

BEFORE THE INDEPENDENT HEARINGS PANEL

UNDER THE

Resource Management Act 1991

IN THE MATTER OF

Plan Change 9 (Historic Heritage and Natural Environment) to the Hamilton City Operative District Plan – Built Heritage, Stage 1

IN THE MATTER OF

Submission 341 of the New Zealand Police Nga Pirihimana o Aotearoa

**STATEMENT OF EVIDENCE OF SUPERINTENDENT BRUCE BIRD ON
BEHALF OF NEW ZEALAND POLICE NGĀ PIRIHIMANA O
AOTEAROA**

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1 INTRODUCTION

- 1.1 My full name is Bruce William Bird.
- 1.2 I am the Waikato District Commander for the New Zealand Police Nga Pirihimana o Aotearoa (*NZ Police*). I have held this position since 2014. As District Commander, I have responsibility for all policing activity in the Waikato Policing District, which comprises three areas – West, East and Hamilton City.
- 1.3 I commenced in NZ Police in 1977. I have served in predominantly Wellington and Auckland though I have also relieved as a District Commander in Northland and Eastern districts. I have had experience at Police National Headquarters as the National Manager of Prevention responsible for implementing the New Zealand Police Prevention First strategy and model.
- 1.4 Hamilton City Area Police and the Waikato District Headquarters staff of the NZ Police is currently leasing the site at 12 Anzac Parade, Central Hamilton (*the Site*). NZ Police submitted on Plan Change 9 (Historic Heritage and Natural Environment) to the Hamilton City Operative District Plan (*ODP*) (*PC9*) in respect of the Site.
- 1.5 That submission outlined NZ Police's opposition to:
 - (a) the proposed scheduling of the Hamilton Central Police Station (*the Station*) as a "B" Ranked Heritage Item in Schedule 8A of the ODP;
 - (b) the proposed amendments to a rule within the ODP which would classify demolition of a "B" Ranked building as a discretionary activity; and
 - (c) the proposed identification of the street trees located along the frontage of Station as notable trees under Schedule 9D of the ODP.

2 SCOPE OF EVIDENCE

2.1 My evidence will cover the following:

- (a) functions of the NZ Police in the Waikato district;
- (b) background and history of the NZ Police's occupation and use of the Site;
- (c) opposition to proposed scheduling; and
- (d) concluding comments.

2.2 In preparing this evidence, I have reviewed:

- (a) The submissions by NZ Police and Tainui Group Holdings Limited on PC9.
- (b) The Hamilton City Heritage Inventory Assessment Form for the Station which was prepared as part of the section 32 assessment report for PC9 (*HCC Heritage Assessment*).¹

3 NZ POLICE AND THE STATION

3.1 NZ Police delivers services that ensure people can be safe and feel safe in their homes, on our roads and in their communities. Police operate 24 hours a day in a complex environment actively targeting and preventing crime and harm. There are around 15,000 staff, working from urban and rural stations, and larger policing hubs.

3.2 We operate on land, sea and in the air, and respond to more than 1.3 million events per year – answering more than 925,000 111 emergency calls and over 743,000 non-emergency calls.

3.3 Today, Waikato police have just over 850 sworn and non-sworn staff across 27 police stations. Those stations range from 24-hour, seven-day a week operations in larger policing hubs to one person stations operating on a call out basis after hours.

¹ PC9, section 32 Assessment, Appendix 8: Built Heritage Methodology Report and Inventories: Hamilton City Council Heritage Inventory Report (2 June 2022), Appendix A, Central Police Station (*HCC Heritage Assessment*).

- 3.4 Within the Waikato district, the Hamilton City Prevention team of 60 staff are located in Clyde Street, Hamilton East and 100 Road Policing staff operate out of 15 Rainside Place, Dinsdale, Hamilton. The Hamilton West station houses a Specialist Investigation Team. Some staff also operate from a NZ Police premises in Grey Street, Hamilton East.

