palsy Society.
6. The proposal has identified non-compliance with the District Plan relating to the 24-hour nature of the proposed accommodation and support facility; the District Plan only provides for Correctional and Welfare facilities operating between 0700 and 1900 hours as a permitted activity. Overall, the application states that the proposal be considered as a Restricted Discretionary Activity, however I understand Council staff do not agree with this assessment and consider the proposal should be assessed as a fully Discretionary Activity.
7. I have been contracted by the Christchurch City Council to provide specific advice as to the potential for adverse effects on residents of surrounding properties as a result of the proposal. In particular, I have been asked to provide evidence-based opinion on: 1) the likelihood of residents absconding from the facility; 2) the likelihood of residents committing crime in the local area, if they were to abscond; and 3) the potential impact of crime or antisocial behaviour incidents on the neighbourhood, including the risk of psychological and/or physical harm to people in the community from absconders.
8. In preparing this memo I relied upon information provided from multiple different sources, including:
 - a. the application for Resource Consent prepared by Kāinga Ora on behalf of the Department of Corrections, dated March 2020.
 - b. the "*14 Bristol Street, Christchurch: Response to further information request dated 22 April 2021*" document prepared by Boffa Miskell Ltd, on behalf of the Department of Corrections.
 - c. an email from Jessica Borg, the Chief Psychologist at the Department of Corrections, providing details of incidents at Tai Aroha Hamilton from January 2015 to November 2020, dated 21 May 2021 (note: I have taken this information as fully replacing the previous information supplied by Mr. Louw on incidents at the Tai Aroha Hamilton site).
 - d. public submissions on the 14 Bristol Street application for resource consent, received by the Christchurch City Council.

- e. the '*Tai Aroha Evaluation Project Report*' prepared by Glen Kilgour for the Department of Corrections, dated January 2015.
 - f. the social impact assessment prepared by Beca Limited on behalf of the Department of Corrections, dated 28 January 2021.
 - g. the position statement on the assessment of impacts on rangatiratanga and Treaty principles prepared by Mahaanui Kurataiao Ltd.
9. It is important to note up front that I have working relationships with two of the members of the public who made submissions in support of the Department of Corrections' application, Professor Randolph Grace and Dr Sarah Christofferson. Both Professor Grace and Dr Christofferson are faculty members of the School of Psychology, Speech and Hearing where I am also employed. We do not co-teach any of the same courses, but I do co-supervise postgraduate students with both Professor Grace and Dr Christofferson, and we are also research collaborators. In addition, both Professor Grace and Dr Christofferson supervised by doctoral research, which was successfully defended in March 2019.
10. It is my opinion that these existing working relationships do not comprise a conflict of interest in developing my opinion as outlined in this memorandum. The principle of academic freedom is fundamental to the functioning of Universities and the academy, and to the role of academics as 'critic and conscience of society'. This principle is upheld in the '*Critic & Conscience of Society and Academic Freedom Principles and Policy*' document developed by the University of Canterbury, which protects and supports academic staff to freely develop and express views and opinions even if they run contrary to the views and opinions held by others, including other staff members. It is common and a natural part of the scientific process that academics may at times disagree with the views held by their colleagues and/or research collaborators. Additionally, I have not spoken or communicated directly with either Professor Grace or Dr Christofferson about the proposal, their submissions or my evidence. I am also not involved in any way with the delivery or management of the Clinical Psychology Training Programme that Dr Christofferson was submitting on behalf of.
11. Below I provide a summary of the information related to the Department of Correction's resource consent application (and additional provided information) that I consider relevant to the matter of risk to the community. I then discuss risk-relevant points raised in submissions made by members of the public, followed by my assessment of the likely risk posed by the proposed facility to members of the local community.

Description of the proposed programme

12. The resource consent application relates to the use of the 14 Bristol Street, Christchurch site as a residential facility providing rehabilitative and reintegration services to males with a history of violent offending and a high risk of future offending.

13. The residence would accommodate up to 12 residents at a time,¹⁴ supported 24 hours a day by a team of psychologists and other support staff including programme facilitators, as well as additional external support staff (e.g., probation officers). The number of residents would be gradually increased over time as the programme 'beds in', beginning with four residents on site during the first month of operation.
14. The proposal states that residents will not be "detained on-site", although they will be required to comply with residence rules and guidelines (including not leaving the residence without approval), and with existing sentencing conditions (e.g., electronic monitoring, curfew). I understand that the Council's legal advice disagrees with this assessment and concludes that residents will be detained on the site.
15. Residents will not be allowed visitors overnight, however they will be allowed visits from 'pro-social' friends and family members on Saturdays between 1pm and 5pm. These visitors will be vetted by programme staff prior to being allowed visitation (including facilitating a pre-approval hui with the proposed visitor), with visitation permitted from the end of the third week that a resident has been engaged in the programme.
16. The proposed programme model is based upon an existing programme, Tai Aroha, which has been successfully operating in Hamilton for the past five years. The focus of this programme is to provide residential housing and individualised wrap-around support to high-risk offenders, to promote desistance from crime and successful reintegration into society. This includes developing or re-establishing links with whānau and the wider community.
17. The Tai Aroha model is a mature operational and clinical model for offender rehabilitation and reintegration based on the principles of a therapeutic community. The model has been refined to provide a best-practice programme within the confines of ensuring wider community safety. In particular, large changes were made to programme processes and structure following a 2015 evaluation of processes and outcomes of Tai Aroha Hamilton. Resident choice, including the avoidance of physical detainment, is a core philosophy in the programme. The programme is targeted to identified treatment needs, and delivered in a way that residents will find engaging and understandable.
18. To be eligible for the programme, residents must be males between the ages of 17 and 40, have no convictions for child or serious sexual offences,¹⁵ have at least one conviction for a violent offence, and be at high risk for future offending (a RoC*RoI of at least 0.7, which equates to a 75% chance of reimprisonment in the next 5 years). Eligible offenders must also be serving a home detention sentence. As per response 22 in the 2021 *'Response to request*

¹⁴ Note that the maximum number of residents has reduced from the initial proposal of 16 residents, in response to community concerns.

¹⁵ Sexual offences for which an individual was not charged or convicted would also exclude individuals from the programme e.g., self-disclosed historical offending.

for further information' document, individuals serving sentences of intensive supervision¹⁶ would not be eligible for the programme.¹⁷

19. Potential participants in the programme will first be subjected to a psychological assessment that addresses motivation and willingness for treatment. Individuals with high treatment needs related to alcohol and drug use will also be referred for specialist intervention prior to programme intake. This assessment will take up to 6 weeks and will be completed either at a community corrections facility or in prison (i.e. assessments will not be conducted at the 14 Bristol Street site). This assessment will be structured according to the evidence-based Risk-Need-Responsivity (RNR) offender rehabilitation framework,¹⁸ and will include assessment of specific responsivity issues such as personality disorders and/or specific learning needs.
20. Residents will be subject to clear and consistent rules and expectations; a draft version of these rules and expectations are documented in the *[Draft] House Rules/Kawa for Bristol Street'* appended to the 2021 'Response to request for further information' document. Residents who do not comply with these rules and expectations will be subject to an internal restorative justice/disciplinary process and/or considered for expulsion from the programme. Residents may also be considered for expulsion if their progress in treatment is 'unsatisfactory'. Formal procedures have been developed for responding to safety or wellbeing issues, and for managing early or unplanned exits.
21. The proposed programme incorporates a number of procedures and processes for maintaining the security of the site, including physical features (such as high walls and CCTV), 24/7 electronic monitoring of residents via ankle bracelets, weekly therapy team meetings to discuss potential concerns about resident behaviour, perimeter checks (twice a day, and hourly overnight) and location/status checks of residents occurring every 20 minutes (increased to 5 minute intervals where there is concern about the risk of a resident absconding [i.e. leaving the property without permission]). Formal procedures have been developed for responding to instances where it is identified that a resident leaves the property or a supervised outing without permission.
22. Any outings must be approved. Residents on supervised outings will be escorted by support staff. Residents may also be approved for unsupervised outings for no more than two hours per week (or four hours per fortnight); compliance with the approved timings and locations for

¹⁶ Intensive supervision is a community-based sentence where an offender is provided extra support to receive rehabilitation and reintegration services in the community. Offenders on intensive supervision sentences tend to be at medium to high risk of reoffending, have a history of more serious forms of offending, and have more complex or severe rehabilitation needs than offenders on other types of community-based sentences such as home detention.

¹⁷ Note that this exclusion criterion conflicts with information provided in Section 2 of the 'Response to information as requested for Bristol Street Resource Consent application' document provided to the Christchurch City Council in 2020, which states that people serving home detention OR intensive supervision sentences would be eligible for the programme. I have assumed that the later information provided in the 2021 response to request for further information provides the more correct, up-to-date information about the proposed programme.

¹⁸ Bonta, J., & Andrews, D. A. (2016). *The psychology of criminal conduct (6th ed.)*. London: Routledge.

these unsupervised outings will be reviewed using electronic monitoring bracelet data. Residents who leave the residence without approval (i.e. residents who abscond) will be in serious breach of sentencing conditions and will be considered for expulsion from the programme, as per the formal procedures outlined in the programme's draft Operations Manual.

23. Details were provided for incidents occurring at the Tai Aroha Hamilton site from January 2015 to November 2020, involving absconding or members of the public. In total, 26 incidents were identified that represented a situation in which there was a potential risk of harm to the wider community (ranging from one to seven incidents per year). Most of these incidents involved the resident leaving the programme site without permission, although two involved incidents during supervised outings. All of these incidents were resolved without members of the community being harmed or threatened, although one incident involved a resident becoming "verbally agitated" with a staff member at a store. Additionally, one further incident was noted in 2012 in which a Tai Aroha resident entered a neighbouring property through an open door (this incident was also resolved without members of the community being directly harmed or threatened); the Department of Corrections have stated that this incident led to changes in the operating model to address contributing factors.

