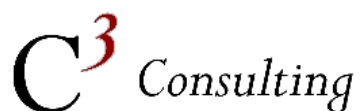




Independent Review of  
Christchurch City Council's  
Response to Protests and Occupations  
October 2021 – April 2022

**Reviewer**

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## Executive Summary

The Christchurch City Council's response to the protest marches, gatherings, and occupations of reserve land, which occurred between November 2021 and April 2022, presented significant challenges for the Council. Finding a balance between their responsibilities to provide protection and support to the wider community and community assets through the appropriate application/enforcement of the City's Bylaws, while supporting the fundamental rights and freedoms of every New Zealander provided through the New Zealand Bill of Rights Act, at a time when the level of national and international emotion around Covid restrictions was high, was complex.

The actions available to the Council were further complicated by the realities and increasing risks developing out of protest actions in other locations, most notably in Wellington where an occupation of Parliament Grounds occurred in February 2022, but also from observing similar protests overseas where violent incidents had occurred. These increased safety and risk concerns for events in Christchurch.

Additional challenge came from the need to work in close partnership with the New Zealand Police to develop an understanding and shared approach about what enforcement options were available or appropriate to both partners.

The disruption faced by the wider community varied from moderate i.e., having to find alternative travel routes during the marches, to significant for residents of Cranmer Square and surrounding areas, Cathedral Grammar School, and businesses in the CBD and along march routes who were all adversely affected in some manner.

Overall, I have found that the Council's response was understandable and for the most part appropriate, given the circumstances and wider national concerns. That said, the period between October and January presented particular challenges during which, in my view, Council's response could have been better. These are addressed in the recommendations section.

Hindsight is always 20/20 and post event/s it is much easier to see what could be improved so I want to make it clear that in conducting the review, understanding the realities and complexities "at the time" was important and influenced the outcomes of this review. My recommendations have also been made on the basis that the priority for Council must always be, "*He aha te mea nui o te ao? He tangata, he tangata, he tangata.*" What is the most important thing in the world? It is people, it is people, it is people and the welfare of people on both sides of the protests had to be factored into any decision making by Council.

The report following addresses the requirements of the project scope as provided.

## Purpose of the Review

This review was commissioned by the Christchurch City Council, in partnership with the Canterbury Police, to review the Council's responses to both the protests, and occupations. The review is required to, *"identify what went well, what alternative actions could have been taken by the Council, and what lessons can be learnt from the decisions made so that any future events can be managed more effectively."*

The review does not include a review of Police actions, except as they related to assisting Council's response but noting that the relationship and engagement between the CCC and the Police is a core component to the response.

## Scope and Methodology of the Review

This review has been undertaken through face-to-face interviews and through information provided by a range of key stakeholders. These included residents of Cranmer Square, the Burwood East Residents Association, Cathedral Grammar School, Elected Members (Council and Community Board), Council staff, NZ Police, and through a review of all relevant legislation, Bylaws, and other relevant documentation.

The review focuses on four distinct elements, these being,

- Street marches and gatherings,
- Church related events on City reserves, (Cranmer Square and Hagley Park),
- The occupation of a section of Cranmer Square, and
- The occupation of a section of the City's Residential Red Zone (RRZ)

Each of these events was distinct in its own right and in general, each event was not directly linked to any other as the grievances for each varied. However, there was some crossover of people between events, i.e., some occupiers of Cranmer Square moved to the Residential Red Zone after leaving the Square.

## Acknowledgements and Disclaimer

The open and forthright contributions of all interviewees is appreciated. During the process of interviews, a range of perspectives was articulated, and I have attempted to capture the essence of the experiences shared whilst remaining focused on the core questions. What went well? what alternatives could have been considered? and what "lessons identified" can be turned into "lessons learned" by implementing accepted changes in system and process within the Christchurch City Council?

I also wish to make clear that this report does not reflect on or comment about the legitimacy or appropriateness of the protests and occupations beyond where these activities intersect with existing national legislation and local bylaws.

## Background

From October 2021 to April 2022 a number of groups undertook various forms of protest action and other activities in Christchurch City which included a range of issues, predominately in opposition to the Government's Covid-19 vaccine mandates and lockdown policies<sup>1</sup>. These activities included protest street marches and gatherings, Destiny Church related events on City reserves (Cranmer Square and Hagley Park) following their exclusion for their normal venue due to the vaccine mandates, and occupations of sections of both Cranmer Square, briefly Latimer Square, and the City's residential Red Zone.

Christchurch City Council (CCC), as the local authority responsible for Christchurch City, is charged under the [Local Government Act 2002](#) with a wide range of both responsibilities and powers intended to "Provide for democratic and effective local government that recognises the diversity of New Zealand communities and to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future."

To deliver on those responsibilities, the Council is provided with powers to make bylaws which The Act expects will be used (in part) "*to protect the public from nuisance, to protect, promote and maintain public health and safety, and to minimise the potential for offensive behaviour in public places.*"<sup>2</sup>

In context of this review, the following Bylaws are referenced.

- General Bylaw (2008)
- Traffic and Parking Bylaw (2017)
- Parks and Reserves Bylaw (2016)
- Public Places Bylaw (2018)
- Freedom Camping Bylaw (2021)

Also relevant to this review is overriding national legislation which includes the,

- New Zealand Bill of Rights Act (1990)
- Local Government Act (2002)
- Policing Act (2008)
- Land Transport Act (1998)
- Health and Safety at Work Act 2015

## TimeLine of Events

The following details the timeline for the protest marches, gatherings, and reserve occupations.

