

**IN THE MATTER OF**

the Resource Management Act 1991

**AND**

**IN THE MATTER OF**

the Wellington City Proposed District  
Plan, Hearing Stream 2, Residential  
Zones (submitter number 240)

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**SUPPLEMENTARY EVIDENCE OF SEAN GRACE  
ON BEHALF OF  
ARA POUTAMA AOTEAROA THE DEPARTMENT OF CORRECTIONS  
FOR HEARING STREAM 2**

**Planning**

Dated 18 April 2023

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## **1 INTRODUCTION**

- 1.1 My name is Sean Grace. I am a Senior Principal and Planner at Boffa Miskell Limited. My qualifications are set out in Section 2 of my evidence in chief (**EIC**) for Hearing Stream 2 (**HS2**) dated 16 March 2023.
- 1.2 I confirm that I have read and am familiar with the Environment Court's Code of Conduct for Expert Witnesses, contained in the Environment Court Practice Note 2023, and agree to comply with it as set out in Section 2 of my HS2 EIC.
- 1.1 This statement of supplementary evidence addresses matters raised during Ara Poutama Aotearoa the Department of Corrections' (**Ara Poutama**) appearance at the HS2 hearing on 5 April 2023, and also referred in the Panel's Minute number 17 "Stream 2 Follow Up", at paragraph 8. Specifically, those matters relate to:
- (a) An evaluation of Ara Poutama's proposed Sunrise Boulevard Precinct (**Proposed Precinct**) pursuant to Section 77J of the Resource Management Act 1991 (**RMA**) (**Section 2**); and
  - (b) Preparation of an alternative precinct proposal, assuming an extension of the underlying High Density Residential zoning (**Alternative HDRZ Precinct**) (**Section 3**);
  - (c) An evaluation of the Alternative HDRZ Precinct pursuant to Section 77J of the RMA (**Section 4**); and
  - (d) Additional analysis of the Proposed Precinct against the relevant provisions of the Wellington City Proposed District Plan (**PDP**), pursuant to Section 32AA of the RMA (**Section 5**).

## **2 SECTION 77J EVALUATION: PROPOSED PRECINCT**

- 2.1 The Proposed Precinct framework was set out as Attachment 4 to my EIC. That framework was based on the recommended acceptance of the underlying Medium Density Residential zoning (**MDRZ**) as notified by the s42A reporting for HS2 (and sought by Ara Poutama). However, it is recognised that the s42A reporting for Hearing Stream 1 took a different position, with an extension of the High Density Residential Zone (**HDRZ**) being proposed further westward along Sunrise Boulevard, resulting

from a recommended change to the extent of the walkable catchment from the Takapu Station.

- 2.2 As set out in my EIC, Ara Poutama's position is the notified zoning of Sunrise Boulevard adjoining the Prison, along with the Proposed Precinct, is the most appropriate planning outcome for that area.
- 2.3 If the Panel accepts that the HDRZ along Sunrise Boulevard more appropriately gives effect to the requirements of the RMA and the National Policy Statement on Urban Development 2020 (**NPS-UD**), the primary relief sought by Ara Poutama (being the notified zoning layout and the Proposed Precinct) would result in a "less enabling" outcome.
- 2.4 Without prejudice to that position, and recognising that the Panel is yet to make any decisions in respect of the extent of the walkable catchment and the associated extents of the HDRZ and MDRZ, I have undertaken an evaluation of that primary relief (including the Proposed Precinct (as set out in **Attachment 1**)) pursuant to Section 77J of the RMA. This evaluation is contained in **Attachment 3** (N.B. this evaluation covers both the Proposed Precinct and the Alternative HDRZ Precinct).
- 2.5 The key findings of this evaluation in relation to the MDRZ and Proposed Precinct are as follows:
  - (a) The unique nature of the interface between Arohata Prison and the adjoining residential area has special characteristics which make the development capacity which could be accommodated in the HDRZ inappropriate.
  - (b) Reducing the development capacity of the affected area compared to what would otherwise be enabled under the HDRZ is necessary to accommodate the context of the nationally unique nature and setting of the adjacent Arohata Prison, and the need to manage effects associated with residential intensification occurring along the boundary of the prison.
  - (c) On a conservative, high-level estimate, the provision of residential development capacity would be limited by less than 50% by accommodating the proposed qualifying matter. This would apply across a limited area of 19 properties, having a combined total

area of approximately 1.58 hectares. However, the resource consent process still provides for the opportunity for development proposals greater than 11m in height to be assessed on their merits.

- (d) The qualifying matter area represents approximately 1.9% of the total proposed HDRZ in the local area (being within the walkable catchment of the Takapu Station). In the context of the HDRZ across the wider Wellington area, the percentage of area affected by accommodation of this qualifying matter is even more inconsequential. This reduces the overall costs and broader impacts associated with the limitation of development capacity.

- 2.6 Overall, the Section 77J evaluation supports the accommodation of the qualifying matter via adoption of the notified zoning layout and Proposed Precinct along Sunrise Boulevard where it adjoins Arohata Prison.

### **3 ALTERNATIVE HDRZ PRECINCT PROPOSAL**

- 3.1 As noted above, Ara Poutama's position is that the MDRZ is most appropriate zoning to apply along the majority of the southern side of Sunrise Boulevard, adjacent to the northern boundary of Arohata Prison, as set out in my HS2 EIC.
- 3.2 Again, without prejudice to that position, and recognising that the Panel is yet to make any decisions in respect of that relief, Ara Poutama has prepared an alternative precinct proposal which could be applied if the Panel were minded to accept an extension of the HDRZ further westward along Sunrise Boulevard (i.e. the Alternative HDRZ Precinct). That Alternative HDRZ Precinct is contained in **Attachment 2**.
- 3.3 The main differences between the Proposed Precinct and the Alternative HDRZ Precinct are as follows:
  - (a) The Alternative HDRZ Precinct map reflects the underlying zoning, and introduces an 11m "Special Height Area" over the extended section of the HDRZ. That Special Height Area would reduce the permitted height limit for multi-unit developments in that area from 21m (as per the HDRZ) to 11m. N.B. the Special Height Area does not apply to the extent of the HDRZ at the eastern-most end

of Sunrise Boulevard as it was notified in the PDP, and supported by Ara Poutama via its primary submission.

- (b) The Alternative HDRZ Precinct introduction outlines the purpose of the 11m Special Height Area, in terms of managing security effects on Arohata Prison and social and amenity values of the properties within the Precinct, and confirms that the special height restriction is a qualifying matter under the NPS-UD.
- (c) The Alternative HDRZ Precinct policy sets out that development in the precinct is to comply with the permitted activities rules for the MDRZ and HDRZ, with the exception of the Special Height Area which has a reduced permitted height within a part of the HDRZ.
- (d) The building and structure activity rules, and the standards, are split out into three separate groupings / tables:
  - (i) Those for the MDRZ, which refer back to the equivalent MDRZ provisions for that zone and also require an assessment of the Alternative Precinct's policy where resource consent is required;
  - (ii) Those for the HDRZ (excluding the Special Height Area), which refer back to the equivalent HDRZ provisions for that zone and also require an assessment of the Alternative Precinct's policy where resource consent is required; and
  - (iii) Those for the Special Height Area, which either mirror or refer back to the equivalent HDRZ provisions for that zone, but introduce the 11m height standard for multi-unit housing developments, retirement villages and any other building or structure not otherwise outlined in the Alternative Precinct provisions. An assessment of the Alternative Precinct's policy is triggered where resource consent is required for any activity, other than buildings and structures over legal road.

3.4 Overall, the Alternative HDRZ Precinct could be successfully implemented to give effect to the Alternative HDRZ Precinct's objective if the Panel were minded to accept an extension of the HDRZ further westward along Sunrise Boulevard.

- 3.5 This is achieved by the introduction of a qualifying matter, in the form of a special height limit over part of the HDRZ, which restricts permitted height to 11m within that area. Otherwise, development within the precinct is not subject to any additional development standards beyond that of the MDRZ or HDRZ, with only non-compliant development being required to be assessed against the Alternative HDRZ Precinct's policy.

#### **4 SECTION 77J EVALUATION: ALTERNATIVE HDRZ PRECINCT**

- 4.1 I have undertaken an evaluation of the Alternative HDRZ Precinct pursuant to Section 77J of the RMA. This evaluation is contained in **Attachment 3**.
- 4.2 The key findings of this evaluation reflect those as summarised and set out for the Proposed Precinct above in paragraphs 2.5(a) to (d) above.
- 4.3 While I consider that the Alternative HDRZ Precinct over the HDRZ would achieve a balance between maximising development capacity and appropriately accommodating the qualifying matter (being the interface between the Prison and the residential boundary), I do not consider that this is the most appropriate planning outcome. As set out in that evaluation, the built form outcomes anticipated by the Alternative HDRZ Precinct are far more consistent or aligned with the MDRZ. In my opinion, trying to reconcile the Alternative HDRZ Precinct built form outcomes with the HDRZ would be complex and confusing for both plan users and processing planners. That is neither efficient or cost-effective, nor does it enable good plan administration. It also risks undermining the integrity of the HDRZ.
- 4.4 In my opinion, the more effective, efficient and therefore more appropriate outcome for the affected area is application of the notified zoning, combined with the Proposed Precinct.