Points raised in public submissions

24. A number of themes or points emerged from the public submissions that are relevant to the assessment of risk posed by the proposed programme to members of the local community. I summarise these key themes/points below, and then address them in the following sections.
25. Many submitters spoke of general concerns related to risks posed to the community due to the high-risk nature of the programme residents, including risk to specific communities of people, including schools, elderly people, women, victims/survivors of family harm, young families, children and young people, and other vulnerable people including deaf and vision impaired people. Many submitters also spoke about the negative impact of the proposed programme on their subjective feelings of safety in the neighbourhood.
26. Submitters also raised the difference between probability and impact in relation to risk i.e. that low probability events can still have large negative impacts if they do occur.
27. Some submitters also raised concerns about the concentrated and transient nature of the programme, involving the congregation of high-risk offenders who will remain in the area for only a short period of time (thereby affecting assimilation into the local community). Relatedly, concerns were also raised about potential antisocial behaviours exhibited by visitors of residents, and potential related gang activity.
28. A large number of submitters voiced concerns about the adequacy of site security and staffing levels, including security on outings from the residence and the effectiveness of electronic

monitoring. Neighbours of the proposed programme site also raised privacy concerns related to residents being able to see into their properties.

29. Additionally, some submitters raised concerns about the findings of the 2015 Tai Aroha Hamilton evaluation, including perceptions of low success and completion rates.

30. A small number of submitters indicated their support for the proposed programme. They believed that the programme would be beneficial to residents and their family or whānau, and to the community. Some submitters mentioned being satisfied with the level of security for the proposed site and management of the proposed programme, and believed that the programme design (including the community-based location) promoted the effectiveness of the rehabilitation offered. One submitter referenced the Tai Aroha Hamilton evaluation as providing evidence of the effectiveness of the programme, and others mentioned that the proposed residence was preferential to living next door to other types of facilities such as AirBnBs or for 'general housing tenants' who are not vetted in any way.

31. In the following sections I discuss the implications of the risk-relevant considerations raised by the resource consent application and the public submissions.

General management of risk associated with the proposal

32. One of the most prominent risk-relevant factors associated with the proposal is the eligibility criterion that residents must have a RoC*RoI score of 0.70 or higher to participate in the programme. This represents a high risk of reoffending,¹⁹ and as such, many submitters raised concerns about the possibility of residents offending against members of the local community.

33. I acknowledge these concerns, however it is important to consider this risk within the context of the proposed programme. RoC*RoI scores are calculated based on the general offender on a community sentence or released from prison, most of whom will not be subject to the intensive supervision and intervention such as that delivered by the Tai Aroha programme. It is my view that in practice, being subject to the conditions and support provided by the Tai Aroha programme would mitigate this level of risk to a large degree. Indeed, research conducted with high-risk violent offenders released from prison in New Zealand found that those subject to parole (i.e. supervision) conditions reoffended at a significantly lower rate than those who completed their full sentence and were therefore not subject to parole conditions²⁰.

34. Further, RoC*RoI scores are based on 'static risk factors'; that is, factors relevant to risk of reoffending that cannot be changed through rehabilitative intervention. These include factors

¹⁹ Note that this high risk of reoffending relates to the risk of *any* reoffending, not a high risk of violent reoffending in particular. See paragraph 53 for further discussion relating to the risk of violent versus non-violent reoffending associated with residents of the programme.

²⁰ Polaschek, D. L. L., Yesberg, J. A., & Chauhan, P. (in press). Surviving the first year: An integrated examination of potential mechanisms for successful re-entry in high-risk treated and comparison prisoners on parole. *Criminal Justice and Behavior*.

such as the number of previous offences committed by an individual, the individual's gender and age, and the age at which offending began for an individual. These risk metrics therefore fail to take into account 'dynamic risk factors', or factors relevant to risk of reoffending that *can* change. This is important because rehabilitative programmes such as Tai Aroha work by reducing dynamic, not static, risk factors. This means that residents' likelihood of reoffending is likely to reduce with successful engagement in the Tai Aroha programme, but this will not be reflected in their RoC*RoI score. Relevantly, New Zealand-based research has shown that high-risk violent offenders who attended a prison-based rehabilitative programme similar to Tai Aroha were significantly less likely to offend than comparison offenders who did not attend the programme, and that this reduction in reoffending was mostly explained by a reduction in dynamic risk²¹. Additionally, the results of the 2015 Tai Aroha Hamilton evaluation suggested that programme completers did indeed show significant improvements in psychological factors associated with dynamic risk over the course of the programme, including criminal thinking, criminal attitudes towards violence, display of anger, problematic personality styles, and treatment readiness/engagement.²²

35. The assumptions above that relate to the general risk of offending for residents of the proposed facility are of course reliant on the programme being effective in reducing the risk of recidivism. From the information provided in the proposal and in response to requested information, it is my belief that the programme demonstrates important elements of best practice in reducing offender risk. These elements include the involvement of trained psychologists in treatment delivery²³, grounding the programme within a therapeutic community approach²⁴, and individualising interventions and support based on known treatment needs²⁵. Importantly, the programme appears to adhere to the Risk-Need-Responsivity (RNR) principles of effective offender rehabilitation⁵, which is the most widely-recognised and evidenced approach to offender rehabilitation. In particular, the Risk principle states that treatment intensity should match the risk level of the offender. The Tai Aroha programme would be considered a high intensity rehabilitation programme, and therefore would only be suitable for high-risk offenders. In fact, delivering a high-intensity residential programme to low- or low/moderate-risk offenders has been found to *increase* the likelihood of reoffending.²⁶

²¹ Polaschek, D. L. L., Yesberg, J. A., Bell, R. K., Casey, A. R., & Dickson, S. R. (2016). Intensive psychological treatment of high-risk violent offenders: Outcomes and pre-release mechanisms. *Psychology, Crime & Law*, 22(4), 344-365.

²² Kilgour, G. (2015). *Tai Aroha evaluation project report*. Ara Poutama Aotearoa | Department of Corrections.

²³ Gannon, T. A., Olver, M. E., Mallion, J. S., & James, M. (2019). Does specialized psychological treatment for offending reduce recidivism? A meta-analysis examining staff and program variables as predictors of treatment effectiveness. *Clinical Psychology Review*, 73, 1-18.

²⁴ Lees, J., Manning, N., & Rawlings, B. (2004). A culture of enquiry: Research evidence and the therapeutic community. *Psychiatric Quarterly*, 75(3), 279-294.

²⁵ Bonta, J., & Andrews, D. A. (2016). *The psychology of criminal conduct (6th ed.)*. London: Routledge.

²⁶ Lowenkamp, C. T., & Latessa, E. J. (2005). Increasing the effectiveness of correctional programming through the risk principle: Identifying offenders for residential placement. *Criminology & Public Policy*, 4(2), 263-290.

36. Additionally, the proposal states that all residents will be subject to a psychological assessment to ascertain motivation for treatment and absence of serious drug and alcohol abuse issues prior to enrolment in the programme. This includes assessment of specific responsivity issues that might impact an individual's ability to meaningfully engage in treatment, such as personality disorders and specific learning needs. This in-depth assessment, and related specific selection of individuals most likely to benefit from the programme, is likely to further reduce the chances of treatment dropout and reoffending for residents of the programme.²⁷
37. These initial assumptions about the likely effectiveness of the programme were supported by the findings of the 2015 Tai Aroha Hamilton evaluation.²⁸ The evaluation found that treated men (including those who did and did not complete the programme) who were initially sentenced to home detention reoffended at significantly lower rates than a matched control group; analyses showed that rates of re-imprisonment were 15% lower for men who attended the programme (32.5% reimprisoned) compared with matched controls (38.35% reimprisoned).²⁹ Additionally, men who completed the programme reoffended at significantly lower rates than men who did not complete the programme. Importantly, there was some evidence from the evaluation that the effectiveness of the programme was improving over time as policies and procedures were adapted in line with early learnings from the programme. Notably, further improvements to programme policies and procedures were made in response to this evaluation; the Department of Corrections have indicated that initial findings from a more recent evaluation of Tai Aroha Hamilton being conducted by Professor Devon Polaschek are also suggestive of the effectiveness of the programme both in terms of change in dynamic risk and reduced reoffending for residents.³⁰
38. That said, some submitters raised concerns about perceptions of low rates of success and completion identified by the 2015 Tai Aroha Hamilton evaluation. In response to these concerns, I would highlight that small to moderate treatment effects are typical of rehabilitation programmes that are deemed 'successful' in the forensic psychology literature.³¹ Given the high needs of Tai Aroha residents highlighted by the 2015 evaluation, it is my professional opinion that the evidence of a significant treatment effect is an indication of the

²⁷ Olver, M. E., Stockdale, K. C., Wormith, J. S. (2011). A meta-analysis of predictors of offender treatment attrition and its relationship to recidivism. *Journal of Consulting and Clinical Psychology*, 79(1), 6-21.

²⁸ Kilgour, G. (2015). *Tai Aroha evaluation project report*. Ara Poutama Aotearoa | Department of Corrections.

²⁹ Reoffending rates were found to be significantly *higher* for residents who were initially sentenced to intensive supervision; given that completion rates for these individuals was relatively low, it's likely that individuals sentenced to intensive supervision represent a higher needs group who are more difficult to treat. As a result of these findings, it has been indicated that the proposed Tai Aroha programme will not be available to individuals serving intensive supervision sentences.

³⁰ This evaluation was not directly available to me at the time of preparing this memorandum.

³¹ Gannon, T. A., Olver, M. E., Mallion, J. S., & James, M. (2019). Does specialized psychological treatment for offending reduce recidivism? A meta-analysis examining staff and program variables as predictors of treatment effectiveness. *Clinical Psychology Review*, 73, 1-18.

success of the programme in shifting relatively entrenched patterns of thinking and behaviour within a relatively short period of time. Indeed, a reduction in reimprisonment of 15% is within the common range of effects seen for rehabilitation programmes that would generally be considered 'successful' by experts in this area. As mentioned by some submitters, the previous offending perpetrated by these residents caused significant harm to the community and are high-impact offences, and the prevention of even a small number of these offences therefore has the potential to have a substantial positive impact on the community at large. I also note that although completion rates have fluctuated between 52% and 71% over the past five years, the significant reduction in reoffending was found for the combined group of residents sentenced to home detention who did and did not complete the programme, rather than just being limited to programme completers. Further, there is no indication that treatment non-completers posed a direct risk to the local community during their period of being exited from the programme; some of these individuals absconded from the property, however there was no physical or verbal harm caused to members of the local community during these incidents.