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<sup>1</sup> Timeline for key events <https://covid19.govt.nz/about-our-covid-19-response/history-of-the-covid-19-alert-system/>

## Marches and protest gatherings

- 2 October – Cranmer Square
- 16 October - Cranmer Square
- 30 October – Cranmer Square
- 13 November – Cranmer Square (first Freedom and Rights Coalition march)
- 20 November – Cranmer Square
- 4 December – Cranmer Square
- 11 December – Hagley Park
- 18 December – Cranmer Square
- 1 January - Cranmer Square
- 8 January – Hagley Park
- 22 January - Cranmer Square
- 19 February - Cranmer Square
- 26 February - Cranmer Square
- 6 March - Cranmer Square
- 12 March - Hagley Park
- 26 March – Hagley Park

## Destiny Church services

- 5 December – Cranmer Square
- 12 December - Cranmer square
- 19 December - Cranmer Square
- 26 December - Cranmer Square
- 9 January - Cranmer Square
- 27 February - Cranmer Square

## Occupations

Cranmer Square - 14 February to 9 March

Latimer Square – 10 – 12 April

Residential Red Zone - 2 April 2022 to 8 May

**Note:** A small three-person anti-lockdown protest was held in Christchurch on 19 August at the Bridge of Remembrance which was the first indication of protest activity in the City.



## National Legislation

National legislation relevant to this report includes,

### New Zealand Bill of Rights

The [New Zealand Bill of Rights Act \(1990\)](#) endows the citizens of New Zealand with a wide range of democratic and civil rights. Relevant to this review are the provisions in Part 2 of the Act, these being.

- S13 Freedom of thought
- S14 Freedom of expression
- S16 Freedom of peaceful assembly
- S17 Freedom of association
- S18 Freedom of movement

Without exception all of the people interviewed during this review affirmed that the issues faced by the CCC and response to them were not contrary to the provisions of the Bill of Rights and those asked directly were clear in their support of the Bill of Rights. The responsibilities and focus for CCC staff related only to the disruptions to the wider community, and the illegal occupations of reserve areas which breached the City's Bylaws.

### Local Government Act

Part 8 of the [Local Government Act \(2002\)](#) details the Regulatory, enforcement, and coercive powers of local authorities. Section 145 of the Act provides that,

*"A territorial authority may make bylaws for its district for one or more of the following purposes:*

- (a) protecting the public from nuisance:*
- (b) protecting, promoting, and maintaining public health and safety: (c) minimising the potential for offensive behaviour in public places."*

Section 146 (1,b,vi) provides powers to Local Authorities to make Bylaws covering reserves, recreation grounds, and other land under the control of the territorial authority, for the purpose of,

*"managing, regulating against, or protecting from, damage, misuse, or loss, or for preventing the use of, the land, structures, or infrastructure."*

Relevant Bylaws are reference later in this report.

### Policing Act

The [New Zealand Policing Act \(2008\)](#) Section 8 establishes the Principles under which the New Zealand Police discharge their duties. These are that;

- (a) principled, effective, and efficient policing services are a cornerstone of a free and democratic society under the rule of law:*
- (b) effective policing relies on a wide measure of public support and confidence:*
- (c) policing services are provided under a national framework but also have a local community focus:*
- (d) policing services are provided in a manner that respects human rights:*
- (e) policing services are provided independently and impartially:*
- (f) in providing policing services every Police employee is required to act professionally, ethically, and with integrity.*

In situations such as those addressed in this report, if Council requires the exercise of powers beyond those available through the Bylaws, Council must rely on the support of and work in partnership with the NZ Police.

### Land Transport Act

Section 22AB (1) of the [Land Transport Act \(1998\)](#) gives authority to Road Controlling Authorities (i.e., councils) to make any bylaw that it thinks fit for specific purposes including prohibiting or restricting parking, providing for the removal of vehicles in breach of Bylaws, and, regulating any road-related matters not addressed by paragraphs (a) to (zj), including (but not limited to) enhancing or promoting road safety or providing protection for the environment.

### Health and Safety at Work Act (2015)

The purpose of this Act is to provide for a balanced framework to secure the health and safety of workers. This Act aims to protect workers and other persons against harm to their health, safety, and welfare by eliminating or minimising risks and this encompasses all workplaces. In context of the events reviewed in this report, all public places where Council staff are normally active are deemed as workplaces.

As a person conducting a business or undertaking (PCBU) as defined by the Act, the health and safety of all staff engaged in the response to the protests, marches, and occupations was a high priority for the Council.

### Christchurch City Bylaws

The following provides context as to how each Bylaw either underpinned the CCC response and/or, how the Bylaw was potentially or actually breached during the course of events.

### General Bylaw (2008)

The CCC General Bylaw makes provisions which are common to, and form part of all other Bylaws made by Council. Section 10 of the General Bylaw details provisions for offences and breaches. S10 details that:

*(1) Every person who commits a breach of any Bylaw commits an offence.*

*(2) Every person commits a breach of a particular Bylaw who –*

- (a) Does, or causes to be done, or permits or allows to be done or be concerned in doing, anything whatsoever contrary to or otherwise than as provided by that Bylaw; or*
- (b) Omits or neglects to do, or permits or allows to remain undone, anything which according to the true intent and meaning of that Bylaw, ought to be done by that person at the time and in the manner provided in that Bylaw; or*
- (c) Does not refrain from doing anything which under that Bylaw that person is required to abstain from doing; or*
- (d) Permits or allows any condition of things to exist contrary to any provision contained in that Bylaw; or*
- (e) Refuses or neglects to comply with any notice given to that person under that Bylaw; or*
- (f) Obstructs or hinders any officer of the Council or other person duly appointed or authorised by the Council in the performance of any duty to be discharged by that officer or person under or in the exercise of any power conferred by any Bylaw; or*
- (g) Fails to comply with any notice or direction given under that Bylaw; .....*

### **Traffic and Parking Bylaw (2017)**

The CCC Traffic and Parking Bylaw was made under the Land Transport Act 1998 and the Local Government Act 2002. The purpose of the Bylaw is to set out the requirements for parking and control of vehicular or other traffic on any road or area under the care, control, or management of the Council.