#### **5 SECTION 32AA EVALUATION: ADDITIONAL ANALYSIS OF THE PROPOSED PRECINCT**

- 5.1 Ara Poutama supports the zoning as notified in relation to the properties located on the southern side of Sunrise Boulevard, Tawa, with the additional implementation of a precinct (i.e. the Proposed Precinct). For

the reasons set out in my EIC, I consider this will most appropriately achieve purpose of the RMA.

- 5.2 In response to the Commissioner's request, I have undertaken further analysis of the Proposed Precinct against the relevant provisions of the PDP. For the ease of reference for the Panel I have incorporated this additional analysis into the existing Section 32 evaluation that supported my HS2 EIC. The updated evaluation is contained in **Attachment 4**.
- 5.3 I have concluded that the notified zoning of the area adjoining the Prison combined with the Proposed Precinct will give effect to the PDP provisions. In particular, I consider that that outcome would maximise development capacity along that adjoining boundary while also ensuring that adverse effects of any development on the prison and the health, safety and wellbeing of the community within and around the prison are appropriately addressed. That combination would also enable future development of the prison site, which is recognised as a nationally important piece of social infrastructure, without being constrained by inappropriate development on the adjacent residential sites. Additionally, the adjacent residential properties within the Precinct would be able to be developed for residential purposes consistent with the objectives for the respective MDRZ and HDRZ.

**Sean Grace**

18 April 2023

**ATTACHMENT 1 –PROPOSED PRECINCT FRAMEWORK**



*Drafting note: Blue text has been added subsequent to HS2 hearing appearance on 5 April 2023.*

# Sunrise Boulevard Precinct

PRECXX	Sunrise Boulevard Precinct
<b>Introduction</b>	
<p>The purpose of the Sunrise Boulevard Precinct is to provide for the management of security of the Arohata Prison, and to manage social and amenity effects on residents of the properties on Sunrise Boulevard adjacent to Arohata Prison.</p> <p>Arohata Prison is an important part of the corrections facility network which provides for the safety and security of all New Zealand communities and is of national significance. It is one of just three women’s prison facilities in the country and the only women’s prison in the Greater Wellington area, and therefore has significance in a regional and district context. The facility plays a vital role in the region in allowing Ara Poutama Aotearoa, the Department of Corrections to meet its responsibilities under the Corrections Act 2004 for enforcing sentences and orders of the criminal courts and the New Zealand parole board.</p> <p>Given this context, it is important that built form within the adjacent residentially-zoned properties on the northern side of the Arohata Prison does not compromise the ability of the prison to operate securely, nor the enablement of future development on the prison site, whilst ensuring that social and amenity values of the properties within the Precinct are maintained.</p> <p>The land use activities rules for the Medium Density Residential Zone and High Density Residential Zone apply to the Sunrise Boulevard Precinct, with both zone types applying within the Precinct. <i>A portion of the Medium Density Residential zoned part of the Precinct represents a qualifying matter, as the permitted development provisions as per the High Density Residential Zone, and directed by the NPS-UD, is not otherwise given effect. This is due to that part of the Precinct being located within the walkable catchment relative to the Takapu Station.</i></p> <p>The building and structure permitted activities rules for the Medium Density Residential Zone and High Density Residential Zone apply to the Sunrise Boulevard Precinct. However, where the permitted activities rules are not complied with there are specific rules allowing a consideration of effects on the Arohata Prison and the properties within the Precinct.</p>	

<b>Objectives</b>	
<b>PRECXX-01</b>	<p>The Sunrise Boulevard Precinct accommodates medium to high density residential development consistent with the underlying Medium Density Residential and High Density Residential zones, while ensuring that:</p> <ol style="list-style-type: none"> <li>1. Built form within the Precinct does not compromise the ability of the Arohata Prison to operate securely;</li> <li>2. Built form within the Precinct does not compromise the enablement of future development on the Arohata Prison site;</li> <li>3. Built form does not compromise the safety and wellbeing of those living and working at the Arohata Prison; and</li> <li>4. Social and amenity values of the properties within the Precinct are maintained.</li> </ol>

<b>Policies</b>	
<b>PRECXX-P1</b>	<p>Require new development, and alterations and additions to existing development in the Precinct to comply with the building and structures permitted activities rules for the applicable underlying Medium Density Residential and High Density Residential zones. Where compliance is not achieved, require that new development, and alterations and additions to existing development, avoids risks to the secure operation of the Arohata Prison (in terms of its existing and potential future form) or the safety and wellbeing of those within it, while maintaining social and amenity values of the properties within the Precinct, by:</p> <ol style="list-style-type: none"> <li>1. Reducing visibility to and from the Arohata Prison site through limiting building openings facing the prison site, and requiring the use of treatments such as opaque glass for building openings that face the prison site;</li> <li>2. Reducing the potential for noise emissions to be received from the Arohata Prison site through the use of noise baffling wall and glass treatments; and</li> <li>3. Orientating outdoor living spaces away from the Arohata Prison site.</li> </ol>

<b>Rules: Land use activities in the Medium Density Residential Zone</b>	
<b>PRECXX-R1</b>	<b>All land use activities</b>
	1. Refer to Rules MRZ-R1 to MRZ-R10.

<b>Rules: Land use activities in the High Density Residential Zone</b>	
<b>PRECXX-R2</b>	<b>All land use activities</b>
	1. Refer to Rules HRZ-R1 to HRZ-R10.

<b>Rules: Building and structure activities in the Medium Density Residential Zone</b>	
<b>PRECXX-R3</b>	<b>All building and structure activities</b>
	1. Refer to Rules MRZ-R11 to MRZ-R17.
	<p>2. For any building and structure activities specified as a Restricted Discretionary activity under Rules MRZ-R11 to MRZ-R17 the matters of discretion are restricted to:</p> <ol style="list-style-type: none"> <li>a. The matters of discretion specified under the relevant rule; and</li> <li>b. The matters in PRECXX-P1.</li> </ol>

<b>Rules: Building and structure activities in the High Density Residential Zone</b>	
<b>PRECXX-R4</b>	<b>All building and structure activities</b>
	1. Refer to Rules HRZ-R11 to HRZ-R17.
	<p>2. For any building and structure activities specified as a Restricted Discretionary activity under Rules HRZ-R11 to HRZ-R17 the matters of discretion are restricted to:</p> <ol style="list-style-type: none"> <li>a. The matters of discretion specified under the relevant rule; and</li> <li>b. The matters in PRECXX-P1.</li> </ol>

<b>Standards: Buildings and structures in the Medium Density Residential Zone</b>	
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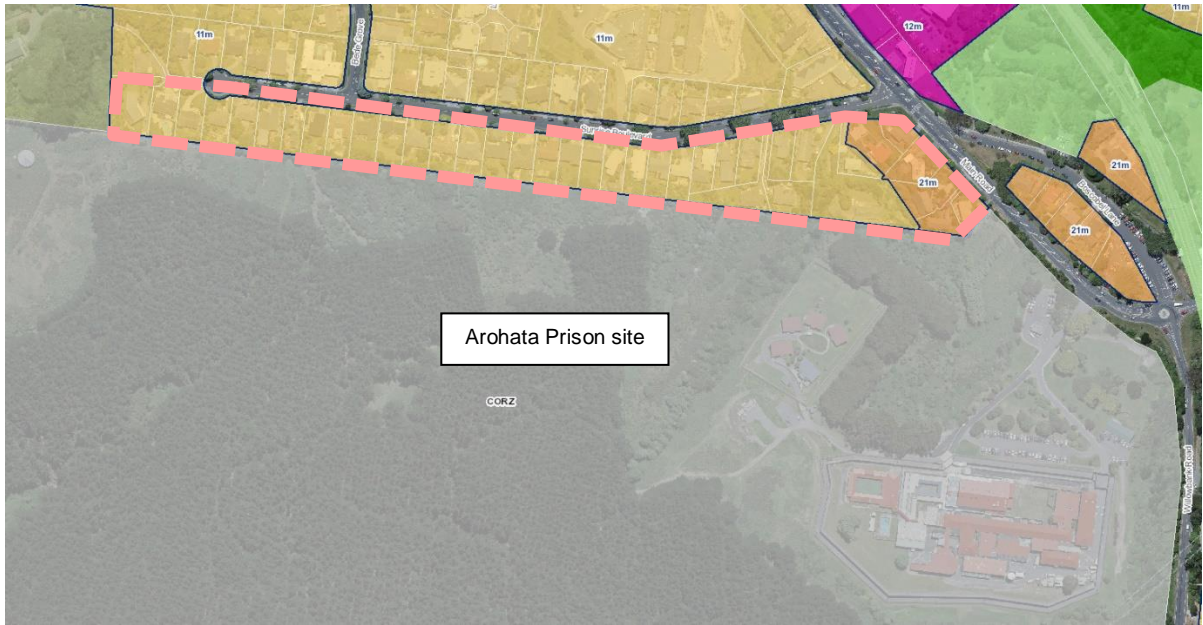
<b>PRECXX-S1</b>	<b>All buildings and structures</b>
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| 1. Refer to Rules MRZ-S1 to MRZ-S14. |
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<b>Standards: Buildings and structures in the High Density Residential Zone</b>	
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<b>PRECXX-S2</b>	<b>All buildings and structures</b>
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| 1. Refer to Rules HRZ-S1 to HRZ-S17. |
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**Planning Map: Sunrise Boulevard Precinct**

**ATTACHMENT 2 – ALTERNATIVE HDRZ PRECINCT FRAMEWORK**

**Drafting note:** This is an alternative precinct proposal prepared subsequent to Ara Poutama’s HS2 hearing appearance on 5 April 2023, which could be applied if an extension of the High Density Residential Zone were to be applied further westward along the southern side of Sunrise Boulevard.