39. The 14 Bristol Street proposal also includes a number of guidelines and procedures that are intended to directly reduce the risk of residents absconding and causing harm to those in the community. These include having daily staff briefings/handovers, safety-related staff policies and procedures, and clear protocols and reporting expectations in response to rule breaches. The data provided regarding incidents at the Tai Aroha Hamilton site indicate that these procedures were followed for each identified incident, including the Police being notified in most instances. The proposal also states that the location and status of all on-site residents will be logged every 20 minutes (increasing to every five minutes where there is a risk of the resident absconding), in addition to regular perimeter checks. This is a significant level of surveillance, and while I have assumed that these procedures will be carried out as stated, I think there are legitimate concerns about the sustainability of this level of surveillance/monitoring for on-site staff who will have competing demands on their attention/time (particularly during the weekend, where staffing levels are lower). It would be useful if the Department of Corrections was able to identify the level of compliance with these surveillance/monitoring procedures at the Tai Aroha Hamilton site.
40. Some submitters raised concerns about the cumulative risk posed by housing a number of high-risk violent offenders in the same location, and the risk posed by potential visitors to the site. In terms of the latter concern, I consider that the extensive visitor vetting procedures outlined in the proposal will significantly reduce the risk of harm caused by visitors to the site. Indeed, meaningful contact with pro-social friends and family and restriction of contact with

antisocial friends has been found to promote successful reintegration of offenders.³² Additionally, although contact with antisocial peers is a significant risk factor for future reoffending,³³ therapeutic communities (or 'communities of change') such as the proposed Tai Aroha programme are not generally considered to be harmful in this respect. Despite the congregation of high-risk offenders, well-designed and managed therapeutic communities have been found to promote desistance from offending and rehabilitative change through processes such as social learning and mentoring.³⁴ The establishment of a positive therapeutic community environment is likely to be supported by the gradual phasing in of residents as outlined in the proposal.

41. One must also consider the comparative level of risk that would be posed to the community if the proposed facility was not available. All residents of the facility would otherwise be on home detention, likely in an environment that does not include professional supervision. As noted by Mr Louw, this means that even if the proposal were not approved, residents would still be in the community but without any additional support such as that provided by the proposed programme. Further, it is proposed that most residents would come from the Canterbury region, so this baseline level of risk is already applicable to local residents rather than being dispersed throughout the country. That said, because of the concentrated nature of the programme, the level of risk posed to residents in the immediate vicinity of the proposed facility is likely to be higher as a result of the introduction of the facility to the area. However, as noted in the proposal and by some submitters, there is a certain level of risk posed by any unknown person moving into the immediate neighbourhood (some of whom may be on unsupervised home detention or other community sentences).
42. It is also important to recognise that community safety is one of the factors taken into consideration when judges sentence individuals to home detention or intensive supervision in the community. Judges making this sentencing decision typically do so on the basis of offending history and reports from Police, probation officers, and/or psychologists. The judges are therefore making an informed decision that considers the likelihood of harm to the community related to these types of sentences. If offenders are given community-based sentences then this typically suggests that the judge considered the benefits of such a sentence to outweigh any potential harm to the wider community.
43. Additionally, as outlined by the 'Psychology of Criminal Conduct' model of risk and needs provided by the Department of Corrections,³⁵ the likelihood of an individual committing an offence is influenced by a combination of individual- and environmental-level factors, including

³² Boman, J. H., & Mowen, T. J. (2017). Building the ties that bind, breaking the ties that don't: Family support, criminal peers and re-entry success. *American Society of Criminology*, 16(3), 753-774.

³³ Bonta, J., & Andrews, D. A. (2016). *The psychology of criminal conduct (6th ed.)*. London: Routledge.

³⁴ Lees, J., Manning, N., & Rawlings, B. (2004). A culture of enquiry: Research evidence and the therapeutic community. *Psychiatric Quarterly*, 75(3), 279-294.

³⁵ Bonta, J., & Andrews, D. A. (2016). *The psychology of criminal conduct (6th ed.)*. London: Routledge.

school/work, family or marital issues, contact with antisocial peers, and involvement in leisure/recreation activities. As such, it is likely that the structured environment provided by the proposed Tai Aroha programme and detachment from the environment in which the previous offending occurred will act as a protective factor against the likelihood of reoffending within the immediate environment of the programme. This is supported by there being only one known incident involving offending in the immediate environment of the Tai Aroha Hamilton programme (the 2012 incident where a resident entered a neighbouring property), despite the high-risk nature of the residents.

Activities permitted in the District Plan

44. The proposal notes that the District Plan allows for community corrections facilities and welfare facilities as permitted activities. Community corrections facilities include facilities such as probation offices and facilities where psychologists or other treatment providers deliver regular therapeutic programmes and supports for offenders on community sentences or offenders who have been released from prison. Individual offenders may be visiting these facilities a number of times a week, depending on the particular programme or supports being provided.
45. Due to the regular throughput of offenders with different backgrounds, risk levels, and offending histories associated with these typical community corrections facilities (potentially including offenders who have committed serious sexual and/or violent offences), it is my professional opinion that the proposed Tai Aroha facility does not pose a greater level of risk to the local community than that posed by the permitted baseline activities in the District Plan. Indeed, the proposed Tai Aroha facility appears to have higher levels of staffing (i.e. staff to offender ratios) than many community providers of group rehabilitative services, and may therefore pose a lower risk of harm to individuals in the local community.
46. The proposal highlights that the operating hours of the Tai Aroha facility is non-compliant with the opening hours of 0700 to 1900 permitted in the District Plan. Given that the residence will continue to be monitored by support staff during the night, that overnight visitors will be prohibited, and that all residents will be subject to electronic monitoring, it is my professional opinion that that providing 24-hour support at the proposed facility will not have an appreciable impact on the risk posed by the facility, beyond that of a community corrections facility that operates only during the permitted hours.

Risk and impact of absconding

47. The data provided in relation to the incidents at the Hamilton Tai Aroha site indicates that the risk of absconding from the proposed facility is relatively low. Over the past five years, 24 instances of residents leaving the site without approval were identified (it is unclear whether different residents were involved in each of these incidents), two incidents have occurred

while residents were on supervised outings, and no incidents have occurred since the implementation of changes in surveillance/monitoring of residents at a high risk of absconding in November 2020.

48. The proposal states that all residents of the Tai Aroha facility will be subject to electronic monitoring. Previous research suggests that electronic monitoring is effective in reducing the risk of reoffending and absconding for high-risk offenders living in the community.³⁶
49. Further, any outings from the residence will require approval, and most outings will be accompanied by staff members. Unsupervised outings will be subjective to individual approval, based on a detailed assessment of the resident requesting the unsupervised outings. These processes are likely to reduce the risk of reoffending or absconding during outings. Indeed, in the one recorded incident from the Hamilton Tai Aroha site where a resident became verbally agitated toward a member of the local community, the supervising staff member was reported to quickly and effectively de-escalate the situation. Further, there were no incidents reported related to reoffending or absconding for residents on unsupervised outings.
50. In terms of the impact of any potential absconding, the risk of harm to the local community from absconders is again low. Data from the Tai Aroha Hamilton site indicated that in all identified incidents of absconding, there was no interaction with members of the local community. Reports suggest that protocols were adhered to, and Police were notified relatively soon after staff were aware of the absconding; it is not clear, however, how long it took for staff to become aware of the absconding in these incidents. Notably, it appears that in most instances of absconding the residents indicated a desire to leave the programme; although no details are provided on where most of the absconders went, it is reasonable to assume that these individuals likely left the immediate location of the programme site, and therefore posed little risk to neighbouring members of the public.
51. Some submitters noted concerns about the likely impact of any reoffending by absconders, despite the low likelihood of this occurring. It is difficult to predict the type of reoffending that a particular offender may engage in, and it is therefore uncertain what impact any offending by residents of the proposed programme (including absconders) may have on the local community.
52. Importantly, although the RoC*RoI scores of residents in the proposed programme indicate a high risk of reoffending, this relates to risk of *any* offending, not violent or serious offending in particular. Evidence suggests that offenders are generally not “specialists”, in that types of future offending cannot typically be accurately predicted by the types of previous offending that someone has engaged in. Instead, property crimes are the most common form of

³⁶ Padgett, K. G., Bales, W. D., & Blomberg, T. G. Under surveillance: An empirical test of the effectiveness and consequences of electronic monitoring. *Criminology & Public Policy*, 5(1), 61-92.

reoffending, regardless of previous patterns of offending. For example, recent New Zealand-based research involving high-risk violent offenders released from prison found that 63% of untreated high-risk offenders and 42% of treated high-risk offenders reoffended in the 12 months post-release³⁷. However only 23% and 12% of untreated and treated offenders engaged in violent reoffending, respectively. Further, the 2015 Tai Aroha evaluation indicated that 12.5% and 14.1% of programme completers and matched controls, respectively, were reimprisoned for a further violent offence (with the most common reason for re-imprisonment being non-compliance with sentence conditions i.e. a 'breach').³⁸ This indicates that most crime committed by high-risk violent offenders released from prison or based in the community was non-violent. This suggests that any crime committed by absconders from the proposed programme may be more likely to be non-violent crime than more serious (and arguably more harmful) violent crime.

Requirement for a residential location

53. I have also been asked to comment on the need for the proposed facility to be located in a residential location, as argued in Point 2 of the applicant's *Response to further information request* document. In this document, the applicant states that there is an operational and strategic need to locate the facility in a residential location because of the benefits for programme effectiveness and resident reintegration.