Section 23 of the Bylaw addresses events on or affecting a road. 23 (1) states that,

*“No person may hold an event that affects the normal operating conditions of a road unless the person has prior written permission of an authorised officer.”*

An explanatory note is added to the section noting that: *“An event includes major public events (such as the Christchurch Marathon and the Santa Parade), as well as community events (including street parties). Organisers of all events held on or affecting public road need to apply to Council for an Events Permit and supply all necessary information to support an event permit application.”*

### **Parks and Reserves Bylaw (2016)**

The CCC Parks and Reserves Bylaw is made pursuant to the Local Government Act 2002 and

the Reserves Act 1977 with purpose stated being, “to provide for the orderly management and control of parks and reserves vested in, administered by, or under the control of the Council for the benefit and enjoyment of all users of those parks and reserves.”

Part 2 of the Parks and Reserves Bylaw contains several specific restrictions to activity on a reserve, the key provisions being:

*6.1 Without the prior written permission of an Authorised Officer, no person may in a reserve —*

*(b) erect, construct, make, bolt, fix or place any structure, path, or track, climbing aid, recreational or play equipment, or sign*

*7.1 No person in a reserve may —*

*(a) intentionally obstruct, disturb, or interfere with any other person’s use or enjoyment of a reserve; or*

*(b) drive or ride a vehicle within any reserve area where vehicles are allowed in a manner, which having regard to all the circumstances of the case, is or might be dangerous to the public or to any person.*

*9.2 No person may without the permission of an Authorised Officer —*

*(a) stop or leave any vehicle so that the vehicle obstructs an entrance to, or path or track in, the reserve; or*

*(b) park any vehicle, other than a bicycle, in any reserve except in a place set aside by the Council for the parking of vehicles, and unless the person in control of the vehicle intends to remain in the reserve while the vehicle is parked.*

*11.1 No person may camp in a reserve unless —*

*(a) it is in an area specifically set aside by the Council for camping, and the person has paid any camping fees set by the Council from time to time; or*

*(b) that person has obtained the prior written permission of an Authorised Officer to do so.*

**Note:** In addition to Bylaws, some reserves have specific management plans which provide additional context and details the purpose of the reserve i.e., the Hagley Park Management Plan (2007). Cranmer Square, Lattimer Square, and the Residential Red Zone, do not currently have specific management plans although there are details around permitted uses or restrictions for both Cranmer and Lattimer Squares.

The Residential Red Zone (RRZ) rules are less clear, however following the CCC’s formal acquisition of parcels of the RRZ from the Crown a Policy has been established (September 2020) addressing the use of the land. The Policy does not provide for or address occupations such as occurred in early 2022.

### **Public Places Bylaw (2018)**

The Public Places Bylaw was made under the provisions of sections 145 and 146 of the Local government Act 2002.

The purpose of the Bylaw is to, *“enable the management of public places in order to balance the various different, and sometimes competing, lawful uses for which public places may be used. It seeks to provide for reasonable controls to protect health and safety, to protect the public from nuisance and to provide for the regulation of trading in public places.”*

Section 9 of the Public Places Bylaw states that:

*(1) No person may hold an event in a public place unless the person has the written permission of an authorised officer.*

An explanatory note is added to the Bylaw stating that.

*“Organisers of all events held in a public place need to apply to Council for an event permit and supply all necessary information to support an event permit application, except where approved by an authorised officer under the Parks and Reserves Bylaw.”*

Section 11 of the Public Places Bylaw states that,

*(1) No person may build, construct, erect, affix or place anything in, on or over a public place, and allow it to remain there in circumstances where it causes or is likely to cause danger or inconvenience to others using the public place, without written permission under clause 5(2) of this bylaw.*

### **Freedom Camping Bylaw (2021)**

The Freedom Camping Bylaw was made under the provision of the Freedom Camping Act 2011.

The purpose of the Bylaw is to, *“control freedom camping in the district in order to:*

- (a) protect local authority areas.*
- (b) protect the health and safety of people who may visit local authority areas.*
- (c) protect access to local authority areas.”*

Section 5 of the Bylaw states that,

*(1) No person may freedom camp in any local authority area in any tent, temporary structure, or in any vehicle that is not a certified self-contained vehicle, unless:*

*(a) the area is set aside as a camping ground; or Freedom Camping Bylaw 2022*

*(b) the person has prior permission from the Council for an organised event under clause 9 of this bylaw.*

Section 6 of the Bylaw notes that *“No person may freedom camp in any prohibited area”* and provides details (schedule 1) of the prohibited areas.

Schedule 1 defines the Central City Prohibited area as being:

*“Christchurch Central City – all Council-owned and/or -managed land between and inclusive of Bealey Avenue, Fitzgerald Avenue, Moorhouse Avenue, Deans Avenue, Harper Avenue,*

*and Little Hagley Park.”*

Schedule 1 also identifies the Christchurch Urban Restricted Area as being:

*“Christchurch City – all Council-owned and/or -managed land in the greater City urban areas, including Lyttleton, Cass Bay, Corsair Bay, Rāpaki and Governors Bay, excluding and bounded by prohibited areas.”*

**Note:** The sections of each Bylaw identified in this report are, in my view, the most relevant to this review. However, I note that for brevity a full explanation of each Bylaw is not included but also note that a review of the Bylaws in response to the events was undertaken by Christchurch City Council’s Legal and Democratic Services (under legal privilege) and these opinions have been considered.