# Sunrise Boulevard Precinct

PRECXX	Sunrise Boulevard Precinct
<p><b>Introduction</b></p> <p>The purpose of the Sunrise Boulevard Precinct is to provide for the management of security of the Arohata Prison, and to manage social and amenity effects on residents of the properties on Sunrise Boulevard adjacent to Arohata Prison.</p> <p>Arohata Prison is an important part of the corrections facility network which provides for the safety and security of all New Zealand communities and is of national significance. It is one of just three women’s prison facilities in the country and the only women’s prison in the Greater Wellington area, and therefore has significance in a regional and district context. The facility plays a vital role in the region in allowing Ara Poutama Aotearoa, the Department of Corrections to meet its responsibilities under the Corrections Act 2004 for enforcing sentences and orders of the criminal courts and the New Zealand parole board.</p> <p>Given this context, it is important that built form within the adjacent residentially-zoned properties on the northern side of the Arohata Prison does not compromise the ability of the prison to operate securely, nor the enablement of future development on the prison site, whilst ensuring that social and amenity values of the properties within the Precinct are maintained.</p> <p>The land use activities rules for the Medium Density Residential Zone and High Density Residential Zone apply to the Sunrise Boulevard Precinct, with both zone types applying within the Precinct.</p> <p>The Precinct includes a Special Height Area, which is located within the High Density Residential Zone. The building and structure permitted activities rules, including maximum height, for the High Density Residential Zone and Medium Density Residential Zone apply outside of the Special Height Area. Within the Special Height Area a height limit of 11m applies, to manage security effects on the prison site and social and amenity values of the properties within the Precinct. This special height restriction is a qualifying matter under Subpart 6, clause 3.32 of the NPS-UD.</p> <p>Where the permitted activities rules are not complied with there are specific rules allowing a consideration of effects on the Arohata Prison and the properties within the Precinct.</p>	

<b>Objectives</b>	
<b>PRECXX-O1</b>	<p>The Sunrise Boulevard Precinct accommodates medium to high density residential development, while ensuring that:</p> <ol style="list-style-type: none"> <li>1. Built form within the Precinct does not compromise the ability of the Arohata Prison to operate securely;</li> <li>2. Built form within the Precinct does not compromise the enablement of future development on the Arohata Prison site;</li> <li>3. Built form does not compromise the safety and wellbeing of those living and working at the Arohata Prison; and</li> <li>4. Social and amenity values of the properties within the Precinct are maintained.</li> </ol>

<b>Policies</b>	
<b>PRECXX-P1</b>	<p>Require new development, and alterations and additions to existing development in the Precinct to comply with the building and structures permitted activities rules for the applicable underlying Medium Density Residential and High Density Residential zones; with the exception of the Special Height Area (11m) located within a section of the High Density Residential Zone. Where compliance is not achieved, require that new development, and alterations and additions to existing development, avoids risks to the secure operation of the Arohata Prison (in terms of its existing and potential future form) or the safety and wellbeing of those within it, while maintaining social and amenity values of the properties within the Precinct, by:</p> <ol style="list-style-type: none"> <li>1. Reducing visibility to and from the Arohata Prison site through limiting building openings facing the prison site, and requiring the use of treatments such as opaque glass for building openings that face the prison site;</li> <li>2. Reducing the potential for noise emissions to be received from the Arohata Prison site through the use of noise baffling wall and glass treatments; and</li> <li>3. Orientating outdoor living spaces away from the Arohata Prison site.</li> </ol>

<b>Rules: Land use activities in the Medium Density Residential Zone</b>	
<b>PRECXX-R1</b>	<b>All land use activities</b>
	1. Refer to Rules MRZ-R1 to MRZ-R10.

<b>Rules: Land use activities in the High Density Residential Zone</b>	
<b>PRECXX-R2</b>	<b>All land use activities</b>
	1. Refer to Rules HRZ-R1 to HRZ-R10.

<b>Rules: Building and structure activities in the Medium Density Residential Zone</b>	
<b>PRECXX-R3</b>	<b>All building and structure activities</b>
	1. Refer to Rules MRZ-R11 to MRZ-R17.

2.	For any building and structure activities specified as a Restricted Discretionary activity under Rules MRZ-R11 to MRZ-R17 the matters of discretion are restricted to: <ol style="list-style-type: none"> <li>a. The matters of discretion specified under the relevant rule; and</li> <li>b. The matters in PRECXX-P1.</li> </ol>
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<b>Rules: Building and structure activities in the High Density Residential Zone, excluding the Special Height Area</b>	
<b>PRECXX-R4</b>	<b>All building and structure activities</b>
1.	Refer to Rules HRZ-R11 to HRZ-R17.
2.	For any building and structure activities specified as a Restricted Discretionary activity under Rules HRZ-R11 to HRZ-R17 the matters of discretion are restricted to: <ol style="list-style-type: none"> <li>a. The matters of discretion specified under the relevant rule; and</li> <li>b. The matters in PRECXX-P1.</li> </ol>

<b>Rules: Building and structure activities in the Special Height Area</b>	
<b>PRECXX-R5</b>	<b>Maintenance and repair of buildings and structures</b>
1.	Activity status: <b>Permitted</b>
<b>PRECXX-R6</b>	<b>Demolition or removal of buildings and structures</b>
1.	Activity status: <b>Permitted</b>
<b>PRECXX-R7</b>	<b>Construction, addition or alteration of buildings and structures where no more than three residential units occupy the site</b>
1.	Activity status: <b>Permitted</b>  Where: <ol style="list-style-type: none"> <li>a. Compliance with the following standards is achieved:           <ol style="list-style-type: none"> <li>i. HRZ-S1;</li> <li>ii. HRZ-S3;</li> <li>iii. HRZ-S4 only in relation to the rear yard boundary setback;</li> <li>iv. HRZ-S5;</li> <li>v. HRZ-S6;</li> <li>vi. HRZ-S7;</li> <li>vii. HRZ-S8;</li> <li>viii. HRZ-S9; and</li> <li>ix. HRZ-S10.</li> </ol> </li> </ol>



2. Activity status: **Restricted Discretionary**

Where:

- a. Compliance with any of the requirements of PRECXX-R7.1.a cannot be achieved.

Matters of discretion are:

1. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standard;
2. The matters in HRZ-P2, HRZ-P3, HRZ-P4, HRZ-P5, HRZ-P8, HRZ-P9, HRZ-P10 and HRZ-P11; and
3. The matters in PRECXX-P1.

Notification status:

An application for resource consent made in respect of rule PRECXX-R7.2.a which results from non-compliance with HRZ-S1, HRZ-S3, MRZ-S4 or MRZ-S5 is precluded from being publicly notified.

An application for resource consent made in respect of rule PRECXX-R7.2.a which results from non-compliance with HRZ-S6, HRZ-S7, HRZ-S8 or HRZ-S9 or HRZ-S10 is precluded from being either publicly or limited notified.

<b>PRECXX-R8</b>	<b>Construction of buildings or structures for multi-unit housing or a retirement village</b>
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1. Activity status: **Restricted Discretionary**

Matters of discretion are:

2. The extent and effect of non-compliance with any of the following standards as specified in the associated assessment criteria for any infringed standard:
  - i. PRECXX-S4;
  - ii. HRZ-S3;
  - iii. HRZ-S12 for multi-unit housing only;
  - iv. HRZ-S13 for multi-unit housing only;
  - v. HRZ-S14 for multi-unit housing only;
  - vi. HRZ-S15;
  - vii. HRZ-S16; and
  - viii. HRZ-S17.
3. The matters in HRZ-P2, HRZ-P3, HRZ-P5, HRZ-P6, HRZ-P7, HRZ-P8, HRZ-P10 and HRZ-P11.
4. The matters in HRZ-P13 where the development comprises 25 or more residential units; or exceeds the maximum height requirement by 25% or more.
5. The matters in PRECXX-P1.

Notification status: An application for resource consent made in respect of rule PRECXX-R8.1 is precluded from being publicly notified.

<b>PRECXX-R9</b>	<b>Fences and standalone walls</b>
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1. Activity status: **Permitted**

Where:

- a. Compliance with HRZ-S11 is achieved.

2. Activity status: **Restricted Discretionary**

Where:

- a. Compliance with the requirements of PRECXX-R9.1.a is not achieved.

Matters of discretion are:

1. The extent and effect of non-compliance with the standard as specified in the associated assessment criteria for the infringed standard;
2. The matters in HRZ-P8 and HRZ-P11; and
3. The matters in PRECXX-P1.

Notification status: An application for resource consent made in respect of rule PRECXX-R9.2.a is precluded from being publicly notified.

**PRECXX-R10 Buildings and structures on or over a legal road**

1. Activity status: **Restricted Discretionary**

Matters of discretion are:

1. Streetscape and visual amenity effects;
2. Dominance, privacy and shading effects on adjoining properties;
3. Maintaining safe access and safety for road users, including pedestrians; and
4. The matters in HRZ-P8, HRZ-P10 and HRZ-P11.

Notification status: An application for resource consent made in respect of rule PRECXX-R10.1 is precluded from being publicly notified.