54. I was not able to locate any published literature that has compared the effectiveness of community-based treatment or therapeutic communities located in residential versus non-residential locations (outside of prison). However, previous literature has found that offender reintegration is more successful where offenders are provided with opportunities to develop positive, supportive social connections with friends, family or whānau, and community members, and less successful where offenders are socially isolated during rehabilitation.^{39,40} Additional research has also found that successful offender reintegration is supported by improved access to community connections, resources and facilities, and where offenders have an opportunity to practice the skills they learn in treatment in "real world" settings.⁴¹

55. In my opinion, it is reasonable to assume that locating the facility within a residential location would likely make creating and maintaining social and community connections easier for residents than locating the facility within a non-residential location. It would also likely make it

³⁷ Polaschek, D. L. L., Yesberg, J. A., Bell, R. K., Casey, A. R., & Dickson, S. R. (2016). Intensive psychological treatment of high-risk violent offenders: Outcomes and pre-release mechanisms. *Psychology, Crime & Law*, 22(4), 344-365.

³⁸ Kilgour, G. (2015). *Tai Aroha evaluation project report*. Ara Poutama Aotearoa | Department of Corrections.

³⁹ Graffam, J., Shinkfield, A., Lavelle, B., & McPherson, W. (2004). Variables affecting successful reintegration as perceived by offenders and professionals. *Journal of Offender Rehabilitation*, 40(1-2), 147-171.

⁴⁰ Tarpey, E., & Friend, H. (2016). A place to call home: Perspectives on offender community integration. *The Journal of Forensic Practice*, 18(4), 283-291.

⁴¹ Paulson, P. (2013). *The role of community based programs in reducing recidivism in ex-offenders*. Master of Social Work Clinical Research Paper, St Catherine University.

easier for residents to practice implementing the skills they learn at the residence in real-world, community settings.

Conclusions

56. For the reasons outlined above, it is my professional opinion that the proposal presents a low risk of harm to the local community that is similar to the risk posed by other permitted activities such as community corrections facilities.
57. Additionally, in my professional opinion the proposal presents an opportunity for overall benefit to the community, through the potential for the successful rehabilitation and reintegration of offenders as functioning members of society. Importantly, previous research has found that rehabilitation programmes delivered in the community are more effective than rehabilitation programmes delivered in prison.⁴² Additionally, it is my professional opinion that the findings from the 2015 evaluation of the Tai Aroha programme are positive considering the type of offender participating in the programme, and the likelihood that the subsequent changes to the programme further increased the effectiveness and security of the programme. Further, the proposed development or re-establishment of links with whānau and wider society has the potential to directly benefit the local community, particularly given the proposed inclusion of specialised reintegration support.
58. It is important to note that despite the relatively low likelihood of absconding or offending from residents of the programme, the proposed facility will accommodate high-risk offenders with a history of violent offending. It must be acknowledged that the local community will likely consider any risk of harm introduced by this facility to be unacceptable (as is indicated by most of the public submissions), particularly where this includes the risk of serious violent offending. In addition, I would like to acknowledge that many submitters expressed subjective feelings of anxiety and fear about the possibility of harm caused by residents of the programme. In relation to this, I would refer to my earlier statement that I do not consider the risk of such serious harm to the community to be any higher than that posed by these individuals being detained in other residences in the local community (i.e. on 'typical' home detention or other community sentences). Indeed, given the relative lack of supports and rehabilitative services provided in these 'typical' cases, the residents' risk of offending against members of the local community is likely to be lower.
59. My opinions expressed above represent my best estimate of the likely risk posed by the proposed programme, based on available information and research. That said, I consider it important that if the programme were to be approved, the actual level of risk/harm caused by

⁴² Gendreau, P. (1996). Offender rehabilitation: What we know and what needs to be done. *Criminal Justice and Behavior*, 23(1), 144-161.

the facility is empirically measured and monitored through a formal data collection and monitoring framework. This would allow for ongoing review of the programme, including the balance of benefit to risk introduced by the programme. This data collection and monitoring framework should include clear plans for:

- a. the collection of data to be used for monitoring the performance of the programme, including methods of data collection and the indicators⁴³ that will be used to measure performance
- b. the type and frequency of data review/monitoring, such as monthly dashboards reporting on key indicators of programme performance
- c. ongoing evaluation of the programme, including timings of future process and impact evaluations
- d. procedures for responding to identified concerns with performance relating to the safety and security of residents, staff and/or members of the public.

Kind Regards,

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School of Psychology, Speech & Hearing, University of Canterbury

⁴³ These indicators could include: programme completion rates; rates of absconding; number of non-approved or potentially harmful interactions with community members; and rates of staff compliance with security protocols e.g., completion of 20-minute checks and perimeter checks.

Appendix 7 – Social Impact Advice (Louise Strogen, Aurecon)

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Memorandum

To	Emma Chapman, Senior Planner, Christchurch City Council	From	Louise Strogen, Associate Environment and Planning
Copy		Reference	50301:051
Date	2021-07-09	Pages (including this page)	15
Subject	RMA/2020/173 – 14 Bristol Street, St Albans		

1. My full name is Louise Strogen and I am an Associate and Senior Environmental Planning Consultant at Aurecon New Zealand Limited (Aurecon) based in the Wellington Office. I have been employed at Aurecon since May 2008. Prior to this, I held a range of relevant planning positions in the public and private sectors since 1995 in the United Kingdom.
2. I have over 20 years' experience in environmental planning, social impact assessment and consultation. I am a member of the International Association for Impact Assessment and the New Zealand Association for Impact Assessment. My experience in social impact assessment in New Zealand includes preparing the Social Impact Assessment and Social Impact and Business Disruption Delivery Work Plans for Auckland Transport and City Rail Link Ltd and undertaking the assessment of social effects for a range of Waka Kotahi NZ Transport Agency project's such as the Northern Corridor Improvements Project (2016/17) and the Southern Corridor Improvements Project (2014/15).
3. Resource Consent application (RMA/2020/173) (the Application) was lodged by Kāinga Ora, on behalf of Ara Poutama Aotearoa –Department of Corrections (Ara Poutama) (the Applicant). The Application is for the use of the site and existing buildings at 14 Bristol Street, St Albans (Site) to provide rehabilitative and reintegrative support and training as part of an intensive short-term residential programme for male offenders who would otherwise be on home detention or serving community-based rehabilitation sentences (the Proposal). The stated purpose of the programme is for residents to return to the community with new skills to address the causes of their offending and support them to live a crime-free life. The programme will be based on an existing facility, Tai Aroha Hamilton, operated by the Applicant.
4. I have been contracted by the Christchurch City Council (the Council) with respect to this Application to: review the Applicant's social impact assessment; undertake a review of submissions with respect to social impact effects; and provide specific advice on any actual or potential adverse social effects/impacts on residents of surrounding properties and the neighbourhood as a result of the Proposal.
5. My review and consideration of social effects associated with the Proposal is based on the documentation presented in Table 1 below as well as a site visit of the area surrounding the Site, undertaken on 8th June 2021.

Table 1: Documents Reviewed

Document	Date
Updated Assessment of Environmental Effects and associated appendices	March 2020
Applicant's Further Information Response	16 th March 2020
Council's Notification Decision Report and associated appendices (in particular Memorandum from Dr Jacinta Cording, Lecturer, School of Psychology, Speech & Hearing, University of Canterbury)	3 rd April 2020
Decision of the Commissioner Appointed by the Council in Relation to Notification of the Application	8 th April 2020
Applicant's Supplementary Information (including Replacement Floor Plans, Landscape Plan and Traffic Report)	17 th November 2020
Social Impact Assessment	28 th January 2021
Council's Summary of Submissions	9 th April 2021
Submissions as received by Council	Various
Applicant Letter with updated Information regarding Incidents at Tai Aroha, Hamilton	21 st May 2021
Applicant's Response to Further Information Request	3 rd June 2021
Memorandum of Dr J Cording	30 th June 2021
Assessment of Impacts on Rangatiratanga and Treaty principles – Position Statement, prepared by Mahaanui Kurataiao Ltd	Undated

6. Although this is a Council level resource consent process, I confirm that I have read the Environment Court's Code of Conduct for Expert Witnesses, as contained in section 7 of the Environment Court's Practice Note 2014, and I agree to comply with it. I confirm that the matters addressed in this memorandum are within my area of expertise, with the exception of where I confirm that I am relying on the technical input or evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from my opinions expressed in this memorandum. I have specified where my opinion is based on partial or limited information and I have identified any assumptions I have made in forming my opinions.

Christchurch District Plan

7. The Site is zoned Residential Suburban Density Transition (RSDT) which provides for low to medium density residential development with the potential for infill and redevelopment at higher densities than for the Residential Suburban Zone.
8. The District Plan allows for residential activities in the RSDT as a permitted activity, however the definition of 'residential activity' expressly excludes "*the use of land and/or buildings for custodial and/or supervised living accommodation where the residents are detained on the site*". 'Community corrections facilities' are provided for as permitted activities in the RSDT (Rule 14.4.1.1 P22), where they are defined as "*buildings used for non-custodial community corrections purposes [including] probation, rehabilitation and reintegration services, assessments, reporting, workshops and programmes...*". The permitted activity status is, however,

subject to activity specific standards that limit the hours of operation when a site is open to clients and deliveries to between 7am and 7pm and limit the area of signage.

9. I understand the Council's Processing Planner has determined that resource consent is required as the residents of the proposed facility can be considered to be detained on the Site, and therefore the activity does not fall within the definition of 'residential activity'. Community corrections services will continue to be provided to residents by overnight support staff outside of the permitted hours of operation.
10. While I understand the Resource Consent triggers, and that the Resource Management Act allows the effects of activities permitted by a rule in a district plan to be disregarded when considering effects, for the community these are not distinctions they are likely to, or indeed have made with comments and views expressed in submissions relating to the overall nature of the Proposal and the potential effects they associate with it.