### Bylaw Penalties

Each Bylaw identifies penalty provisions for breaches of the bylaw which states that a breach of the Bylaw constitutes an offence under the relevant Act and is liable for an infringement fee (fine) as specified by the Act.

## CCC’s Initial Response Actions

### Protest Marches

The protest marches began from 13 November and generally commenced with a gathering at Cranmer Square. Central to each protest was the parking of a truck, (initially on the road verge but later on the reserve) which was fitted out with a large sound system which the leaders used to address the participants.

The early gatherings at Cranmer Square were responded to by the Council’s Events team, with emails sent to TFRC requesting details of planned gatherings and setting out restrictions on using the Square.

At the commencement of the first protest march on 13 November, CCC’s initial response was led by the Manager – Transport Operations and staff were focused predominantly on the issues of traffic management and public safety. Police were engaged and provided support from the outset and CCC communications staff were engaged early in the process, as were staff from other areas within Council.

However, no formalised response structure was initiated until the occupation of Cranmer Square began in early February when the General Manager (GM) - Infrastructure, Planning, and Regulatory Services (IRPS) established a semi-structured Incident Management Team (IMT).

The IMT consisted of staff with responsibilities for the following areas:

- GM, IPRS (lead)
- Programme Director, Strategic Support, IPRS
- Transport and Parking
- Noise Control

- Parks and Reserves
- Policy (Bylaws)
- Legal
- Environmental Health
- Communications
- Mayor's Office

Police were invited and attended some of the meetings. Parks and Reserves staff were also included; however, their full engagement did not occur until ad hoc occupations began in January, followed by the semi-permanent occupation on 14 February when the Head of Parks delegated the City's Head Ranger as primary liaison with the occupiers.

IMT meetings were held regularly and coordination between areas of responsibility did occur, however it appeared clear from comments made by interviewees that initially the coordination could have been improved and that the initial response was, in the words of one interviewee, a little "disjointed". Detailed notes of decisions taken at the meetings were not kept so verification of the process has not been possible.

### NZ Police Engagement and Coordination

Christchurch Police became involved with the CCC response from the outset of the marches. Initial engagement between CCC and the Police required the development of a shared understanding between the partners around the leadership of the response as this was (understood to be) the first time CCC and the Police had engaged in a joint tactical operation of this type.

Early discussions provided clarity and agreement was reached that CCC were to be the "Lead Agency" with Police providing support and information as relevant. The Police Metro Commander was actively involved throughout, however the Police Area Prevention Manager – Metro took operational command of Police activities and was the key link between CCC and the Police.

It has been noted however that one of the challenges that Council staff faced was that the Police operational commander changed regularly which meant that the regular and consistent understanding of what was agreed had to be achieved through the Intelligence unit of the Police, however this did not always result in consistent reactions and response decisions to events.

Initial challenges centered around what could actually be done to reduce the impact of the protests from both a Police operational and legal standpoint. This influenced the speed and potentially nature of the response, as was the knowledge of what had occurred at other protests around the Country from August 2020 onwards. The legal issues were significant and there was, and remains, a difference of legal opinions between the Police and CCC in some areas, however understanding agreement was reached over time as to how powers would be exercised.

Throughout this time the CCC legal staff provided active support to staff dealing with the response and assisted with the development of information which in time was provided to

affected residents, and to the protestors/occupiers.

## Impacts on the Community

### Protest Gatherings, Marches, and Destiny Church Events

As noted previously, the disruption and disturbance to the wider community varied. Protest marches on the City's streets disrupts traffic flow, inconveniences road users, and can adversely affect local businesses, although these disruptions tend to be short term as the march progresses.

The gatherings and later Destiny Church Services were a different story and had a far greater impact on the residents around Cranmer Square, its environs, and during marches in the Central Business District (CBD) which adversely affected businesses in the vicinity.

Media reports at the time recorded the affected resident's reaction as being, *"Dismayed and disappointed, (and) some have expressed their frustration at the inability of the council and police to halt the occupation."*

The disruption to their lives left some frightened by the activity and feeling intimidated by the behaviour of some people, the noise affected residents around Cranmer Square and its environs and both Destiny Church supporters on motorbikes and passing motorists who "voiced" their support left residents unable to feel safe and comfortable in their homes and, at times, unable to sleep.

During pre-March activities, and Destiny Church events, residents and passing public were subjected to the views being expressed by the leaders of the events which contained unwelcome content and delivered at a volume which prevented them from ignoring it. They were also affected by traffic and parking issues which also, in some cases, prevented residents from entering or leaving their properties.

Residents interviewed for this report expressed their concerns that communications with Council from the outset of the gatherings and church services was difficult and little response was received, or visible action taken between October and late December. This only began to improve somewhat following a letter sent to Council on 31 December by a lawyer engaged by residents. This stimulated a meeting between Council, Residents, Cathedral Grammar School, and the Police in January.

### Destiny Church Events

Destiny Church services held in Cranmer Square commenced on Sunday 5 December. This coincided with the Government's COVID vaccine mandate restrictions which limited numbers attending indoor events. Services were held weekly during December in Cranmer Square and further services were held up until 9 January, including one that involved food stalls and a truck on the Square with amplifiers.

Council wrote to the service organizer, Derek Tait, on 14 January seeking a meeting to discuss the church services and to advise him to defer from holding any further services until issues relating to compliance with Council's Bylaws could be resolved.