**PRECXX-R11 Construction of any other building or structure, including additions and alterations**

1. Activity status: **Permitted**

Where:

- a. Compliance with the following standards is achieved:

- i. PRECXX-S4;
- ii. HRZ-S1;
- iii. HRZ-S3;
- iv. HRZ-S4;
- v. HRZ-S5;
- vi. HRZ-S10;
- vii. HRZ-S12;
- viii. HRZ-S13;
- ix. HRZ-S14;
- x. HRZ-S15;
- xi. HRZ-S16; and
- xii. HRZ-S17.

2. Activity status: **Restricted Discretionary**

Where:

- a. Compliance with any of the requirements of PRECXX-R11.1.a cannot be achieved.

Matters of discretion are:

- 1. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standard;
- 2. The matters in HRZ-P9, HRZ-P10, HRZ-P11 and HRZ-P14;
- 3. The matters in HRZ-P6, HRZ-P7 and HRZ-P8 for additions and alterations to multi-unit-housing or a retirement village; and
- 4. The matters in PRECXX-P1.

Notification status: An application for resource consent made in respect of rule PRECXX-R11.2.a is precluded from being publicly notified.

**Standards: Within the Medium Density Residential Zone**

<b>PRECXX-S1</b>	<b>All standards</b>
1.	Refer to Rules MRZ-S1 to MRZ-S14.

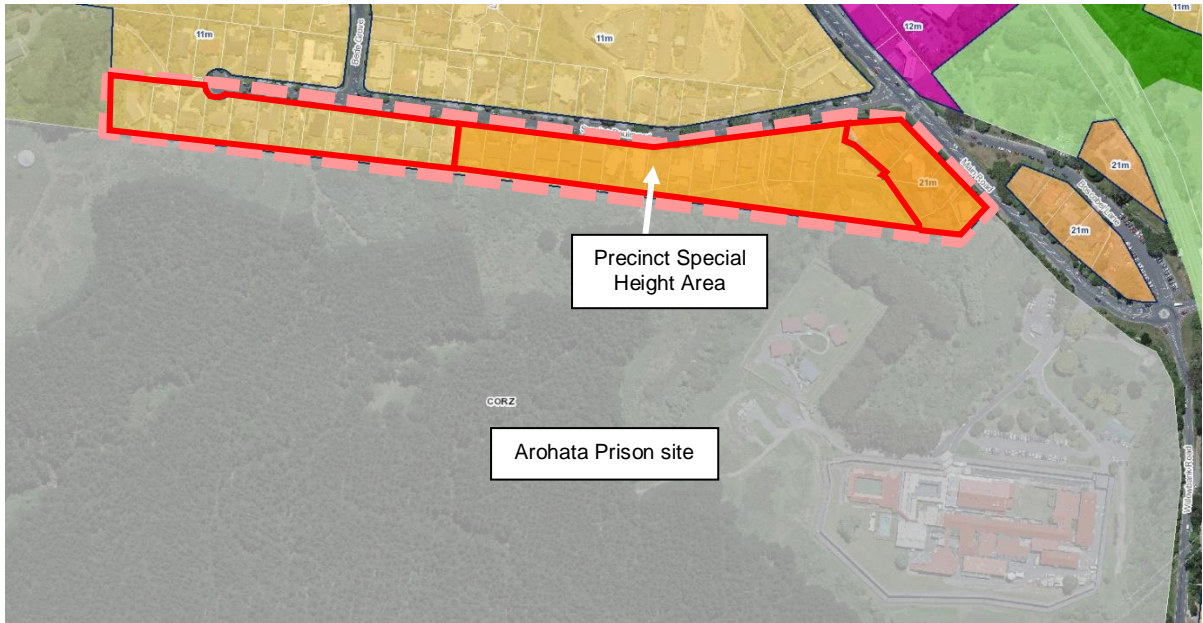
**Standards: Within the High Density Residential Zone, excluding the Special Height Area**

<b>PRECXX-S2</b>	<b>All standards</b>
1.	Refer to Rules HRZ-S1 to HRZ-S17.

**Standards: Within the Special Height Area**

<b>PRECXX-S3</b>	<b>All standards, excluding building height control 1 for multi-unit housing or a retirement village</b>
1.	Refer to Rules HRZ-S1 and HRZ-S3 to HRZ-S17.
<b>PRECXX-S4</b>	<b>Building height control 2 for multi-unit housing or a retirement village</b>

<p>1. Buildings and structures must not exceed 11 metres in height above ground level.</p> <p>This standard does not apply to:</p> <ul style="list-style-type: none"> <li>a. Fences or standalone walls;</li> <li>b. Solar panel and heating components attached to a building provided these do not exceed the height by more than 500mm; and</li> <li>c. Satellite dishes, antennas, aerials, chimneys, flues, architectural or decorative features (e.g. finials, spires) provided that none of these exceed 1m in diameter and do not exceed the height by more than 1m.</li> </ul>	<p>Assessment criteria where the standard is infringed:</p> <ul style="list-style-type: none"> <li>1. Streetscape and visual amenity effects;</li> <li>2. Dominance, privacy and shading effects on adjoining sites;</li> <li>3. Effects on the function and associated amenity values of any adjacent open space zone;</li> <li>4. Wind effects; and</li> <li>5. The matters in PRECXX-P1.</li> </ul>
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**Planning Map: Sunrise Boulevard Precinct**

**Drafting note:** The extents of the High Density Residential Zone versus that of the Medium Density Residential Zone within the precinct are assumed based off the recommended zoning map in the S42A Report for Hearing Stream 1 – Part 1, page 75.

**ATTACHMENT 3 – SECTION 77J EVALUATION**

# Arohata Prison / Sunrise Boulevard Qualifying Matters Assessment

## 1. Introduction: Section 77I

Section 77I authorises a specified territorial authority to make the MDRS and the relevant building height or density requirements under policy 3 of the NPS-UD less enabling of development in relation to an area within a relevant residential zone only to the extent necessary to accommodate 1 or more qualifying matters. Qualifying matters are those listed in section 77I. They include any other matter that makes higher density, as provided for by the MDRS or policy 3, inappropriate in an area, but only if the criteria in section 77L are satisfied.

When a territorial authority proposes to accommodate a qualifying matter as part of incorporating the MDRS and giving effect to policies 3 or 5 of the NPS-UD through a district plan, it must assess that amendment in accordance with section 77J.

This assessment:

1. Addresses how Arohata Prison and its interface with Sunrise Boulevard satisfies the requirements of section 77L, such that it constitutes a qualifying matter under section 77I.
2. Assesses the accommodation of that qualifying matter against the criteria in section 77J.

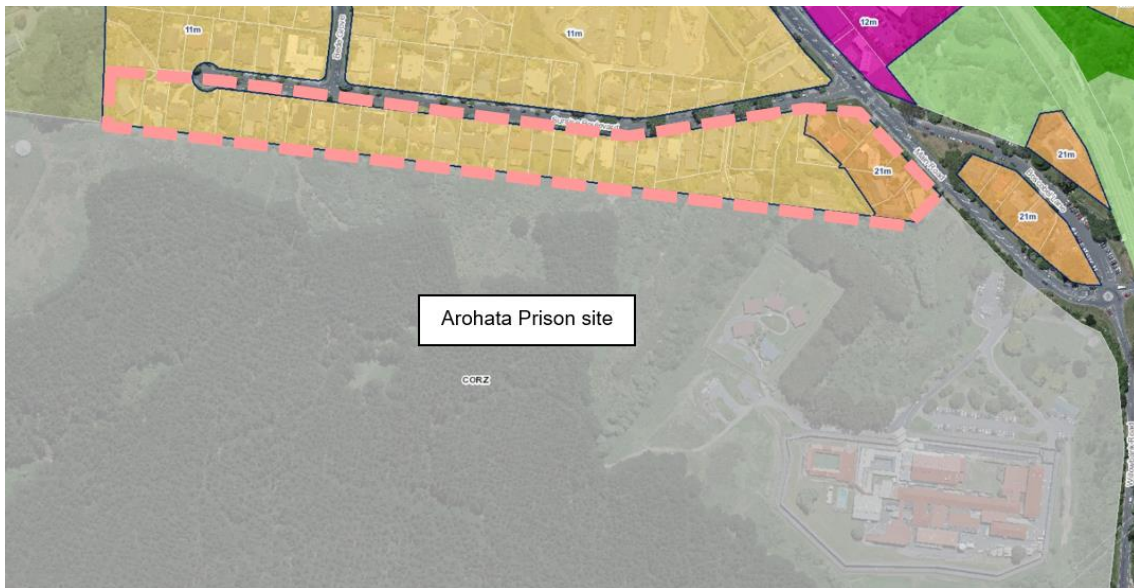
In this instance there are conflicting positions on how NPS-UD may be given effect to in the affected area along the interface between Arohata Prison and the residential zoned properties on the southern side of Sunrise Boulevard (see **Figure 1** below). Council's original position (as per the notified PDP and also in section 42A reporting for Hearing Stream 2) is that a Medium Density Residential zoning along the majority of that adjoining area gives effect to the requirements of the RMA and the NPS-UD. Council's alternative position (as per section 42A reporting for Hearing Stream 1) is that the subject area falls within the walkable catchment of the Takapu Station, so a High Density Residential zoning along the full extent of the adjoining area is necessary to implement policy 3 of the NPS-UD.