The Station

- 3.5 The Station acts as the operational hub for all of the Waikato stations. It houses the:

- (a) District Command Centre which has oversight across the Waikato district 24/7 and is the Police Emergency Response and Coordination Centre for critical incidents;
- (b) Waikato District Custody Unit (*DCU*) - the only 24-hour holding facility in the Waikato; and
- (c) Public Safety Teams (*PST*) staff for Hamilton City who respond to 111 emergency calls.

- 3.6 The Site also accommodates some district and national work groups including specialist investigation units, training units and specialist work groups comprising Search and Rescue, Scene of Crime Officers and Armed Offender Squads.

4 BACKGROUND AND HISTORY OF THE SITE

- 4.1 The first photographs of a police station on the Site date to 1916. By early 1960 (40+ years later) extra buildings had been constructed on the Site to accommodate the growing staff numbers.
- 4.2 As noted in the HCC Heritage Assessment, the current Station was built between 1974 and 1975, becoming operational in 1976.
- 4.3 Policing in the 1970s was vastly different to modern day policing. Societal issues in the 1970s differed from today, with much less prevalence of family harm and mental health which meant policing did not need to be as specialised as it is now. In the 1970s, NZ Police deployed beat staff, incident cars and investigations teams. During that time (and reflecting that role), the Station operated on a 24/7 basis,

and contained NZ Police barracks, a communication centre, and custody unit. The interior held numerous offices on each of the floors.

- 4.4 Over time, NZ Police and the way we operate has evolved as a result of the changes and complexities in society.
- 4.5 Since the 1970s NZ Police have put more focus on working with communities, and there have been increases in policing numbers and a higher degree of specialisation. For example, investigations now have groups arranged around child protection, adult sexual assault, organised crime, child sex offenders, and criminal justice support units. There has also been a degree of decentralisation to reflect a community-based approach – so in Hamilton City there are bases in West, East and North Hamilton.
- 4.6 As these changes have occurred, it has become increasingly apparent that the Station is no longer fit for purpose. Since it was constructed in the 1970s, staffing numbers based in the Station have increased significantly. In early 2012, NZ Police acknowledged that space at the Station was becoming cramped. In response, Clyde Street and Dinsdale stations were repurposed in line with the NZ Police Prevention Strategy to accommodate additional personnel. However, that measure proved insufficient. As part of the Government's commitment to its Te Tiriti o Waitangi obligations, in 2017, policing numbers were increased by 1800, of which, 127 came to the Waikato district. 86 of those staff came to the already cramped Station and as a result of a separate building that some NZ Police staff were sharing with another agency failing an earthquake assessment, a further 14 staff returned to the Station.
- 4.7 In 2021 NZ Police began a trial to incorporate a Tactical Response Model allowing PSTs to be supported by specialist teams. This model has proven to be effective, but this has also added an extra 22 staff to the Station. All told, the Station currently houses 390 full time equivalent staff.
- 4.8 Policing is a business in which partnerships are vital. This means we need to align crucial business units together. Despite our best efforts, the restrictions we face operating at the Station mean we cannot get

the alignment required. For example, our community based staff should be working with first responders and asset recovery should be working with organised crime, but we have insufficient room at the Station to make this work – with considerable travel required for meetings.

- 4.9 In summary (and as discussed further below), the Station was functional for a model and scale of policing that is no longer employed by NZ Police.

Waikato Tainui ownership

- 4.10 In May 1995, Waikato-Tainui agreed a settlement with the Crown in relation to breaches of Te Tiriti o Waitangi committed by the Crown against the iwi in the 19th and 20th centuries. The Waikato-Tainui Raupatu Claims Settlement was the first Te Tiriti o Waitangi grievance settled with the Crown, and included redress in the form of returned land, cash payments and the provision of rights of first refusal over properties in the Waikato district.
- 4.11 As part of that settlement, ownership of the Site was transferred from the Crown to Waikato-Tainui. NZ Police currently hold a lease on the Station until 2032. That lease is subject to a term (common to all land returned to Māori ownership as a result of a Te Tiriti o Waitangi settlement) which requires the Site to be cleared of all buildings and any contamination at the termination of the lease.