The church service on 9 January breached a number of Bylaws and District Plan provisions, including noise and driving vehicles onto the Square. While a meeting never eventuated, the regular church services stopped after 27 February.

### Central Business District and Other Areas

The predominance of marches began in Cranmer Square but culminated in gatherings in the Central Business District or the area around Riccarton Mall. The Square, Cashel St Mall, the Bridge of Remembrance, Papanui Road, Riccarton Road, and Riccarton Mall were all significant locations where protest activities took place and the effect on business in these areas was significant.

Although the difficulties for businesses affected is readily acknowledged, there is little the Council can or should do to prevent legitimate protest. If the actions of the protestors become unlawful, this falls to the Police to address, and Council should work to support Police with information and any other assistance requested.

### Occupation - Cranmer Square

The occupation of Cranmer Square began a week after the "Freedom Movement" occupation in Parliament grounds. Protest occupiers were a group of people not related to TFRC protest group. The occupation began with five tents set up on Tuesday 15th February and over time increased in size. The group kept largely to the southeastern quadrant of the Square.

On the day, the occupation began protesters were visited by Police and Council Parks staff. A discussion was had about the legality of camping in this area and printed copies of the local bylaw were distributed. At this point the group numbered approx. 12-15 people, about a 1/3rd being children. The group claimed they had no leader, which made it challenging for the conversations.

The Police and Council staff met with the protesters on a daily basis. They were encouraged to consider alternative locations for their protest, away from a residential area, but alternative options were not taken up. Throughout the protest the occupiers spoken to made commitments to the Police and Council that they would try to minimise any disruption to residents, which was largely achieved.

Police and Council staff met or talked daily at both senior and operational levels. During this time, the Council IMT also met on a daily basis, and elected members and nearby residents kept up to date with the protest actions and Council/Police responses.

The occupation ended following the end of the Parliament grounds occupation, through a negotiated and managed process. The occupation of Cranmer Square was in breach of the City's Bylaws as identified earlier. The occupation however was in many ways of lesser impact on the residents of the area as the noise was significantly less, and the behaviour of most occupants was reasonable. However, this was an occupation in contravention of the City's Bylaws and in the eyes of residents affected, thought Council should have moved more quickly to remove them.

Lessons have already been identified by some CCC staff and provided they become “lessons learned” by implementing changes/improvements, the response to any future event should be better, but I note that people are not like graffiti which can be painted out quickly so some degree of patience and understanding may always be necessary as the situation unfolds to help prevent escalation and potential violence from occurring.

This was the focus of all Council’s interactions with the protesters which is most likely contributed to the protest occupations being concluded peacefully.

### Cathedral Grammar School

The occupation of Cranmer Square from 15 February did provide concerns for Cathedral Grammar School around the potential adverse effects for their school community. Of special concern was the legal right of way (Chester St West) which runs through the school between Cranmer Square and Park Terrace.

This concern was dealt with between the School and Council quickly with permission given to close the gates to the street which solved movement through the grounds by people not associated with the School. Further concerns included the possible use of the School gardens as a surrogate toilet (although there was no clear evidence this had occurred), and about the effect on the pre-school from the behaviour and language of some of the occupiers as it was closest to the reserve.

Communications between the Council and the School was viewed as being very good after the Principal reached out to Council for information and support in January. From that point on very good support was provided to the School by both Council and the Police who kept a regular presence on site. These actions gave the School Community confidence.

Although the effects on the School were not as serious as they could have been, the Principal was very conscious of the potential risks and of the effect the occupation was having on local residents. In discussing future use of the reserve, the Principal confirmed that the School does make use of the reserve and would need to be consulted on any changes. Recommendation 4 following supports this.

### Occupation – Residential Red Zone (RRZ)

The occupation of the RRZ occurred between 2 April and 8 May. It was clear from all interviews that the makeup of the occupation group and the reasons they were there were different to the Cranmer Square event, but in many ways more challenging with claims of Mana Whenua being made and with other social support issues being in clear evidence.

As a reserve only issue, leadership of the response was provided by the Head of Parks, reporting to the General Manager – Citizens and Community.

The Burwood East Residents Association (BERA) were approached for their feedback and advised that during the first week, prior to the actual occupation of land in the RRZ, there had been individuals surveying the area and temporarily freedom camping. When more people arrived from other protest gatherings, i.e., Wellington, Cranmer Square, etc., they removed fences and padlocks which had been placed to stop vehicles going onto the RRZ.

Community members noticed the influx of people and were advising BERA and Waitai Coastal Community Board members but noted that it took a further week before the community received any direct response from the Council.

Following on from the occupation in Cranmer Square, the experience gained in dealing with an occupation was used effectively when responding to the Residential Red Zone and a small IMT was established to address the occupation. The IMT met regularly, and internal communications occurred daily. Communications between Council and Residents were effective with neighbours taking heed of Council's advice and exercising patience while the issues were dealt with.

The occupation of the RRZ was different to Cranmer Square in other ways in that more significant damage was done to the reserve (breaking of locks, removing fences, using trees on the land to fuel fires, and digging a vegetable garden) and issues of health and safety were greater with the confirmed use of the gardens/bushes used as an open toilet.

## What worked Well

There are many aspects of the CCC's response to the events which worked well. The partnership with the Christchurch Police developed and strengthened during the course of events and the greater understanding and relationships built will provide significant benefits to both parties in the future.

The CCC staff who responded to the events were initially challenged by a great deal of uncertainty and they worked hard to understand the issues, and to develop an effective response to the difficult issues they faced. As noted earlier, this was further influenced by events developing nationally and by observing events in other countries. The priority throughout was to do their utmost to minimise the effects on the City and to respond to events driven by people who were clearly unwilling to engage or cooperate with Council, or with the Police. At the time this led to an understandably reactive response rather than proactive.