For the reasons set out below, Ara Poutama's position that both scenarios without further amendment are inappropriate, as:

1. Multi-unit developments which comply with permitted building heights in the HDRZ would have actual and potential effects on the prison, and the health, safety and wellbeing of the community within and adjoining the prison.
2. Neither the HDRZ nor MDRZ zoning without further amendment enables consideration of the potential effects of intensification which exceeds permitted building heights on the prison and the health and safety of the community.

A precinct is therefore required to ensure risks / issues along the subject boundary are addressed.

The analysis concludes that the Medium Density Residential zoning is more appropriate than the High Density Residential zoning, with the inclusion of a precinct overlay.



**Figure 1:** The interface between Arohata Prison and the subject properties on Sunrise Boulevard (shown in dashed line). Map source: Notified version of the PDP.

## 2. Arohata Prison / Qualifying Matter: Section 77L

### 2.1 Section 77L(a)

Section 77L(a) requires the identification of the specific characteristic that makes the level of development provided by the MDRS (as specified in Schedule 3A) or as provided for by policy 3 inappropriate in the area. In this instance the specific characteristic is the interface between a working prison and residential housing along the adjoining boundary with the prison.

For context, Arohata Prison provides facilities that deliver important social and cultural services, which are not found elsewhere in Wellington City, and are scarce nationally (noting that Arohata Prison is one of only three women's custodial facilities in the country). Additionally, it is one of only two prisons in the country where the facility shares a physical boundary with residentially zoned land, and the prison land adjacent to the boundary is both authorised (under a designation) and feasible (in terms of topography and other site considerations) for development.<sup>1</sup>

The actual and potential effects associated with providing for residential intensification along the boundary with Arohata Prison include:

- The sensitive nature of activities within the prison site; including the potential for the compromise of security and the wellbeing of prisoners and staff within Arohata Prison. This takes account of the fact that the prison's designation enables a wide range of activities to occur within the prison site, including adjacent to the residential boundary. In this regard Neil Beales, the Chief Custodial Officer for Ara Poutama, has provided a

<sup>1</sup> The other example being Mount Eden Prison in central Auckland.



summary of the potential for the compromise of security and wellbeing of prisoners and staff within Arohata Prison.<sup>2</sup> Mr Beales assessment makes the following points:

- (a) The importance of ensuring that built form within the adjacent residential area to the north of Arohata Prison does not compromise the ability of the prison to operate securely, nor constrain any future development.
  - (b) Urban spread in proximity to prisons is becoming an issue more than ever before. Changes in urban form increase the opportunities for potential lines of sight between people in prison and people outside of prison (whether that be people in their homes or people passing by on foot or in vehicles), for communications to be passed unchecked in and out of prisons, and for contraband to make its way into prisons.
  - (c) The welfare of prisoners and staff is critical. Creating an environment conducive to healing and rehabilitation is a core focus of Corrections and is particularly relevant when considering the self-care units which occupy (in part) the boundary with Sunrise Boulevard and Arohata Prison and any future expansion of those facilities. In order for healing and rehabilitation to occur, an environment which maintains the individuals' privacy and reduces the potential for overlooking or opportunities for interaction between residents and/or visitors to surrounding residential areas, is critical.
- The sensitive nature of adjoining residential activity to the prison; including the potential for social impacts and reverse sensitivity on residents on the southern side of Sunrise Boulevard. Again, this takes account of the fact that the prison's designation enables a wide range of activities to occur within the prison site, including adjacent to the residential boundary. In this regard Jo Healy, Social Impact Specialist from Beca, has provided a summary of the potential for social impacts on residents within the properties on the southern side of Sunrise Boulevard.<sup>3</sup> Ms Healy's assessment makes the following points:
    - (a) Experience is such that in the development of neighbouring sites, changes to prison facilities have not been anticipated, and are often built in a way that give rise to potential future impacts; for example, issues of sightlines into the site, and privacy issues for both sites due to the heights of the neighbouring developments. This can lead to an acrimonious relationship, complaints or actions to prevent the site from actioning the provisions of the designation and impacting on future development.
    - (b) The main social and amenity values that are afforded the adjacent properties to Arohata Prison currently is a natural back drop at the rear of the property, privacy and a quiet environment. The form of the current properties, topography of the site and current planting means this can be maintained if development occurs on the prison site. However, this may be harder to achieve if in the future buildings are significantly taller and orientated to the Prison site.

The following provides an assessment of how these effects, relating to the specific characteristic of the area, would be addressed by the two zoning scenarios:

MDRZ	HDRZ
<ul style="list-style-type: none"> <li>• Provides for a permitted height of 11m for standard residential development and multi-</li> </ul>	<ul style="list-style-type: none"> <li>• Provides for a permitted height of 21m for multi-unit developments, which is not</li> </ul>

<sup>2</sup> Mr Beales' assessment is appended as Attachment 2 to the EIC.

<sup>3</sup> Ms Healy's assessment is appended as Attachment 3 to the EIC.

<p>unit developments, which is considered to be acceptable on the basis that it would not result in 'overlooking' to and from the prison (largely due to topographical considerations), which can give rise to the security, health / safety and social effects outlined.</p> <ul style="list-style-type: none"> <li>• However, the MDRZ framework does not provide any provisions which enable a specific assessment of effects on the prison and the Sunrise Boulevard community when non-compliant development works are proposed.</li> <li>• A precinct to supplement the Medium Density Residential zoning could be implemented to ensure that a specific assessment is undertaken for non-compliant buildings, which takes account of the specific characteristics of the area.</li> </ul>	<p>considered to be acceptable on the basis that it would result in 'overlooking' to and from the prison, which can give rise to the security, health / safety and social effects outlined.</p> <ul style="list-style-type: none"> <li>• The HDRZ framework does not provide any provisions which enable mitigation or assessment of effects on the prison and the Sunrise Boulevard community when either permitted or non-compliant development works are proposed.</li> <li>• A precinct to supplement the High Density Residential zoning could be implemented to reduce the permitted height to that of the MDRZ (and to enable a specific assessment to be undertaken for non-compliant buildings, which takes account of the specific characteristics of the area); however this is a complicated approach to achieve the same outcome of a Medium Density Residential zoning in the area.</li> </ul>
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## 2.2 Section 77L(b)

Section 77L(b) requires justification of why the specific characteristic makes that level of development inappropriate in light of the national significance of urban development and the objectives of the NPS-UD. It is recognised that enabling an increase in the supply of housing in certain is a key objective of the NPS-UD (Objective 3). However, another key objective is enabling communities to provide for their social wellbeing and for their health and safety (Objective 1).

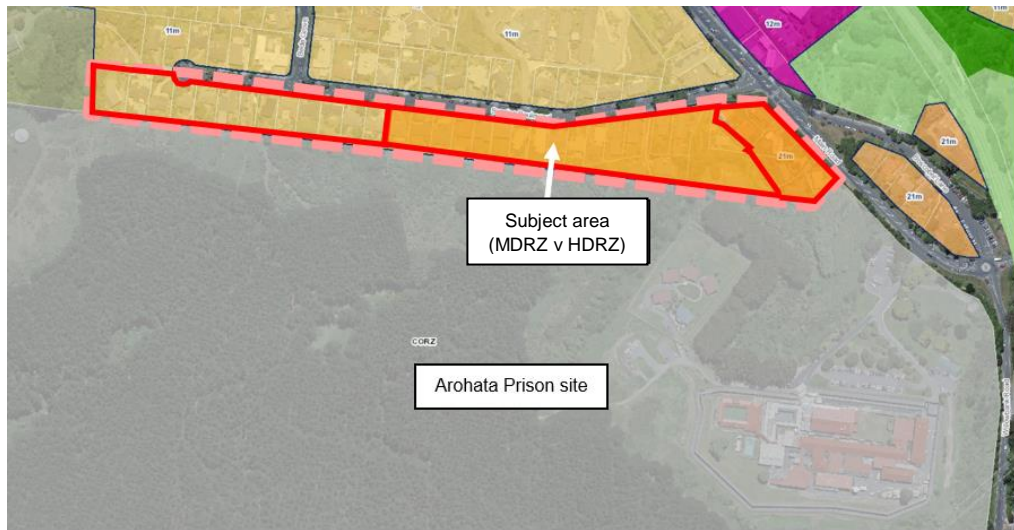
In the context of the unique characteristics of the prison site and its immediate surrounds along Sunrise Boulevard, the potential adverse social wellbeing and health and safety effects make the level of development which may be provided for under the HDRZ inappropriate. It is noted that the affected area is limited in size (approximately 1.58 hectares), and that significant additional residential development capacity is being enabled in the wider local area and throughout the city via the IPI and PDP processes.

On this basis it is assessed that limiting the level of development within the subject area otherwise provided for via policy 3 of the NPS-UD will accommodate Objective 1 without compromising Objective 3 of the NPS-UD overall.

## 2.3 Section 77L(c)

Section 77L(c) requires a site-specific analysis that covers the matters set out below.

- (i) *Identification of the site to which the matter relates.* This includes Arohata Prison and the adjacent properties located on the southern side of Sunrise Boulevard. More specifically, the zoning of the area identified in **Figure 2** below is the subject of assessment.