Subject Site Observations

11. The Site is a corner lot at the intersection of Bristol Street and Berry Street, St Albans. It currently accommodates several single-storey buildings and is stated to contain 24 bedrooms with laundry, dining, kitchen, and lounge areas. The only operating access to the Site and the off-street parking area is via a vehicle crossing directly off Bristol Street. A shared outdoor living area is located on the northern section of the Site, while further amenity and circulation space is noted to wrap around the buildings on the eastern and southern boundaries. Means of enclosure is a combination of wooden panel or post fencing, brick walls and close boarded timber gates at former vehicle points. While on my site visit, I noted that a separate pedestrian access to the Site was located off Bristol Street in the north-western corner via a wooden gate.
12. I also noted that the multi-unit (six) residential property (No.20 Bristol Street) to the immediate north is configured such that an access drive and parking area with garages with planting strips about the Site with intervening fencing (varying in height) while the residential property (No.11 Berry Street) to the immediate east adjoins the Site with intermediate circulation space separated by a wooden closed panel fence.
13. The Site does not appear out of character with the surrounding neighbourhood. I would describe the surrounding character as having a compact urban form containing a mix of housing typologies from many eras. I observed during my visit that a number of properties in the vicinity of the Site and in the wider area are being renovated or redeveloped, therefore, this is a neighbourhood experiencing change in terms of intensification of residential activities.
14. I understand from the reviewed documentation that a residential care facility and supported accommodation for adults with cerebral palsy run by the Cerebral Palsy Society (Independence House) and guest/boarding house accommodation (shared temporary accommodation known as the Bristol Club) have operated from the property since 1978. As such, the Site has accommodated activities in the past which have not operated as typical residential homes.

Proposed facility

15. I set out below matters from the resource consent documentation reviewed which I believe have relevance when considering any actual or potential social effects arising from the Proposal.
16. The Applicant has "in response to community concerns and in recognition of the potential for a reduction in numbers to ease some of those concerns"⁴⁴ reduced the number of overall residents to 12 individuals as opposed to the original proposed maximum of 16. I note this maximum resident occupancy will only occur in some instances where residents may need further transitional support after the formal 15-week⁴⁵ programme. Otherwise, there will be 10 individuals as core programme participants.
17. I understand that the facility will operate on a rolling admission programme, i.e. new residents will join individuals who have already been on the programme for varying periods. In light of this, once the programme is fully established, there will likely be periods where there are fewer than 12 residents on-site, as individuals move through the programme.

⁴⁴ Applicant's Response to Further Information Request dated 22 April 2021 (Response to Q3).

⁴⁵ Table at Page 2 of Applicant's Response to Further Information Request dated 22 April 2021

18. Additionally, a resident “Phase-in” process is confirmed which will take place over a 12 – 15 month period. This means that the number of residents will gradually increase over time, beginning with four residents on site during the first month of operation, as opposed to full capacity from the outset. I note that the full range of staff being psychologists, programme facilitators, supervisory team as well as additional external support staff (e.g. probation officers) will be present and with their numbers increasing responsively to resident intake.
19. The Applicant also refers to a “Build-Up” phase, being the functional planning and preparation phase prior to the programme becoming operational. This is stated to be “between 9-12 months; however, it may be less”¹. While this period will include the site refurbishment works, it also presents a period in which the facilities procedures will be finalised and staff appointed.
20. Outright exclusions or programme ineligibility are:
- Men with significant untreated mental health issues;
 - Men with any current or historical convictions of child or adult sex offences; and
 - Men with primary addiction issues that require these needs to be treated first, such as drug and alcohol addiction.
21. Since the Application was lodged, a greater level of information regarding the programme’s referral process, eligibility criteria and pre-acceptance clinical assessment has been provided by the Applicant⁴⁶. This information clarifies that individuals serving sentences of intensive supervision would not be eligible for the programme. It also confirms that not all individuals referred to and/or eligible for the programme will become residents of the programme, as they may be deemed unsuitable for enrolment. I understand, therefore, that this assessment process seeks to select residents who are invested in/ committed to the lifestyle change which the programme seeks to achieve and that tailored strategies to manage known and potential resident responsivity issues will be in place throughout the programme.
22. A draft version of the rules and expectations for residents are contained in the draft *House Rules/Kawa for Bristol Street* appended to the Applicant’s Response to Further Information Request (June 2021). I understand that the consequences of non-compliance with these will range from disciplinary action to expulsion from the programme. Residents may also be considered for expulsion if their progress in treatment is “unsatisfactory”.
23. Based on the further information provided by the Applicant, residents will be intensively supervised over the course of the programme in addition to electronic monitoring by GPS. This supervision will be by way of the programme’s classes, sessions and activities including communal dining and social activities which require an individual’s attendance throughout the day, or supervisory staff monitoring the property and residents overnight. I note reference to person checks every 20 minutes (increased to 5-minute intervals where there is concern about the risk of a resident absconding) and perimeter checks every hour by staff in addition to the installation of site directed CCTV cameras.
24. Additionally, the Applicant has introduced unauthorised areas for residents⁴⁷. These no-go areas exclude residents from the property curtilage adjoining: the southern boundary being Berry Street; the eastern boundary i.e. the shared boundary with No.11 Berry Street; and the north-eastern boundary part of the shared boundary with No.20 Bristol Street. I note the north-western curtilage is reserved for staff only, and therefore also excludes residents. As such, residents’ outdoor circulation will be confined to the social area as well as the forecourt off Bristol Street when entering and leaving the premises.
25. The Landscape Plan for the Proposal (dated 30.06.2021) provides for a new 2m high concrete block wall replacing the existing timber fence which coincides with the residents’ outdoor social area on the northern boundary. The boundary with Bristol Street will no longer be open access and enclosure by way of a 1.6m high steel see-through fence, pedestrian gate and sliding vehicle gate. An upgrade of the Berry Street means of enclosure is also proposed, providing either solid timber fencing or steel and solid timber gates matching the existing wall height at the former access points (see paragraph 11 above). Reference is also

⁴⁶ Detailed information set out in the Applicant’s Response to Further Information Request dated 22 April 2021 (Responses to Q.4(a) – Q.4(e) and associated attachments)

⁴⁷ Applicant’s Response to Further Information Request dated 22 April 2021 (Attachment 9).

made to the use of obscure glazing to the programme room and dining room windows and I understand that these communal rooms will be located adjacent Bristol Street and Berry Street. I note this matter is proposed to be secured by way of condition on any grant of consent. The consequences of these measures are two-fold providing residents with privacy within the Site from external parties while preventing residents the opportunity to overlook adjoining properties from indoor and outdoor areas.

26. As noted above, residents will spend most of their time on the Site, but I acknowledge that there will be regular supervised/escorted outings for all residents which are required to be pre-approved. I note that group excursions will in the main be in the facility mini-bus. Approved unsupervised outings (for no more than two hours per week) for those residents reaching the end of the programme is proposed and compliance with the approved timings and locations will be reviewed using electronic monitoring bracelet data. The associated approval process has been outlined at the *Applicant's Response to Further Information Request dated 22 April 2021* (Responses to Q.18(b)).
27. The Applicant has stated that residents who leave the residence without permission (i.e. abscond) will be in serious breach of their sentencing conditions and will be considered for expulsion from the programme, as indicated in the supplied draft operations Manual. The police will be called immediately, and a chain of notification will be activated⁴⁸.
28. Residents will only be permitted to receive pre-approved visitors and these visits will only occur during assigned appointments every Saturday, staggered between 1pm and 5pm. I note that the pre-approved visitors will be restricted to people who are actively supporting residents in the programme and these individuals will be subject to a screening process (Review Panel and pre-approval hui) and immediate eligibility exclusions are provided for⁴⁹. Unapproved visitors will not be permitted to enter the Site.
29. The Applicant has proposed to establish a Community Liaison Group (CLG). I understand that a CLG is not in place at Tai Aroha Hamilton. I note the proposed operation, membership, frequency of meeting and commencement of the CLG is still under review by the Applicant, but their initial intent is set out in a draft consent condition. It is proposed that the CLG will be established prior to commencement of the programme which I take to mean prior to the facility being operational and will then meet regularly thereafter. Its intended to provide a forum for: information flow; engagement on matters associated with the programme operations and on community feedback or concerns. I note reference to programme residence contact details being advertised publicly and shared with the CLG; however, it has yet to be defined whether this is a dedicated community liaison person or the proposed 24-hour phone number to contact the on-site programme team.

Review of Applicant's Social Impact Assessment

30. My review of the Applicant's Social Impact Assessment (SIA) focussed on the following matters:
- SIA best practice – that the report adheres to a SIA process and framework which is regarded as 'SIA best practice' in New Zealand;
 - Structure – that the report has been appropriately configured for an SIA for this particular Proposal;
 - Content – that data contained in the report is sound and issues relevant to potential social effects of the Proposal are addressed; and
 - Comprehensibility – that the SIA is clear, logical and there is no confusion.
31. I undertook a desktop orientation of the Site and community of interest using on-line media such as the Council's District Plan maps, Council's Community Facilities Network Maps and Google imagery. I also carried out a site visit on 8th June 2021. The purpose of the site visit was to increase my understanding of the Site and the surrounding neighbourhoods as well as gaining greater clarity on matters raised in submissions in terms of context and proximity to the Site. These informed my overall review of the SIA.
32. I consider that the authors (Social Assessors) of the SIA are suitably qualified specialist social impact assessors employed by Beca Limited.