5 OPPOSITION TO PROPOSED SCHEDULING

- 5.1 NZ Police opposes the proposed scheduling of the Station as a “B” Ranked Heritage Item in the ODP. It also opposes the proposed rule amendments which would require resource consent for the demolition of “B” Ranked Items as a discretionary activity.
- 5.2 If approved as notified, these changes would add significant cost and complexity to the process of demolishing the Station which is not justified in light of:
- (a) The building’s condition.

- (b) The constraining impact the building is having on the ability for Police to carry out its functions within the community.
- (c) The perceived heritage values of the Station.
- (d) The absence of any practical, feasible alternatives to demolition.

5.3 I address each of these matters further below.

Building condition

- 5.4 The Station is at the end of its functional life and a recent electrical report has identified that the number of staff operating in the building is creating strain on the electrical infrastructure. A total re-wire of the building will be required within the next 2-3 years.
- 5.5 Drainage and water supply issues have recently arisen. A recent heavy down pour of rain saw major leaks in several parts of the building and water backing up through urinals in the basement.
- 5.6 The hot water in the Station is powered by gas. Over several years the shutoff valves have gradually failed and there is little to no control of the heating in the building. As a result, individual air conditioning units have had to be installed in windows across every floor in the building with some floors having 8-10 air conditioning units.
- 5.7 There are two lifts in the Station and both have undergone significant repairs in the last 10 years to the point that we can no longer source parts in New Zealand. A decision was made two years ago to rebuild the lifts. This work is currently underway at substantial cost with no long term guarantees of success. If either of these lifts fail once rebuilt, it will come at a very significant cost to NZ Police both financially and operationally.
- 5.8 A major operation was conducted some three years ago to remove as much asbestos as possible from the Station. This was somewhat successful, however there is still a significant amount of asbestos in the building's pipe lagging, concrete, and some of the roofing products. These materials are expensive to remove and have significant health risks if not removed or removed correctly.

- 5.9 The large concrete panels that surround the exterior of the Station are held in position with steel. Some of these concrete panels have begun to show signs of rust on the surface indicating the potential for underlying deterioration of the structural steel. This has yet to be fully investigated. We have been advised we cannot water blast and clean the building due to the defragmentation of the concrete that would occur.

Impact on Police functions

- 5.10 As set out above, the Station can no longer adequately accommodate the number of staff based there, and its layout and design is negatively impacting the ability of NZ Police to carry out its functions.
- 5.11 The Station is built around a central lift/stairwell column. The lift and stair well take up over 100 m² per floor of the six floors of office space. As a result of the extra staffing needing to be accommodated within the Station as explained above, all enclosed offices have been removed from all floors, which are now all open plan arranged around the lifts and stairwell. There is very limited meeting room space, the current investigation units work across multiple floors, and there are no break-out or collaborative spaces for staff. It is not uncommon to see staff taking operationally sensitive and personal calls in the lift lobby.
- 5.12 The entire Station is now inflexible, cramped and the isolating spaces are preventing collaboration with whānau, iwi and prevention support agencies. The space available and locations of the current facilities in Hamilton do not support efficient or effective ways of working. With no spaces available for meetings with partners or whānau, NZ Police staff are always the parties that must travel to meetings.
- 5.13 Parking of police vehicles has become a significant issue. As a result of increases in staffing numbers we are faced with the situation of having more operational vehicles than available car parks. To alleviate the pressure we now park our prisoner transport vans in the Hamilton District Court sally port and have sent some non-essential vehicles to other stations.
- 5.14 The current DCU is a significant risk to detainees and police staff, as well as service agencies, medical and mental health staff visiting the

DCU. There is no opportunity to complete remedial work or retro-fit this part of the Station and NZ Police can no longer work with this design and it has an extremely negative impact on staff and those detained in the facility.