**Figure 2:** Planning map showing zoning as proposed via Hearing Stream 1 s42A reporting, with precinct area overlaid.

- (ii) *Evaluation of the specific characteristic on a site-specific basis to determine the geographic area where intensification needs to be compatible with the specific matter.* This includes the area shown in **Figure 2** above, which is approximately 1.58 hectares in area. An earlier GIS exercise undertaken by Ara Poutama<sup>4</sup> identified that the lower-lying properties at the eastern end of Sunrise Boulevard would be appropriate for the HDRZ (as notified in the PDP) as the Arohata Prison land adjacent to those properties sits much higher and would be unlikely to be affected by future high-density residential intensification on those sites. However, a HDRZ applicable to other properties further westward would represent an issue, given:
- a. the relative ground levels in relation to the Arohata Prison site, which would mean buildings constructed to the HDRZ multi-unit permitted building height of 21m would result in “overlooking” of the prison site; and
  - b. the fact that the land in that part of the prison site represents amongst the most feasible for future prison development on the site given the steep topography and other constraints (e.g. high-voltage overhead lines) present elsewhere.
- (iii) *Evaluation of an appropriate range of options to achieve the greatest heights and densities permitted by the MDRS or as provided for by policy 3 of the NPS-UD, while managing the specific characteristics.* The following provides an assessment of four options:

MDRZ without precinct	HDRZ without precinct
<ul style="list-style-type: none"> <li>• Provides for a permitted height of 11m, which meets the MDRS but may not meet policy 3 of the NPS-UD.</li> <li>• Is considered to be acceptable on the basis that it would not result in ‘overlooking’ to and from the prison,</li> </ul>	<ul style="list-style-type: none"> <li>• Provides for a permitted height of 21m for multi-unit developments, which meets the MDRS and may meet policy 3 of the NPS-UD.</li> <li>• Is not considered to be acceptable on the basis that it would result in ‘overlooking’ to and from the prison,</li> </ul>

<sup>4</sup> Undertaken when the PDP was notified, and informed Ara Poutama’s submission on the PDP which sought retention of the zoning of the properties along the southern side of Sunrise Boulevard as notified.

<p>which can give rise to security, health / safety and social effects.</p> <ul style="list-style-type: none"> <li>The MDRZ framework alone does not provide any provisions which enable a specific assessment of effects on the prison and the Sunrise Boulevard community when non-compliant development works are proposed.</li> <li><b>Not a preferred option.</b></li> </ul>	<p>which can give rise to security, health / safety and social effects.</p> <ul style="list-style-type: none"> <li>The HDRZ framework alone does not provide any provisions which enable mitigation or assessment of effects on the prison and the Sunrise Boulevard community when either permitted or non-compliant development works are proposed.</li> <li><b>Not a preferred option.</b></li> </ul>
MDRZ with precinct	HDRZ with precinct
<ul style="list-style-type: none"> <li>Provides for a permitted height of 11m, which meets the MDRS but may not meet policy 3 of the NPS-UD.</li> <li>A precinct to supplement the Medium Density Residential zoning ensures that a specific assessment is undertaken for non-compliant buildings, which takes account of the specific characteristics of the area.</li> <li><b>Represents the “Proposed Precinct” as per Attachment 1 to the EIC.</b></li> </ul>	<ul style="list-style-type: none"> <li>Provides for a reduced permitted height of 11m for multi-unit developments, which meets the MDRS but may not meet policy 3 of the NPS-UD.</li> <li>A precinct to supplement the High Density Residential zoning would reduce the permitted height to that of the MDRZ (and to enable a specific assessment to be undertaken for non-compliant buildings, which takes account of the specific characteristics of the area).</li> <li>Is a complicated approach to achieve the same outcome of a Medium Density Residential zoning over the area.</li> <li><b>Represents the “Alternative HDRZ Precinct” as per Attachment 2 to the EIC.</b></li> </ul>

### 3. Evaluation under Section 77J

The following sets out an assessment of the relevant provisions of section 77J in relation to the ‘Proposed Precinct’, which would apply to the MDRZ over the affected area, and the ‘Alternative HDRZ Precinct’ which would apply to the HDRZ.

#### 3.1 Section 77J(3)(a)

Section 77J(3)(a) requires an assessment of why the qualifying matter (in this case, the prison’s interface with the residential boundary) is incompatible with the level of development permitted by the MDRS or as provided for by policy 3.

That assessment is set out in detail in section 2.1 above.

#### 3.2 Section 77J(3)(b)

Section 77J(3)(b) requires an assessment of the impact that limiting development capacity, building height, or density (as relevant) will have on the provision of development capacity.

## **Affected area**

Accommodation of this qualifying matter (being the interface between the prison and the adjoining residential boundary) through the Proposed Precinct or the Alternative HDRZ Precinct would apply to 19 properties – assumed based off the recommended zoning map in the S42A Report for Hearing Stream 1 – Part 1, page 75. Refer to **Figure 2** above, which indicates those 19 properties within the “subject area”. These properties have a combined total area of approximately 1.58 hectares.

Of these 19 properties, all but four are less than 800m<sup>2</sup> in area, with three being around 1,000m<sup>2</sup> and one larger property of 3,000m<sup>2</sup>. All properties are subject to existing detached or semi-detached dwellings, of one or two storeys. All are in private ownership, and subject to different owners.

Considered together, these factors indicate that there are some significant impediments to overcome before high-density development of up to six storeys could otherwise be realised within the subject area.

## **Impact of the Precincts**

If it is accepted that the HDRZ along the affected area most appropriately gives effect to the NPS-UD, then accommodation of the qualifying matter (being the interface with the prison) would only impact the development capacity that could be enabled through the construction of multi-unit developments.

Under the notified PDP, the permitted building height for standard residential units in the MDRZ and the HDRZ is 11m. In the MDRZ, the permitted building height standard for multi-unit development in the affected area is 11m, noting that that activity is subject to a restricted discretionary consent pathway. In the HDRZ, however, the permitted building height standard for multi-unit developments is 21m.

The Proposed Precinct (and the accompanying MDRZ) and the Alternative HDRZ Precinct would both:

- Reduce the permitted height limit for multi-unit developments from 21m to 11m.
- Introduce additional assessment matters which would be triggered by non-compliances with all permitted building heights to enable consideration of the effects of those non-compliances on the prison and the health, safety and wellbeing of the community within and adjoining the prison.

The proposed limit in permitted heights for multi-unit developments to 11m amounts to a reduction in three storeys compared to the existing permitted height limit in the HDRZ (21m).

As a consequence, the theoretical development capacity which could otherwise be enabled under the greater HDRZ permitted height limit could potentially be reduced through the accommodation of this qualifying matter (under either scenario).

The exact extent of that reduction is however difficult to quantify, noting that total yield within a development is not determined solely by height limits. Building footprints, height in relation to boundary controls, outdoor space requirements, and particular site considerations (topography, servicing constraints) all impact the likely capacity of a site to accommodate development. In this context for example, the ability to build residential units on the upper storeys is limited in part by the height in relation to boundary standard, which applies a 60° recession plane from a point 8m above ground level from all private boundaries.

The condensed timeframe for preparing this assessment has not allowed Ara Poutama to undertake a more comprehensive analysis, which could account for those factors. Nevertheless, if height limits are selected as the prevailing metric (which would result in a high-level, conservative estimate), then accommodation of the qualifying matter would reduce development capacity along the affected area potentially by up to 50%. That reduction would however only apply to a total of 19 properties, having a combined total area of approximately 1.58 hectares. As noted below, that affected area only constitutes some 1.9% of the total HDRZ in the local area surrounding Takapu Rail Station. When considered in the context of the HDRZ across the wider Wellington area, that overall impact on development capacity is inconsequential.

In addition, all multi-unit developments require resource consent and consideration is given to bulk and location outcomes during the assessment of these activities. As such, amending the zoning from HDRZ to MDRZ will not lead to additional consenting requirements beyond those already anticipated by the rules in the PDP.

It must also be considered that the resource consent process would still provide for the opportunity for development proposals greater than 11m in height to be assessed on their merits, in line with the relevant assessment criteria. This therefore does not preclude developments over 11m in height being approved, subject to the implementation of appropriate building design and/or other mitigation.

### 3.3 Section 77J(3)(c)

Section 77J(3)(c) requires an assessment of the costs and broader impacts of imposing limitations on development.

The limitation of residential development capacity brought about by imposing the qualifying matter under both scenarios (i.e. Proposed Precinct and the Alternative HDRZ Precinct) must be considered in the context of the limited geographical area that it would apply to (1.58 hectares), and the much-wider area that the recommended extended HDRZ would apply to within the walkable catchment of the Takapu Rail Station (approximately 83.3 hectares). As such, the qualifying matter area represents approximately 1.9% of the total HDRZ in the local area; thereby reducing the overall impact associated with the limitation of development capacity.

In terms of the impacts that are able to be managed through the implementation of the qualifying matter under both scenarios, both within the subject area and within the Arohata Prison, these include:

- A reduction of the likelihood of potential for adverse amenity and social (reverse sensitivity) effects associated with non-compliant developments within the subject residential properties being located next to Arohata Prison.
- A reduction of the likelihood of potential for compromise of security of the Arohata Prison associated with non-compliant developments within the subject residential properties.
- Decreased likelihood of potential for health and safety impacts on staff and inmates of the Arohata Prison associated with non-compliant developments within the subject residential properties.
- Increased certainty for Ara Poutama in terms of future expansion opportunities within the entirety of the Arohata Prison site.

Notwithstanding the management of these impacts, which can be achieved under both scenarios, one significant cost associated with the Alternative HDRZ Precinct option is its relatively complex and cumbersome nature.