⁴⁸ *Applicant's Response to Further Information Request dated 22 April 2021 (Responses to Q.8(a) and Q.13).*

⁴⁹ *Applicant's Response to Further Information Request dated 22 April 2021 (Responses to Q.19(a) and Q.19(b)).*

33. Overall, the report structure and content used in the SIA are sound, appropriate and follow SIA best practice. To guide the development of the SIA, the eight social impact matters described in the *Social Impact Assessment: Guidelines for assessing social impact of projects, International Association of Impact Assessment, 2015* (IAIA guide) have been used. Ara Poutama does not have its own internal or specific guide to assess the social impact of their facilities and as such the IAIA guide is the most appropriate substitute, providing high level guidance. The IAIA guide is recognised in New Zealand as the best practice framework for the assessment of potential social effects of proposed projects, policies and programmes.
34. The scoping exercise undertaken by the Social Assessors is in line with SIA best practice. While the Social Assessors attended consultation activities as an observer or reviewed data arising from sessions with the surrounding community, I note that the Social Assessors did not carry out any bespoke face-to-face social impact interviews or engagement exercises with the local community to support the SIA. I consider this a missed opportunity to deepen the understanding of this community's stance regarding the Proposal. I acknowledge, that a resident online survey was conducted however, and that the Social Assessors undertook follow-up phone interviews with a sample of resident survey respondents. Additionally, interviews with key stakeholders such as the Police, St Margaret's Preschool and College, Selwyn House Pre School and School, and St Albans Residents Association took place.
35. A local neighbourhood household survey was carried out. This involved interviews with surrounding residents. The feedback received from these interviews is generally consistent with the content of public submissions received on the Proposal. I note that some interviewees made suggestions to minimise negative effects which included the need for open communication, installation of security systems, fewer participants and additional staff, involving residents in community activities and impeccable management⁵⁰.
36. A range of literature review and research was undertaken by the Social Assessors and I consider this to be appropriate to support the method for the SIA given the focus of effects on neighbours and the St Albans area.
37. A literature review was carried out to test the hypothesis that establishing a small corrections residential rehabilitation unit (e.g. less than 16 people⁵¹) in a residential neighbourhood causes or realises negative social impacts on the local community in which it is located. Most of the literature reviewed is derived from North America which appears to be reflective of the publicly available research. This literature review showed that, in general, the anticipated effects of supported residential homes and similar 'unattractive' social services are not realised. However, the literature also demonstrates that in many cases this is dependent on how the programme and/or facility is run. I consider this research a useful point of reference when considering the scale and duration of social effects associated with facilities of this type.
38. There is a lack of New Zealand based examples used in the literature review which again appears to be reflective of the publicly available research. The literature review focusses on the potential neighbour impacts of these facilities, rather than the potential societal benefits, which is appropriate for the SIA being undertaken to support a proposal for Resource Consent.
39. This literature review highlights that currently New Zealand provides around 1,000 places for a variety of short and medium-term supported accommodation for offenders and ex-offenders. It highlighted that there is a demand for more community options to support successful transitions back into the community. It also highlights that stigma is attached to these types of facilities and many communities are concerned about the anticipated social impacts.
40. In the absence of New Zealand research, I consider that the Social Assessors adopted best practice by undertaking an analysis of Tai Aroha Hamilton. I understand that it represents the only facility of its kind in New Zealand and is the programme model to be adopted at the Site. As such, it is an appropriate reference case when considering social effects of a facility of this type.
41. The case study of the established 10-bed community-based special treatment residence operated by Ara Poutama Aotearoa is structured to consider the social impact themes identified in the SIA, being way of life, sense of place and character, environment – physical safety, and health and wellbeing. It also considers

⁵⁰ Appendix B – Local Neighbourhood Household Survey, Social Impact Assessment

⁵¹ Proposed residential maximum of facility at time of Social Impact Assessment

community resources. I note also that the area of assessment focussed on the local neighbourhood around Tai Aroha Hamilton and to a lesser extent, the wider community of Hamilton. Surveys and interviews were conducted. The case study concluded that there was no substantial evidence to support the hypothesis that establishing a corrections residential rehabilitation unit in a residential neighbourhood may cause negative social impacts in the community.

42. I note that whilst the links between the findings of the literature review, interviews with surrounding residents, and the identification of effects in the SIA are not explicit, the identified effects are consistent with the conclusions drawn in the SIA.

43. Bearing in mind the scoping exercise undertaken by the Social Assessors, I consider the SIA's selection of the matters for assessment as bulleted below to be the most appropriate for consideration with respect to the surrounding community and the Proposal.

- People's way of life
- Their environment
- Their community – sense of place and character
- Their health and well-being

44. The concerns raised by submitters confirm this, raising no additional matters.

45. The 5-point impact rating used is a common tool in SIA and an appropriate assessment method coupled with the scale of impact outlined.

46. The SIA is written in the context of the Resource Management Act 1991 (RMA) which I consider appropriate as the SIA has been prepared to support a resource consent application. Potential social effects are identified as such. Mitigation measures to avoid, remedy or mitigate potential effects are identified, in line with the RMA. The SIA contains a useful diagram⁵² providing an indication of where the impact categories used for SIA compare to the categorisation of effects applied under the RMA.

47. I consider the approach adopted by the Social Assessors in reviewing existing social environment (community profile) aligns with best practice, and is consistent with the approach I would have taken. I note the conclusions reached are substantiated by comments in the submissions received on the Proposal.

48. I agree with the SIA's approach of focusing initially on the local neighbourhood and then on any additional effects for the St Albans West suburban area. It is also appropriate for the assessment to consider the 'planning'⁵³ and 'operation' phase effects and then reach an overall conclusion on potential social effects of the Proposal.

49. I do not comment here on the effects' ratings concluded by the Social Assessors here but instead do so in respect of my specific advice on any actual or potential adverse social effects/impacts on residents set out in the Consideration of the Proposal's Social Impacts section of this memorandum.

Social Impact Matters raised in Submissions

50. A total of 203 submissions were received in respect of the Application the majority of which are from residents within the local neighbourhood area and the wider St Albans West suburb. While some submissions are from individuals outside of this area, they have connections through family and friends or as property owners. The majority of submissions are in opposition to the Proposal. Those submissions in support, of which there are 20, are from either individuals working in the field of psychology or residents from the local neighbourhood area. The submissions relevant from a social effects perspective are outlined below.

51. Many submitters express concern at the potential for 'significant and adverse' impacts on neighbours and wider community health and wellbeing, quality of life, people's sense of place as well as amenity. Specificity of these potential impacts appears to be raised by individual, neighbouring residents. The potential impacts raised are consistent with the potential impacts and themes identified in the SIA.

⁵² Figure 1 at Page 13, Social Impact Assessment

⁵³ Refers to the entire pre-implementation period including the current approvals process and site establishment

52. Details of the operation and regulations pertaining to the Site, including house rules, and staffing allocation and training has been queried and is considered as detail missing from the Application. The level of psychological assessment required of the men selected for the facility has also been queried.
53. Some submitters expressed concern at the potential for cumulative effect of the operation of the proposed facility in addition to the operation of the existing Salisbury Street Foundation corrections facility at 15 St Albans Street, St Albans. Concern has been expressed regarding the potential for residents in St Albans to be disproportionately affected due to the concentration of corrections facilities in the suburb.
54. Some submitters expressed disagreement with the methodology used to produce the SIA, including the level of effects, the Social Assessors' personal knowledge of the site and St Albans area, the reduction of level of effect over time, and using Tai Aroha Hamilton as a comparison. As previously noted, I consider the method used to produce the SIA to be consistent with best practice. Personal knowledge of an area is not a requirement to prepare an SIA.
55. The submission from Rehua Marae notes that the views reflected in the SIA from Rehua Marae members is not the formal view of the Rehua Marae. This submission also queries the area of influence defined in the SIA, noting that members who do not usually live on Rehua Marae should also be considered. I consider the selection of the area of influence for the SIA to be appropriate.
56. A small number of submitters have indicated their support for the Proposal, emphasising the wider societal benefits of residential corrections facilities such as that proposed.
57. The range of matters raised does not identify any new social effects beyond those already considered in the Applicant's SIA.

Consideration of the Proposal's Social Impacts

58. Consideration of potential social effects as a consequence of the Proposal need to be assessed in respect of the existing environment which, under the RMA, includes those activities permitted by the Christchurch District Plan. The District Plan provides for community corrections and community welfare facilities as permitted activities, subject to the hours of operation for clients and deliveries being limited to 7am and 7pm daily. As noted at paragraph 10 above, for the community this is not a distinction they are likely to or indeed have made, with comments and views expressed in submissions relating to the overall nature of the Proposal and the potential social effects they associate with it.
59. In the following paragraphs I consider the potential social effects identified in the SIA, the public submissions on the SIA, and the draft consent conditions relevant to the identified potential social impacts.

Expert Opinion Dr Jacinta Cording

60. Dr Jacinta Cording (Dr Cording) of the School of Psychology, Speech and Hearing at the University of Canterbury has provided specialist advice to Christchurch City Council on the potential for the Proposal to have adverse effects on the community from three elements:
- the likelihood of residents absconding from the facility;
 - the likelihood of residents committing crime in the local area, if they were to abscond; and
 - the potential impact of crime or antisocial behaviour incidents on the neighbourhood, including the risk of psychological and/or physical harm to people in the community from absconders.
61. Informing her opinion, Dr Cording has drawn on risk assessments conducted by Mr Louw of Ara Poutama Aotearoa. I have not seen any expert opinion that contradicts that given by Dr Cording, and therefore, I rely on her findings with respect to the risk of crime or harm to the community from the Proposal. I note that data⁵⁴ relating to Tai Aroha Hamilton is relied on, particularly rates of absconding.
62. This opinion is important to further inform the assessment of potential social impacts, specifically those effects relating to health and wellbeing of the local neighbourhood and quality of environment – i.e. fears and concerns for safety.

⁵⁴ Contained in Jessica Borg, the Chief Psychologist at the Department of Corrections, letter dated 21 May 2021 which fully replace the previous information supplied by Mr. Louw on incidents at the Tai Aroha Hamilton site.

63. Relevant parts of Dr Cording's opinion in respect of matters raised in the SIA are: the description of the features of the programme, including the rules, procedures and processes of the Tai Aroha Hamilton, the points raised in public submissions, and management of potential risks to the surrounding community.
64. Dr Cording acknowledges that in the public submissions, many people expressed feelings of fear and anxiety about the possibility of harm caused by residents of the programme. This is consistent with the SIA, which anticipated the community would express feelings of fear and anxiety.
65. Dr Cording concludes that the Proposal presents a low risk of harm to the local community that is similar to the risk posed by permitted community corrections facilities and community welfare facilities. I also note Dr Cording's consideration that the actual level of risk/harm caused by the proposed facility should be empirically measured and monitored through a formal data collection and monitoring framework. This would allow for the ongoing review of the programme, including the balance of benefit to risk introduced by the programme.