The interface between the Occupiers of Cranmer Square and the RRZ and Council were led by senior members of the Councils Parks and Reserves Department, well supported by Police.

Throughout those interactions staff worked hard to build a mutually respectful engagement and to provide information to the occupiers in a way that it was clear about what Council's issues were, what the response would be, and over what timeframe it would occur. This was not an easy task as there was no actual leadership within the occupying groups and the grievances, they were protesting about were not consistent.

Council and Police Staff who dealt with the occupiers did so in a way which was a credit to both organisations, especially given the makeup of the occupations and the complexity of issues they had. In my view their actions helped to prevent an escalation and directly led to peaceful resolutions to both occupations.

Communications improved following a slow start and the support provided by CCC Communications Staff was extremely important across numerous aspects of the response.

## What can be Improved

### Managing “out of the ordinary” events

Large organisations are generally well versed at their core business roles and for the most part is effective. Where organisations “trip up” is often when adverse events occur which are outside of the normal business as usual activities and normal operational processes are challenged. Natural hazard events are a perfect example and Christchurch City Council is no stranger to these.

Large organisations also typically have silos of responsibility which day to day may not interact a great deal but in a response to an “out of the ordinary” event, these need to adapt and change quickly. Staff leading the response must be nimble enough to set aside their “business as usual” roles and must take on an organisation wide strategic approach to the problem they are faced with. They must also assemble, task, and be supported by, an experienced, well-balanced, and integrated team.

The early gathering and use of valuable information (intelligence), the council of wise heads to help develop contingency plans, a strong connection with those most affected, consistent, and transparent communications, and the safety and welfare of all those affected are all cornerstones to responding effectively.

Although as noted earlier, CCC did establish an IMT after a period, this was not as successful as it could have been, and recommendation 1 following proposes a more structured and integrated approach to managing adverse events.

### Invoicing

The decision to invoice Destiny Church for the costs of traffic management created issues for Council, both internally and externally. Although charging the organisers of an event for the costs of providing services which would otherwise be borne by ratepayers can be reasonable and appropriate, the circumstances surrounding the marches in these instances was problematic.

There was a disconnect between Council Leadership and Elected Members, specifically with the Mayor who, with a desire to reduce the heat of the current situation met with the leader of Destiny Church against her better judgement. This led to the charges being cancelled which was not well received by the community most affected by the events.

Recommendation 6 following is provided for consideration before any future charges are made for similar circumstances.

## Recommendations

### 1. Incident (Event) Management Team (IMT) Structure

In 1998 New Zealand first introduced the use of the Coordinated Incident Management System (CIMS) as the framework for responding to major events by all Government organisations. Although this was focused predominantly on a response to larger scale emergencies, i.e., earthquakes, floods, fires, etc., the framework and functions contained in it can be adapted by any organisation to deal with any type of adverse event.

Christchurch City Council has a Civil Defence Emergency Management Team who use CIMS as the basis for their planning and response and my first recommendation is that CCC should develop and embed a separate organisational Adverse Event Management Process, based on the CIMS framework to prepare for and respond to any event which is not classed as “business as usual.”

Developing and implementing this structure would achieve multiple benefits including,

- Development and embedding of an integrated strategic and operational approach to any response
- The development of event leaders (The Controller) who are open, transparent, effective, and well supported across all Council functions
- Development of a core team of trained and experienced staff who understand their roles, how they link with other roles, and are not siloed in their approach
- Embedding of a framework of briefings and administration functions to ensure consistency of approach, and essential record keeping
- A strong link between the response and governance
- A strong focus on communications (internal and external) and,
- A focus on health, safety, and welfare of responders and affected people

Once in place and well communicated as being “the way we do things,” a much faster response to developing events is more likely and in doing so this would address much of the criticism levelled around the speed of Council’s initial responses.

To clarify why this would achieve better outcomes, a key part of Implementing a CIMS based structure is the intelligence function. Intelligence is the function that provides a detailed understanding of the incident and the ways in which it could potentially develop. It provides situational awareness and understanding for immediate decision making and forecasting and the identification of emerging risks to assist future planning.

Intelligence has four key questions to answer:

- What is happening now?
- Why is it happening?
- So, what, i.e., what does it mean?
- What may happen next / in the future?

While the first two questions require accurate and timely information on what is actually occurring now, the third requires analysis of the information against the wider context, and the fourth is usually described through at least two scenarios:

- The most likely way the incident will develop and
- The most dangerous/worst case.

This allows the Planning Function to address the worst-case scenario as well as the most likely (via action and contingency planning). Plans that cover both scenarios will generally be robust enough to anticipate the progression of an incident.

Had CCC had this structure effectively in place and the intelligence function been fully active from an early stage, it could have made a significant difference to the response decision making process and ensured earlier engagement with affected parties and (possibly) an earlier resolution to some of the issues.

Figures following illustrate a standard CIMS Framework (figure: 1) and how this might look with some of CCC's functions included (Figure: 2). However, it is important to understand that a CIMS structure is both modular and scalable and should be adapted to suit the realities and requirements of the event, i.e., not all functions may be required for any given event and an IMT could easily consist of as little as 4 – 5 people, provided they are integrated across all necessary council functions.