Under that scenario, the underlying zoning would be HDRZ, but the built-form outcomes anticipated by that zoning are constrained by the Alternative HDRZ Precinct, which effectively contemplates the level of built form that anticipated in the MDRZ. Put simply, the outcomes of the HDRZ and the Alternative HDRZ Precinct with respect to anticipated built form are not easily reconciled. That adds unnecessary complexity for users of the PDP, as well as processing planners. It also dilutes the outcomes of the HDRZ.

The more efficient, coherent planning outcome is simply to apply the MDRZ, but with the Proposed Precinct applying additional assessment criteria in instances where any developments seeking higher-intensity outcomes are proposed. That proposal achieves the appropriate balance between enabling the maximum amount of development capacity along the affected area, while also ensuring that the effects of intensification in that area are appropriately considered.

### 3.4 Section 77J(4)(b)

Section 77J(4)(b) requires a description of how modifications to the MDRS as applied to the relevant residential zones are limited to only those modifications necessary to accommodate qualifying matters and, in particular, how they apply to any spatial layers relating to overlays, precincts, specific controls, and development areas, including any operative district plan spatial layers; and any new spatial layers proposed.

There are no spatial overlays under the Operative District Plan that apply within the qualifying matter area.

The spatial overlays under the PDP that apply within the qualifying matter area include the following, which are not superseded or otherwise affected by the application of the precinct overlay under either the Proposed Precinct or Alternative HDRZ Precinct options:

- Wellington Airport Obstacle Limitation Surfaces (Designation ID: WIAL1); and
- Flood Hazard Overlay - Inundation Area.

**ATTACHMENT 4 - SECTION 32 EVALUATION WITH ADDITIONAL ANALYSIS**



*Drafting note: Blue text has been added subsequent to HS2 hearing appearance on 5 April 2023.*

# Sunrise Boulevard Proposed Precinct

## Section 32 Evaluation

### 1. Introduction

Section 74(1) of the RMA provides that a territorial authority must prepare its District Plan in accordance with –

- Its functions under section 31; and
- The provisions of Part 2; and
- Its obligation (if any) to prepare an evaluation report in accordance with section 32; and
- Its obligation to have particular regard to an evaluation report prepared in accordance with section 32; and
- A national policy statement, a New Zealand coastal policy statement, and a national planning standard; and
- Any regulations.

Section 74(2A) also provides that a territorial authority must take into account any relevant planning document recognised by an iwi authority.

Under section 75(3), a District Plan must give effect to any national policy statement, New Zealand coastal policy statement, national planning standard, and any regional policy statement. Under section 75(4), it must not be inconsistent with a regional plan.

An evaluation of imposing a new precinct (the “Sunrise Boulevard Precinct”) in the Wellington City Proposed District Plan (PDP), as set out in Appendix 4, under these statutory requirements is provided in the following sections.

### 2. Functions under Section 31 RMA

The precinct has been developed cognisant of the functions of Wellington City Council as a territorial authority under section 31 of the RMA. In particular, the proposed precinct will accord with its functions under section 31 to:

- Establish and implement an objective, a policy, and methods to achieve integrated management of the effects of the use, development or protection of land, and associated natural resources (s31(1)(a) RMA).

- Control and actual or potential effects of the use, development or protection of land (s31(1)(b) RMA).

### 3. Provisions of Part 2 of the RMA

Part 2 of the RMA sets out the purpose of the Act (section 5) being the sustainable management of natural and physical resources to enable people to provide for their health, cultural, economic and social wellbeing.

Section 6 seeks to manage the use, development, and protection of natural and physical resources, to recognise and provide for identified matters of national importance. There are no section 6 matters of relevance that would be adversely impacted by implementing the proposed precinct.

Section 7 identifies Other Matters to which particular regard must be had including the maintenance and enhancement of amenity values and the quality of the environment. Section 8 requires the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) to be taken into account.

The Sunrise Boulevard Precinct will implement tailored provisions to better manage the efficient use, development, and protection of land adjacent to the Arohata Prison so as to enable people and communities to provide for their social and cultural well-being, and for their health and safety. Proposed provisions for the precinct will ensure this is achieved while avoiding, remedying, or mitigating any adverse effects of certain activities within the precinct on the adjacent Arohata Prison, whilst also maintaining amenity values, and the quality of the environment within the precinct.

Overall, the proposed Sunrise Boulevard Precinct will give effect to Part 2 of the RMA.

### 4. Provisions of the Relevant Planning Documents

The following planning documents are of particular relevance to the evaluation of the proposed precinct:

- National Policy Statement on Urban Development 2020
- Regional Policy Statement for the Wellington Region 2013
- [Wellington City Proposed District Plan](#)

#### 4.1 National Policy Statement on Urban Development 2020

The National Policy Statement on Urban Development (NPS-UD) aims to ensure that New Zealand's towns and cities are well-functioning urban environments that meet the changing needs of our diverse communities. It directs councils to remove overly restrictive planning rules and plan for growth, both up and out.

Councils also have to respond to changes in demand by allowing denser housing in areas where people want to live, that are well-connected to jobs, transport and community facilities.

In terms of the properties subject to the proposed precinct, the Council has determined through an earlier Section 32 assessment process to apply the Medium and High Density Residential Zones to these properties, as notified. This determination was made giving consideration to the relevant provisions of the NPS-UD, including Policy 3(c)(ii), which requires District Plans to

enable building heights of at least 6 storeys within at least a walkable catchment of existing rapid transit stops.

The proposed precinct does not impose any further restrictions preventing the development capacity sought by the Council, as notified, being implemented.

## 4.2 Regional Policy Statement for the Wellington Region

The Regional Policy Statement for the Wellington Region (RPS) is the key guiding document for resource management issues in the region. The RPS provides objectives, policies and methods to resolve the region's resource management issues, and to achieve the integrated management of the natural and physical resources of the Wellington Region. The RPS has been prepared to give effect to and implement higher order direction.

Objective 22 of the RPS is relevant to the evaluation of the proposed precinct, in that it seeks a compact well designed and sustainable regional form and essential social services to meet the region's needs.

Inclusion of the proposed precinct will give effect to the RPS. It will enable future development of the prison site (an essential social service) and the adjacent residential properties in a manner that is well-designed and is ultimately sustainable with regards to the key values of the two different land uses.

## 4.3 Wellington City Proposed District Plan

The PDP assists Wellington City Council in meeting its functions under the RMA, including giving effect to and implementing higher order direction. The PDP, as notified, includes a range of provisions relevant to the implementation of a precinct. These include:

- Wellington City is enabled to be a well-functioning Capital City where a wide range of activities that have local, regional and national significance are able to establish and thrive; and where the social wellbeing of current and future residents is supported (Strategic Objective CC-O2);
- “Additional infrastructure” (which includes “social infrastructure” such as prisons) provides significant benefits at a regional or national scale (Strategic Objective SCA-O3).
- Activities within the Corrections Zone aren't constrained or compromised by incompatible activities; and recognition of Arohata Prison as a nationally important facility which contributes to the economic and social well-being, and health and safety of the region and district (Objectives CORZ-O1 and O3).
- Land within the Medium Density Residential and High Density Residential zones is used efficiently for residential development that increases housing supply and choice; and contributes positively to a changing and well-functioning urban environment in the MDRZ (Objective MRZ-O2) and contributes positively to a more intensive high-density urban living environment in the HDRZ (Objective HRZ-O2).

Inclusion of the proposed precinct will give effect to the PDP provisions. It will enable future development of the prison site, which is recognised as a nationally important piece of social infrastructure, without being constrained by inappropriate development on the adjacent residential sites. Additionally, the adjacent residential properties are able to be developed for

residential purposes consistent with the objectives for the respective Medium Density Residential and High Density Residential zones.

## 5. Section 32 RMA Evaluation

Section 32 of the RMA provides that an evaluation of a proposal must:

- Examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act.
- Examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—
  - (i) identifying other reasonably practicable options for achieving the objectives; and
  - (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and
- Identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for economic growth that are anticipated to be provided or reduced; and employment that are anticipated to be provided or reduced; and if practicable, quantify the benefits and costs.
- Assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.
- Summarise the reasons for deciding on the provisions.

### 5.1 Examination of Objective

The proposed precinct includes one new objective, with four elements, as follows:

*The Sunrise Boulevard Precinct accommodates medium to high density residential development consistent with the underlying Medium Density Residential and High Density Residential zones, while ensuring that:*

1. *Built form within the Precinct does not compromise the ability of the Arohata Prison to operate securely;*
2. *Built form within the Precinct does not compromise the enablement of future development on the Arohata Prison site;*
3. *Built form does not compromise the safety and wellbeing of those living and working at the Arohata Prison; and*
4. *Social and amenity values of the properties within the Precinct are maintained.*

No changes are proposed to the other objectives in the PDP, including the objectives applying to the underlying High and Medium Density Residential Zones.

An evaluation of whether the objective is the most appropriate way to achieve the purpose in section 5 of the RMA, is detailed in the following table.