Summary of proposal's social impacts

Positive Effects

66. Identification of potential positive social effects is an important part of preparing an SIA. The SIA identifies from the outset that there are potential positive social outcomes for the successful graduates of the programme, their families and wider community. These positive impacts relate to way of life, environment and health and well-being. The SIA, however, clearly defines the limits of the assessment in terms of geographical area of focus, being the local neighbourhood and St Albans West, and states that it is unclear whether the graduates of the programme would be part of this community in the future. I consider this an important distinction to make and, for the purpose of the SIA, appropriate to limit the assessment of potential positive effects to the selected study area.
67. I note that several public submissions support the broader, positive societal impact of a facility such as that proposed at the site. In my view, acknowledgement of this potential, positive social outcome in the SIA as well as the information presented on the subject in the literature review at Appendix A, is appropriate.
68. Potential negative social impacts mainly relate to anticipatory fears about the operation of the Proposal. The Social Assessors consider the potential negative social effects to be low, with some temporary moderate adverse effects, anticipated to reduce / ameliorate over time. This evaluation is discussed further in the following paragraphs.

Quality of environment – fears and concerns for safety

69. The primary concern of the local community through this planning phase is that the Proposal would have a negative impact on safety, either from programme residents or from visitors. An additional security concern relates to associates of the programme residents being drawn to the area and committing crime. Submitters concerns are founded on programme residents being classified as at high-risk of re-offending and it occurring in the local neighbourhood. In addition, there is a lack of trust and belief that the programme will be safely managed and controlled.
70. Dr Cording's advice deals with the potential effects in terms of absconding and re-offending and concludes that there is a low likelihood. In the context of an assessment of social effects, the focus of assessment is placed on how these fears and concerns may impact on people's enjoyment of the quality of the environment, i.e. their sense of living in a safe environment.
71. There was no evidence anecdotally or from the literature review that crime rates increase in a local area due to the presence of a wider range of different corrections facilities. The experience at Tai Aroha Hamilton substantiates this.
72. I understand from the information available that nominated visitors require pre-qualification assessments and meet stringent eligibility requirements. No unapproved visitors will be allowed on site. I note that visiting privileges can be withheld and once approved visitors can be barred from site for eligibility breaches.
73. As noted at paragraph 21 above, a significant level of surveillance is proposed with scheduled personal and perimeter checks which I understand are carried out at Tai Aroha Hamilton and therefore, I must assume

that they will also occur at the proposed facility. I do have one reservation, and this is with respect to the Saturday visitation period. Staffing levels at site on weekends are stated to be 2-3 depending on the number of residents on site. These staff will be responsible for overseeing the arrival of visitors and the conduct of visits as well as checking items brought for residents use by visitors. While I appreciate that visitations will be staggered, on-site staff will have competing demands over this period and may be unable to carry out the checks as indicated. To reduce this risk of this occurring, I consider that staffing levels should be increased over the visitation period.

74. A key method in the area of social effects to reduce anticipatory fears and concerns is the sharing of information and engagement with the potentially affected community. The Applicant has proposed measures in this regard, being a CLG, a community representative and a 24-hour hotline. I set out at paragraph 100 below additional measures that I consider would deliver a more fulsome and representative engagement with the community during the planning phase and on-going in the operational phase; as well as clearer expectations for the role of the community representative; the remit of the CLG and procedures associated with community feedback and complaints. I believe that the CLG should be part of any programme review process and agree with Dr Cording that ongoing monitoring and evaluation of the programme should be conducted and that this include a review of the social impacts of the facility on the surrounding community. Findings should be shared with the CLG and inform programme reviews.

Impacts on Way of Life

75. Many of the submitters indicate that they would make changes to their way of life / routine / daily activities if this programme becomes operational. Some individuals have stated that they would alter the way they move through the neighbourhood to avoid the Site. Others have indicated that their movements within the wider area would be restricted, this extends to the time of day in which activities would be undertaken and the locations they would visit as well as transport choice (mode). Submissions from parents have advised that children would have less freedom, needing greater supervision and would not be able to use facilities in the neighbourhood as they currently do. These concerns are predominantly based on anticipatory fears of encounters with the programme residents or programme absconders which would result in verbal and/or physical abuse. These matters were the subject of consideration in the SIA based on the Social Assessors' understanding of the community and obtained community feedback.

76. Any programme outings will require approval and the majority will be accompanied by staff members. Unsupervised outings which are limited to 2 hrs will need individual approval and will be based on a detailed assessment of the resident requesting the unsupervised outings. The majority of supervised outings will be carried out using the facility's private vehicle due to the distance to these locations and some may be by foot. I note that Dr Cording concludes that the risk of reoffending or absconding during outings is low.

77. The proposed residential programme plans to implement similar safety procedures, house rules and communication strategies as Tai Aroha. I understand these have proven to be effective management practices.

78. I consider that Dr Cording's expert advice, the findings of the literature review as well as the analysis of Tai Aroha Hamilton are relevant. This supports the view that the likelihood of material harm to the population from activities undertaken at the facility or from programme residents would be low.

79. Privacy concerns have also been raised in submissions. These relate to programme residents' ability to overlook/observe private outdoor areas and see into upper storey windows and/or garages. There is an anticipatory fear of surveillance relating to programme residents' potentially monitoring neighbourhood activities and conversations in order to commit future crimes. Consequentially, submitters state that they would need to change their living patterns, reducing use and time in private outdoor areas and keep blinds or curtains closed. Most comments of this nature concern community members who reside in properties immediately adjacent to the facility (e.g. No. 20 Bristol Street). The SIA considered privacy concerns of this nature. As mentioned in paragraphs 24 – 25 above, the Applicant has excluded programme residents' from the north-western corner of the Site, the Berry Street frontage and the side curtilage adjoining No. 11 Berry Street. Obscure glazing is proposed to the fenestration fronting Bristol Street and that of the proposed Dining Room on the Berry Street frontage. I consider that these measures along with the on-site security measures adequately restrict opportunities for overlooking from the Site when compared to a permitted

Community Corrections Facility. While the built form on the Site is single-storey and the means of enclosure to the northern shared boundary with No.20 Berry Street will be replaced with a concrete wall, from submitter descriptions there remains a potential for overlooking which may be easily addressed with the use of patterned glazing to certain windows at the facility or the application of a decorative panel to the top of the boundary wall.

80.Noise from the facility causing amenity disruption to neighbouring properties has also been raised as a potential effect. I note that the use of the outdoor area will be subject to approved activities and a curfew. Additionally, the House Rules seek to control noisy activities (e.g. the playing of loud music). Night-time hours movements of programme residents will be contained to the Site. It is noted that this is unlike other households who can move more freely. I do not consider that the facility would create noise disturbance for surrounding residential properties greater than would otherwise be anticipated from permitted residential activities on the Site.

81.I note comments made in submissions concerning on-street parking. Mr Milne, Council's Traffic Advisor is the relevant expert on parking demand, and I defer to his conclusion, in particular concerning the difference between the Proposal and a permitted Community Corrections Facility. The only comment I make is that exacerbated parking demand may lead to some of the community who rely on on-street parks being displaced further from their property impacting their current routine which may lead to feeling at odds with the staff/ facility. I note that programme residents will not have access to their own vehicles and that evening and night staff parking can be met by the proposed on-site car parks.

82.I consider that the potential social effect on way of life for the local neighbourhood is initially a moderate negative impact and will decrease over time to a low effect on the basis that the programme's management regime will be implemented and that the community will have the opportunity to be actively engaged with, and have a forum to advise on, programme management reviews.

Sense of place and character

83.It is apparent from the submissions that the local neighbourhood area is a valued one to this community, being family orientated, pleasant of character, with good access to services and facilities.

84.The visual appearance of the Site will remain essentially the same as existing, with modest boundary changes proposed that are not dissimilar to works being undertaken as part of renovations and new builds occurring in the local area. The proposed Landscape Plan stipulates boundary native mix planting which will be maintained as part of the overall upkeep of the Site. I do not consider that the physical appearance of the facility will have any social effects on the community.

85.Some submitters have raised sense of place concerns regarding the volume of visitors to the Site and their congregation outside the premises before their allotted time. programme visitations will only occur on Saturday afternoons. For the remainder of the week the visitors to the Site will be confined to external staff supplementing permanent on-site staff to facilitate the programme and occasional deliveries or maintenance visits not dissimilar to other residential activities. I acknowledge that having regular gatherings outside a property could be unsettling and be considered to detract from this community's sense of place. As such, I recommend that an area within the facility is dedicated as a visitor reception area to allow for direct access to the premises upon arrival to avoid gathering and waiting on-street or within the grounds prior to an allocated appointment.

86Feelings of personal security and freedom in daily routines contribute to sense of place. The anticipatory fears discussed under Quality of Environment and Way of Life, have the potential to impact or change the existing sense of place. Comments in some submissions relate to the neighbourhood's reputation as a friendly and safe environment, and the potential for this desirability to be eroded as a result of the Proposal. Supportive submissions from the local community do not share this view.

87.The SIA analysis found programme residents of Tai Aroha Hamilton kept a low-profile and neither contributed or detracted from social cohesion or the character of the community. There was no reference to concerns regarding property values in the local neighbourhood surrounding Tai Aroha Hamilton. This is attributed to the safety procedures and house rules being effectively enforced at the property. The overseas research referred to concludes that there is little or no impact on property values or character of an area at

throughout the operational phase. I acknowledge that in the planning phase and initial development phase associated with secure facilities, the studies found in a small number of cases that property values can be impacted but this was largely attributed to the anticipated fears of the receiving community.

88. Based on the above, I consider that the Proposal's planning phase has potential for moderate negative impact on the local neighbourhood's sense of place but is likely to be temporary and diminish over time. A key factor in this, is the effective implementation of the operating procedures at the Site and consequently adopting a 'low profile' as concluded by the Social Assessors and supported by the Tai Hamilton evidence. I concur with the Social Assessors' conclusion that the Proposal would have a potential low negative effect on sense of place and character over the operational phase for the local neighbourhood area.