- 5.15 The Station is also impacting our ability to implement Te Huringa o Te Tai, which is NZ Police's strategic plan set within the framework of the Prevention First Operating Model that will best enable NZ Police to deliver the vision of *All Māori living full and prosperous lives, free from crime, victimisation and road trauma*. The strategy reflects NZ Police's commitment to Te Tiriti o Waitangi. To facilitate leadership, cultural and behavioural changes required to achieve NZ Police's vision, and to create sustainable change over the long term, police and iwi set out seven principles that enhance values and support the development of relationships through a cultural lens.

5.16 Figure 1 below describes each of the principles and explains the impact the Station is having on NZ Police's ability to achieve these principles.

Principal	Description	Impact of current premises
Kanohi ki te kanohi - face to face	Police will connect and meet in person. Police will be visible, approachable, relevant, accessible, and reliable.	Police cannot conduct face to face hui in the current building. The building is difficult to access and it is not welcoming
Mahi Tahi	Everyone working together collaboratively. Police will encourage positive relationships and build on the complementary strengths of the justice agencies and our partners. We will combine intellectual capital, relationships and material goods and services to develop and implement solutions welcoming a diversity of approaches.	Police does not have the space available to facilitate working together
Manaakitanga	We are hospitable, fair and respectful to ourselves and others Mutual respect of each other's roles, the interests each represents and the expertise each brings to the effort to improve Māori justice outcomes will be the foundation of our working together.	We cannot offer appropriate hospitality in our office space or our custody suite, nor is there space or facilities to enable culturally appropriate ceremonies
Mātauranga	All knowledge is informed by cultural understandings and values. We will recognise that different forms of knowledge have a role to play in generating insights. In adopting this principle, we acknowledge the centrality of wairuatanga.	There is no opportunity to share mātauranga with detainees, staff or the community, since the facilities do not have spaces where outreach programmes can be run. The wairua of people within the existing spaces is negatively affected
Whakamana	Our interventions enhance and enable Māori wellbeing We will promote Māori solutions to address Māori needs. Our model of intervention will be that whānau play a central role in ensuring pro-social behaviour and form the point of intervention for behavioural change, while iwi Māori are well placed to bring about community and social change. Our work will be to support whānau and iwi to lead this change.	There is no space for whānau meetings in the current office and custodial facilities, or meetings with iwi to work on joint interventions and actions
Rawa	We are properly equipped to achieve our goals We will all contribute resources, including knowledge, people and infrastructure to achieve our goals. We will direct these resources to where they are likely to have the greatest impact, and will continue to build our capability and capacity to improve justice system outcomes for Māori.	Hamilton police are currently underequipped, we have committed resources and people but we lack the infrastructure, this is evident in our current Custody Suite where we do not have the space to provide support to partners involved in exiting maori from the Criminal justice pathway.
Whānau Ora	We acknowledge the importance of whānau structure We recognise that whānau are self determining and that they have interpersonal relationships bound by whakapapa and steeped in culture. We will look to empower whānau as a whole, rather than focusing separately on individual whānau members.	We do this well now through the government framework to eliminate Family and Sexual Abuse, Te Aorerekura, with our partnership with Integrated Safety Response (Family Harm Prevention) where we apply a holistic approach to Family Harm in partnership with Iwi, however there is no space even for whānau meetings in the current office and custodial facilities, let alone meetings with iwi to work on joint interventions and actions

Figure 1: Te Huringa o Te Tai (A Whānau Ora Crime and Crash Prevention Strategy): Table One

5.17 As noted above, if and when NZ Police decant permanently from the Station, the Site must be left clear of buildings and contamination in order to fulfil the requirements of the ground lease that is derived from the 1995 Waikato-Tainui Te Tiriti o Waitangi settlement. The requirement to secure resource consent to demolish the Station would add significant unwarranted cost to that process, and in the worst-case

scenario of consent ultimately being declined would mean the Crown could not honour its Te Tiriti o Waitangi obligations specific to the Site.