Table 1: Evaluation of proposed Objective

Objective	Evaluation of Appropriateness
<p><i>The Sunrise Boulevard Precinct accommodates medium to high density residential development consistent with the underlying Medium Density Residential and High Density Residential zones, while ensuring that:</i></p> <ol style="list-style-type: none"> <li>1. <i>Built form within the Precinct does not compromise the ability of the Arohata Prison to operate securely;</i></li> <li>2. <i>Built form within the Precinct does not compromise the enablement of future development on the Arohata Prison site;</i></li> <li>3. <i>Built form does not compromise the safety and wellbeing of those living and working at the Arohata Prison; and</i></li> </ol>	<p>The continued enablement of residential intensification within the precinct sustains the land resource in terms of meeting the foreseeable needs of future generations, with respect to the supply of housing under section 5(2)(a) of the RMA.</p> <p>Arohata Prison provides facilities that deliver important social and cultural services, which are not found elsewhere in the City, and are scarce nationally (noting that Arohata Prison is one of only three women's custodial facilities in the country). In recognition of this, development within the precinct is required to consider the security, future development potential and the safety and well-being of the staff and inmates within the prison, to better enable people and communities to provide for their social and cultural well-being, and for their health and safety, under section 5(2) of the RMA.</p>
<ol style="list-style-type: none"> <li>4. <i>Social and amenity values of the properties within the Precinct are maintained.</i></li> </ol>	<p>The continued enablement of residential intensification within the precinct, while managing potential adverse social and amenity effects associated with living in close proximity to an operational prison is consistent with section 5(2)(c) of the RMA.</p>

Overall, based on the above assessment, the proposed objective is the most appropriate way to achieve the purposes of the RMA.

## 5.2 Examination of Provisions

This section evaluates whether the proposed provisions are the most appropriate way to achieve the proposed objective, by assessing efficiency and effectiveness of those provisions in comparison to other reasonably practicable options.

For the purpose of this evaluation, the reasonably practicable alternative options are:

- **Option 1:** The High and Medium Density Residential Zones and associated provisions proposed in the notified version of the PDP (the status quo).
- **Option 2:** The proposed precinct and associated provisions, while also continuing to reference and enable those activities listed as permitted in the High and Medium Density Residential Zones.

Option 2 differs from Option 1 insofar that it provides a tailored policy framework against which non-compliant development within the precinct can be assessed, in terms of security and health and safety risks to the Arohata Prison, as well as social and amenity effects on properties within the precinct.

For each option, Tables 2 and 3 below evaluate the costs, benefits and the certainty and sufficiency of information in order to determine the effectiveness and efficiency of the approach, and whether it is the most appropriate way to achieve the proposed objective.

Table 2: Benefits and Costs Analysis of Option 1 (High and Medium Density Residential Zones; status quo under the PDP)

<b>Element</b>	<b>Benefits</b>	<b>Costs</b>
<b>Environmental</b>	<ul style="list-style-type: none"> <li>Fewer design considerations for non-compliant developments within the precinct to assess.</li> </ul>	<ul style="list-style-type: none"> <li>Increased likelihood of potential for compromise of security of the Arohata Prison associated with non-compliant developments within the precinct.</li> <li>Increased likelihood of potential for adverse amenity (reverse sensitivity) effects associated with non-compliant developments within the precinct being located next to Arohata Prison.</li> </ul>
<b>Social</b>	<ul style="list-style-type: none"> <li>Potential increased perceived safety by not having overt references to the adjacent Arohata Prison in the planning provisions.</li> </ul>	<ul style="list-style-type: none"> <li>Increased likelihood of potential for health and safety impacts on staff and inmates of the Arohata Prison associated with non-compliant developments within the precinct.</li> <li>Increased likelihood of potential for adverse social (reverse sensitivity) effects associated with non-compliant developments within the precinct being located next to Arohata Prison.</li> </ul>
<b>Economic – General</b>	<ul style="list-style-type: none"> <li>Fewer design considerations for non-compliant developments within the precinct to assess, potentially appealing to developers investigating options for residential development within the precinct.</li> </ul>	<ul style="list-style-type: none"> <li>Decreased certainty for Ara Poutama in terms of future expansion opportunities within the entirety of the Arohata Prison site.</li> </ul>
<b>Economic Growth</b>	<ul style="list-style-type: none"> <li>None identified.</li> </ul>	<ul style="list-style-type: none"> <li>None identified.</li> </ul>
<b>Employment</b>	<ul style="list-style-type: none"> <li>None identified.</li> </ul>	<ul style="list-style-type: none"> <li>Potential for impact on future employment opportunities at Arohata Prison if development capacity of the prison is limited by inappropriate development on neighbouring residential properties.</li> </ul>
<b>Cultural</b>	<ul style="list-style-type: none"> <li>None identified.</li> </ul>	<ul style="list-style-type: none"> <li>Potential for impact on cultural programme opportunities at Arohata Prison if development capacity of the prison is limited by inappropriate development on neighbouring residential properties.</li> </ul>

Table 3: Benefits and Costs Analysis of Option 2 (Proposed Precinct)

<b>Element</b>	<b>Benefits</b>	<b>Costs</b>
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<b>Environmental</b>	<ul style="list-style-type: none"> <li>• A tailored planning framework being introduced which is able to specifically assess and address the effects unique to the local environment.</li> <li>• Decreased likelihood of potential for compromise of security of the Arohata Prison associated with non-compliant developments within the precinct.</li> <li>• Decreased likelihood of potential for adverse amenity (reverse sensitivity) effects associated with non-compliant developments within the precinct being located next to Arohata Prison.</li> </ul>	<ul style="list-style-type: none"> <li>• Increased design considerations for non-compliant developments within the precinct to assess.</li> </ul>
<b>Social</b>	<ul style="list-style-type: none"> <li>• Decreased likelihood of potential for health and safety impacts on staff and inmates of the Arohata Prison associated with non-compliant developments within the precinct.</li> <li>• Decreased likelihood of potential for adverse social (reverse sensitivity) effects associated with non-compliant developments within the precinct being located next to Arohata Prison.</li> </ul>	<ul style="list-style-type: none"> <li>• Potential decrease in perceived safety by having references to the adjacent Arohata Prison (including its future development potential) in the planning provisions.</li> </ul>
<b>Economic – General</b>	<ul style="list-style-type: none"> <li>• Increased certainty for Ara Poutama in terms of future expansion opportunities within the entirety of the Arohata Prison site.</li> </ul>	<ul style="list-style-type: none"> <li>• Increased number of design considerations for non-compliant developments within the precinct to assess, potentially deterring developers investigating options for residential development within the precinct.</li> </ul>
<b>Economic Growth</b>	<ul style="list-style-type: none"> <li>• None identified.</li> </ul>	<ul style="list-style-type: none"> <li>• None identified.</li> </ul>
<b>Employment</b>	<ul style="list-style-type: none"> <li>• Positive impact on future employment opportunities at Arohata Prison as development capacity of the prison is unencumbered by the potential for inappropriate development occurring on neighbouring residential properties.</li> </ul>	<ul style="list-style-type: none"> <li>• None identified.</li> </ul>
<b>Cultural</b>	<ul style="list-style-type: none"> <li>• Increase opportunities to implement cultural programmes at Arohata Prison if development capacity of the prison is unencumbered by the potential for inappropriate development to occur on neighbouring residential properties.</li> </ul>	<ul style="list-style-type: none"> <li>• None identified.</li> </ul>

Table 4 below provides an overall evaluation of the proposal, including an assessment as to whether the proposed objective is appropriate to achieve the purpose of the RMA, and provisions in the proposal are the most appropriate way to achieve the proposed objective.

Table 4: Overall Evaluation of the Proposal

Criteria	Evaluation
<p><b>Extent to which the provisions of the proposal are the most appropriate way to achieve the objective</b></p>	<p><b>Option 1</b>  <b>Efficiency:</b> This option is not an efficient method of achieving the desired outcomes of ensuring there is a tailored planning framework to manage effects on the Arohata Prison, and reverse sensitivity effects on properties within the precinct, given the costs identified above, which are greater than the benefits.  <b>Effectiveness:</b> This option would not be effective in achieving the proposed objective. The lack of any tailored planning framework does not respond to the Arohata prison’s operational and functional needs, nor the properties within the precinct in terms of managing effects on them in the future.</p> <p><b>Option 2</b>  <b>Efficiency:</b> This option is an efficient method of achieving the desired outcome of managing effects on the Arohata Prison, and reverse sensitivity effects on properties within the precinct, given the costs identified above, which are greater than the benefits.  <b>Effectiveness:</b> This option would be effective in achieving the proposed objective. The implementation of a tailored planning framework responds to the Arohata prison’s operational and functional needs, as well as the properties within the precinct in terms of managing effects on them in the future.</p>
<p><b>Assessment of the risk of acting or not acting if there is uncertain information about the subject matter of the provisions</b></p>	<p>It is considered that there is sufficient information to act given the level of understanding of the environmental, economic, social and cultural effects of managing an operational prison, and the reverse sensitivity effects on adjacent residential properties.</p>
<p><b>Reasons for the selection of the preferred option</b></p>	<p>Having undertaken an assessment of the proposed precinct and provisions against the status quo zoning option, the proposed objective is the most appropriate way to achieve the purpose of the Act, and the proposed precinct provisions are most efficient and effective for the Arohata Prison site and the adjacent residential properties in achieving the proposed objective.</p>

## 6. Conclusion

The introduction of the Sunrise Boulevard Precinct is intended to provide a more tailored framework enabling a targeted assessment of non-compliant development within the precinct. It provides a basis against which specific effects on the Arohata Prison and the properties within the precinct can be assessed against. The activities enabled are otherwise entirely consistent with the underlying High and Medium Density Residential Zones.

The precinct is assessed as giving effect to, and being consistent with, the relevant planning documents. The Section 32 evaluation of the precinct has found that the proposed objective is appropriate to achieve the purpose of the RMA, and provisions in the proposal are the most appropriate way to achieve the proposed objective.