Health and wellbeing

89. The Applicant's SIA describes this assessment matter as relating to the physical, mental, social, and spiritual wellbeing of the local community with which I concur. Like the Social Assessors I cannot comment on cumulative psychological stress, and my comments therefore only relate to the potential social consequences of the Proposal for health and wellbeing.

90. It is evident that the anticipation of the Proposal's effects is causing considerable distress for some in the community. The submitters include individuals who have identified themselves as victims of violence and they have stated that the Proposal is leading to heightened stress and anxiety due to this personal history. They go on to indicate that these wellbeing effects would escalate if the Site became operational. Others in the community have commented that their mental health is suffering while they deal with the pressures of the Resource Consent process and the level of anticipatory fears for their future safety and that of their family.

91. The research findings relied on in the SIA indicate actual community experiences of facilities of this nature once operational do not result in the anticipated fears and concerns the community held during the planning phase. The research indicates that once a facility has established itself as a good neighbour perceived fears diminish or become negligible over time. The community experience in general at Tai Aroha Hamilton supports this.

92. None of the information before me leads me believe that the proposed programme evaluation process and proposed on-site operating procedures will not be implemented. Monitoring and enforcement of consent conditions will ensure this. As such, I conclude that the facility would be managed effectively.

93. Moderate negative impacts on health and wellbeing are clearly being experienced by the receiving community with some individuals experiencing a higher degree of impact based on personal experience and levels of anticipatory fear. I agree with the Social Assessors that these planning phase effects should be temporary. With the implementation of all operating process and procedures over time these should reduce to low for the local neighbourhood community as a whole. I accept that an element of the community may remain unchanged with continued stress and anxiety.

Conclusion

94. Social effects associated with the Proposal are primarily related to anticipatory fears expressed by the community and are concentrated within the local neighbourhood surrounding the Site. These are predominately concerned with the risk of personal harm (physical or verbal) and property security. Some concerns relate to amenity matters. There is a sentiment in many of the submissions that the Applicant will not be able to manage the facility appropriately.

95. I consider that the Application includes a number of measures and procedures that if adhered to, and I have no evidence to say otherwise, will provide an appropriate level of security and control for the Site and for the management of the proposed programme. Where I consider potential effects could be ameliorated, I have made recommendations for the inclusion of additional measures.

96. Community engagement and the responsiveness of the facility to community concerns will be the key to its successful integration into the local neighbourhood area. For this reason, I have recommended additional measures to allow for increased information flow and methods of communication building on the Applicant's proposed measures.

97. I recognise that some members of the community may not become comfortable with these operations and continue to perceive there is a risk to their safety and alter their way of life accordingly. For the reasons outlined above, I consider that with appropriate mitigation the overall social effects of the Proposal will be moderate to low and that this situation that would be reached over time. In the context of the RMA, I consider the overall potential social effects of the Proposal will be more than minor before reducing to minor.

Additional Mitigation measures

98. Should Council be mindful to grant consent, I consider that the following matters should be provided to mitigate the potential social effects of the Proposal:

99. Matters for discussion at hearing:

- Additional on-site screening to No.20 Bristol Street to address potential privacy effects and overlooking from the outdoor social area and living quarters which are north facing.
- Co-ordination with Salisbury Street Foundation with respect to facilities to be used by residents and outing destinations.
- A minimum of three (3) staff members will be present on the site during visitation sessions to allow for one staff member being always available to complete resident and perimeter checks.
- A visitor reception area is provided to allow for direct access to the premises upon arrival to avoid gathering and waiting on-street or within the grounds prior to the allocated appointment.

100. Matters for Conditions:

- The Restricted Areas shown on the Operations Plan should be specifically cross referenced in a condition to control the exclusion of access for residents in these areas.
- The draft House Rules/Kawa and the Operations Manual condition should be explicitly extended to include interactions with the wider community / conduct on external excursions.
- In addition to the requirement to maintain a complaints register including any responses or investigation outcomes, a more comprehensive complaints management process should be defined of which the acknowledgement of a complainant within 24 hours is just one step.
- A nominated community liaison person to be appointed as the main and readily accessible point of contact for the community. Appropriate steps to advise the community of this person's details (name, telephone number and email) must be undertaken such that all members of the community can access these contact details. This person should be available by phone during reasonable working hours, seven days per week, determined in consultation with the CLG. If the nominated community liaison person is not available for any reason, an alternative person must be put forward.
- With respect to the proposed CLG, the residential community membership quota should be at least four (4), to allow for wider representation of and engagement with the community is achieved. I consider that invitations should be issued to the following:
 - All submitters
 - All properties on Bristol Street, Berry Street, Springfield Road; and Clare Road identified on the Local Neighbourhood Area at Figure 2 of the SIA
- In addition, invitations to participate in the CLG should be extended to the following key community stakeholders:
 - Rehua Marae
 - St Albans Residents Association
 - Local Schools (Elmwood Normal School, Ferndale School, Rangī Ruru Girls School, Selwyn House Pre School and School, St Albans School, St Margaret's Preschool and College)
 - Police

- The CLG should allow for membership of other person(s)/organisations that the committee considers should be members in order for the CLG to assist Ara Poutama to review, monitor and respond to any effects on the community arising from the operation of the facility.
- Requirement for the CLG to be established as part of the Build-Up phase and as early as possible to allow for the community involvement at this pre-operation phase and has the opportunity to comment on the House Rules/Kawa and the Operations Manual.
- 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.
- Ongoing monitoring and evaluation of the programme which will include a review of the social impact of the facility on the surrounding community. From a social perspective, it is recommended that a review is completed following 12 months of operations at the facility and the findings reported to the CLG for comment and development of procedures for responding to identified concerns

101. In addition to the above, I would also encourage the following:

- Nomination of community leaders to the Facility's board
- Open Day prior to occupation but post facility upgrade to allow the community an opportunity to inspect the facility, meet all staff who will be working at the site, the nominated community liaison person and appointed CLG. Copies of the House Rules/Kawa and the Operations Manual should either be made available for inspection or means to view them electronically provided.

Christchurch City Council
City Services Group
Planning and Delivery (Transport)

Memorandum

DATE : 29 June 2021

FROM : Andrew Milne, Senior Transport Planner, Asset Planning Team

TO : Emma Chapman, Senior Planner, Resource Consents Unit

SUBJECT : RMA2020/173 – Department of Corrections - Accommodation and Treatment Housing – 14 Bristol Street

1. I have reviewed the application for consent for accommodation and treatment of men on home detention or serving community-based rehabilitation sentences. In my assessment I have relied upon the information presented in the following documents:
 - a. Application and supplementary information provided prior to notification
 - b. Novo Group Integrated Transport Assessment, prepared by Simon de Verteuil & Rhys Chesterman (17 November 2020)
 - c. Response to request for further information (RRFI), prepared by Boffa Miskell (3 June 2021)
 - d. Additional parking survey information supplied by Novo Group (Bristol Street Spot Parking Survey, submitted 17 June 2021)
 - e. Summary of submissions

I am familiar with the surrounding road network and have observed the parking conditions in proximity of the site. This report supplements the Council Transport advice provided in Appendix 4 for the S.95A/95B Report to determine notification.

2. The current proposal varies from the original in that there is a reduction in resident numbers from 16 to 12 and an increase in staff numbers from 10 to 14. Based on a care facility activity which is closest in definition to that proposed, the District Plan requires a parking supply⁵⁵ of 4 on-site spaces, or 3 once the 23% parking reduction factor allowed for in the District Plan has been applied. This required parking supply is provided on site and as such the proposal complies with the District Plan requirements. However because the proposal would operate beyond business hours, the proposal is

⁵⁵ 12 residents @ 1 space per 5 residents + 14 staff @ 1 space per 6 staff = 4 spaces where staff and visitors requirements are rounded separately

assessed as a discretionary activity whereby Council has scope to assess all effects including the impacts on the surrounding road network.

Matters raised in submissions

3. Submitters have raised matters in relation to traffic and parking that can be grouped into the following key themes:
 - Inadequate parking for the activity
 - Increased traffic movements

Parking

4. Based on projected staff scheduling⁵⁶ a typical demand for 14 spaces is anticipated (noting that this increases to 17 during shift changeover time). Assuming one of the 4 spaces is allocated to the corrections vehicle, 3 spaces are available to accommodate staff demand resulting in a typical on-street demand for 11 spaces.
5. The parking surveys presented in the Transport Assessment and further supported by subsequent observations⁵⁷ reveal that there is space available outside the site and along Bristol Street to safely accommodate the 11 space parking demand.
6. I also note that some on street parking may occur under permitted residential uses of the site that could result in an on-street parking demand of up to 5 parking spaces. On the basis of the information provided I consider the effects of on street parking associated with the proposal on the safety and efficiency of the immediate surrounding road network to be acceptable.

Increased Traffic Volumes

7. In terms of the traffic impact of the proposal I consider the road network capable of accommodating the estimated 54-62 vehicle movements per day and concur with the RRFI statement ⁵⁸ that this is not a significant scale of traffic and is potentially akin to an otherwise permitted residential (or other) development on the same site.
8. The impacts on the surrounding road network have been assessed within the Novo Group Transport Assessment and further clarified in the RRFI. The parking and trip generation estimates are based on a first principles approach using conservative assumptions of car occupancy, mode choice and all staff in attendance on site at the same time and from that perspective I consider the assessment to be robust.

⁵⁶ RFFI Appendix A response # 28

⁵⁷ Parking survey information, Novo Group Bristol Street Spot Parking Survey, submitted 17 June 2021

⁵⁸ RFFI Appendix A response # 29

Conclusion

9. Overall the effects of additional on street parking associated with the proposals are likely to be marginal given the extent of parking space availability in the vicinity of the site. Further the change in trip generation is likely to be similar to what may occur under permitted residential uses of the site. Therefore from a road safety and efficiency perspective I am of the view that the proposal will have no discernible adverse transport effects in comparison to what may occur on site under a permitted residential activity.