Perceived values

5.18 I understand that the HCC Heritage Assessment will be addressed in detail in the evidence of Mr Wild and Ms Cassin. I have, however reviewed the Assessment and I do not consider that the heritage values it identifies in respect of the Station should warrant the level of protection that is being proposed. I specifically note the following statements which I consider to be problematic:

- (a) A 'moderate' rating for *Historical Pattern* value on basis that the "current building demonstrates patterns of upgrading existing facilities when they became outdated due to social and economic changes for the region".² On that rationale, any replacement building would be subject to heritage protection. As Mr Eccles notes in his evidence, this justification for scheduling the building ironically compromises its ability to be updated to meet current operational requirements.³
- (b) "Robust aesthetic but functional styling keeping with its defensive and protectionist purpose".⁴ As I have outlined above, in past decades there has been a fundamental change in the values and role of police in New Zealand society, i.e. towards community support. The values in the HCC Heritage Assessment that are attributed to the building speak to a mode of operating that is outdated and no longer represents the NZ Police.
- (c) "Use of the setting as a police station for many years provides evidence of cultural and historic continuity".⁵ I recognise that the Site has long been occupied by NZ Police, but that occupation is not indefinite – I anticipate that NZ Police will decant from the Site at the end of the lease in 2032 to meet the Crown's Te Tiriti o Waitangi settlement obligations. As I have explained above, the

² HCC Heritage Assessment, page 7.

³ Evidence of Mr Eccles on behalf of New Zealand Police Nga Pirihimana o Aotearoa, at [6.18].

⁴ HCC Heritage Assessment, page 7.

⁵ HCC Heritage Assessment, page 9.

existing building represents a model of policing that is outdated particularly in terms of relationships with mana whenua and the wider community, and that no longer represent NZ Police.

Alternatives to demolition

5.19 NZ Police has considered a number of alternative options to demolition for the Station. These include:

- (a) Decanting from the building, and undertaking a complete refurbishment and redesign. This option was the most expensive option including a full replacement of building services. It would also create significant operational issues in that both the cell block and the office space would need to be decanted at the same time. A significant negative for this option was that no extra operational space would be gained despite the expense.
- (b) A two-stage operation of decanting the office space while the DCU remained. This would be operationally problematic on a number of counts, including the dust and noise factor for the parties remaining on Site while work was ongoing. Again, no extra operational space would be gained.

5.20 Both of these options also involve significant investment for a Site over which the NZ Police only hold a leasehold interest through to 2032. As set out above, neither NZ Police nor Tainui Group Holdings Limited envisage police occupancy of the Site beyond the expiry of the lease in 2032. (A short-term extension may be required to enable completion of a new station build elsewhere.) These options also fail to account for the requirement in the lease granted by Waikato-Tainui to return the Site clear and unencumbered with any buildings and contamination (which reflects the expectation of land returned by the Crown pursuant to a Te Tiriti o Waitangi settlement).

5.21 The only other alternative option (other than relocating to a new site in Hamilton) is to decant and demolish the Station and design and construct a fit-for-purpose new building for the Site. Given all the issues set out above with the existing building, if NZ Police were to stay at the Station, this is the preferred option. Scheduling of the Station

as proposed under notified PC9 would however add significant uncertainty, cost and complexity to that option.

6 CONCLUDING COMMENTS

- 6.1 The existing Station is preventing NZ Police from progressing our strategies to reduce reoffending, improve outcomes with partners and agencies and meet Te Tiriti o Waitangi obligations with Māori. It is at the end of its useful life (50+ years old), has structural and electrical issues, a small inefficient floor plate, and insufficient space to accommodate all staff, operational vehicles and equipment on the Site. It does not have the space needed for detainees to receive medical, whānau, or social support. It is threatening in appearance, dislocated from the community, and does not reflect modern policing values or requirements.
- 6.2 In my view, the PC9 provisions need to recognise the changes that have occurred in both society and policing and not seek to “freeze in time” the Station on the Site.
- 6.3 Scheduling of the Station in the manner proposed by PC9 will impose significant uncertainty and financial cost on NZ Police that is not warranted.

Superintendent Bruce Bird
22 September 2023