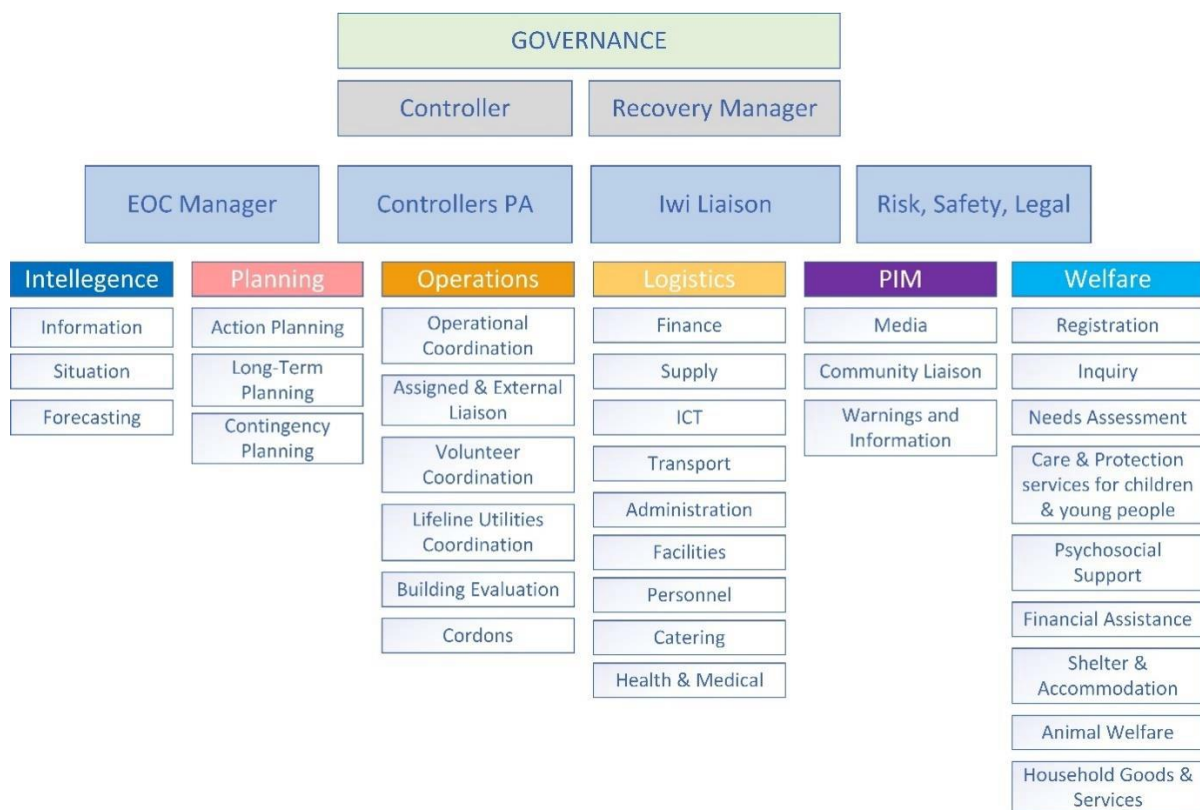


Figure: 1 Example of the NZ CIMS Response Structure

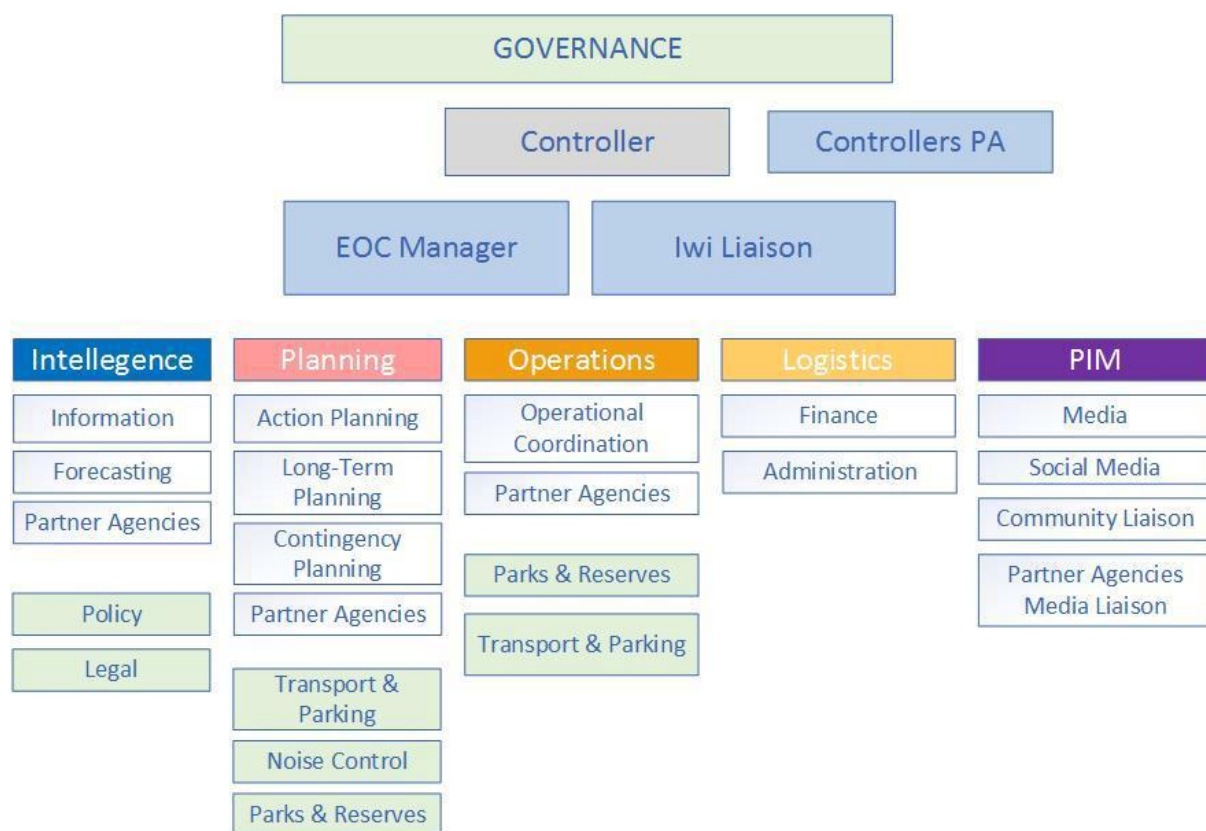


Figure: 2 Example of a CCC Incident Management Team Structure

**Note:** The use of CIMS is further supported by the principles detailed in the international standards [ISO 22320](#) (2018) and [ISO 21110](#) (2019), and by best practice business continuity processes. It is also acknowledged that CCC has used best practice incident management principles in the past so none of this recommendation should be a major change of thinking but it should become an almost reflexive response to any developing event.

## 2. Communications

Effective communications are fundamental to any response. It informs all who need to know, it provides clarity and (to a degree) certainty to affected people about what is happening, and why, and it helps to prevent misinformation filling a void.

A sound communications mantra which I was taught and have used successfully over numerous events is,

- Tell people what you know
- Tell people what you don't know
- Tell people what you are doing
- Tell people what you want them to do

Transparency, provided it does not compromise activities, is an ideal which should be

embedded in all communications as it builds understanding and trust, even if the information provided is not always to the liking of some recipients.

By implementing the CIMS structure into the CCC adverse events process, communications staff are automatically embedded, are kept informed of all aspects, and are therefore better able to contribute effectively.

### 3. Bylaws

From information reviewed and provided by relevant CCC staff, it is my opinion that Council's Bylaws are generally fit for purpose; however, enforcement presents challenges when there is tension between bylaws and other legislation, such as the Bill of Rights.

Council partially addressed the enforcement challenges by providing legal delegations to appoint Constables of the New Zealand Police as enforcement officers under section 177 of the Local Government Act 2002 which allows them to enforce Christchurch City Council Parks and Reserves Bylaw 2016.

Although legal consideration of the relevant Bylaws was undertaken during the events of October to April, I recommend that further review is undertaken by the CCC Legal team with the specifics of recent events in mind, and that if any improvements can be identified changes are started as soon as practical.

### 4. Reserve Management Plans

One of the issues which became clear early on during my review was the absence of approved management plans for both Cranmer and Lattimer Squares. Both of these reserves have information on the Council website which details, among other information, two restrictions to activities on the reserves. These are:

- No commercial or private events
- Only commemorative events allowed

Having an approved management plan for these important public spaces, such as the existing plan for Hagley Park, would help to ensure the use of the reserves is in an appropriate manner, in keeping with the heritage values as Listed Places in the City's District Plan, and in accordance with the City's Bylaws.

These plans would be developed through extensive public engagement and once adopted, would define any approved changes to the reserves that might be necessary to prevent future activities that would breach the Bylaws, e.g., installation of physical barriers to vehicle access, and would provide support for any future enforcement actions necessary.

### 5. Reserve/Public Space Enforcement Action

In the knowledge that the following is already partially underway, it is recommended that the experience gained by Parks Staff are captured into a "Standard Operating Procedures" document to ensure any future events of this scale are managed expeditiously. This also requires a legal review around the use of trespass laws for public spaces and should be



developed with the involvement of the Police.

## 6. Charging for Services

It is recommended that a legal review is undertaken to determine what services provided can be invoiced and following this, consideration given to establish a formal policy to ensure there is clarity on how charges would be levied. Having this policy in place would also support early discussion with people who are considering events which may attract significant cost to them. The policy should also contain a clear decision-making process to ensure no future confusion occurs.

## 7. The Mountain Between

One of the familiar challenges councils face is the gap between council staff and elected members. This manifests in many ways and there is often no easy answer to how to avoid these issues, but there are ways they can be mitigated during potentially adverse events.

My first recommendation details how an Incident Management Team approach would improve responses to any out of the ordinary event. At the top of that structure is a box marked Governance (Figures: 1 & 2). Like CIMS itself, the makeup of a Governance Group should be fluid and adaptable to any situation and in this case,

I suggest that had there been a Governance Group, it could have consisted of the Mayor, Chief Executive, an elected member from each of the affected districts, and a legal advisor. Others could have been added as necessary and in instances such as these, it would be appropriate for the Police Metro Commander to be invited to attend. In general, the group should be kept small and nimble, and not function as a normal Council Committee.

The Controller would provide the interface between Governance and the IMT and would be responsible for implementing any decisions made by the Group. The Mayor or CE should be responsible for keeping all other elected members informed so there is no failure of transmission.

## Summary

Looking backwards, it might be easy to say that Council's actions in response to the marches and the use of reserve land to protest was too slow, and that resolutions should have been reached more expeditiously. Given the unique circumstances for the Council and the Police at the time, and the challenges Council faced "coming up to speed" with how best to resolve the challenges they faced, I understand and accept that this process, as painful as it was for many, was largely unavoidable.

The experience gained however must, in my view, lead to a change in the systems and processes the Council uses to respond to developing events to ensure that early and appropriate actions are taken to give the best chance of resolving issues before they become unmanageable.

Closer links also need to be developed with affected communities, so they are given opportunities for their voices to be heard proactively, rather than reactively. By doing so Council will be in a much better position to deliver on Council's responsibilities as Kaitiaki of Christchurch City.

The experience gained within Council, the obvious desire to "do better" across all staff interviewed, a closer relationship with the Police, combined with other practice and strategic improvements, if adopted, should assure the wider community that any future event will be responded to effectively.



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