

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)

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

Planning

Dated 16 March 2023

GREENWOOD ROCHE
LAWYERS
CHRISTCHURCH
Solicitor: R Murdoch
(rmurdoch@greenwoodroche.com)

Submitter's Solicitor
Kettlewell House
Level 3, 680 Colombo Street
P O Box 139
Christchurch
Phone: 03 353 0574

1 EXECUTIVE SUMMARY

- 1.1 Ara Poutama Aotearoa the Department of Corrections (**Ara Poutama**) made submission points in relation to definitions and provisions relevant to Hearing Stream 2 for the Wellington City Proposed District Plan (**PDP**). These include:
- (a) The provisions relating to “supported residential care activities” in the High and Medium Density Residential zones.
 - (b) The zoning and associated heights of properties of properties located along the southern side of Sunrise Boulevard, Tawa, which are located immediately adjacent to the Arohata Prison.
- 1.2 Ara Poutama sought that provisions relating to “supported residential care activities” be removed from the High and Medium Density Residential zones. This was principally a matter subject to Hearing Stream 1, as it relates to a definition. The Section 42A reporting package for Hearing Stream 2 (HS2 S42A)¹ has likewise reverted to the reporting planners’ position taken for Hearing Stream 1 on this matter; which is to retain the definition, and thus the associated provisions within the zones.
- 1.3 I have provided a brief summary in this evidence on why I remain of the view it is appropriate that the references to “supported residential care activities” are removed from the High and Medium Density Residential zones. I have otherwise referred to and appended the relevant sections of my Hearing Stream 1 evidence to avoid readdressing this matter in Hearing Stream 2.
- 1.4 Ara Poutama sought that the zoning and associated heights of properties of properties located along the southern side of Sunrise Boulevard, Tawa, be retained as notified to avoid effects on the adjacent Arohata Prison, as well the potential for reverse sensitivity effects. This is due to the Medium Density Residential Zone (and the associated 11m height) being imposed along the majority of the Arohata Prison boundary. The HS2 S2A report has supported this position, and rejected an associated

¹ <https://wellington.govt.nz/your-council/plans-policies-and-bylaws/district-plan/proposed-district-plan/hearings-information/hearings-topics-and-schedule/hearing-stream-2>

further submission by Kāinga Ora seeking an 'upzoning' of High Density along this boundary.

- 1.5 I have provided an assessment (with supporting special assessments) outlining why increased height along this boundary represents an issue for the Arohata Prison site and the subject properties, and have recommended that the most appropriate planning response to manage effects in this area is to include a precinct to supplement the zoning as notified. An evaluation under Section 32 of the Resource Management Act 1991 (**RMA**) relating to the approach has been included.

2 QUALIFICATIONS AND EXPERTISE

- 2.1 My name is Sean Grace. I am a Senior Principal and Planner at Boffa Miskell Limited, a national firm of consulting planners, ecologists and landscape architects. I hold the qualifications of Bachelor of Science (Physical Geography). I am a Full Member of the New Zealand Planning Institute. I have been a planner in local government or as a planning consultant based in Tauranga, Auckland and Wellington for over 18 years.
- 2.2 As a consultant planner, I have provided consultancy services for a wide range of clients around New Zealand, including central and local government authorities, land developers, and those in the social and network utility infrastructure sectors. My experience as a consultant includes planning policy preparation and advice, providing expert evidence at Council hearings, attending Environment Court mediation, preparing Notices of Requirement for designations, resource consenting and non-statutory planning work. As a local government planner, my experience was in resource consent processing and planning monitoring and enforcement.
- 2.3 I have worked for Ara Poutama as a planning consultant over the course of the past 14 years.
- 2.4 I have extensive experience in District Plan policy work, and have appeared on behalf of Ara Poutama in hearings and at mediation for the Wellington City Proposed District Plan (Hearing Stream 1), Proposed Waikato District Plan, Proposed Auckland Unitary Plan, Proposed Invercargill District Plan, Proposed Ōpōtiki District Plan and several other

Plan Change processes. I have reviewed and prepared submissions on behalf of Ara Poutama for numerous Proposed District Plans and Plan Changes.

3 CODE OF CONDUCT

- 3.1 I confirm that I have read the Code of Conduct for Expert Witnesses set out in the of the Environment Court Practice Notes 2014 and 2023. I have complied with the Code of Conduct in preparing this evidence and will continue to comply with it while giving oral evidence. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

4 SCOPE OF EVIDENCE

- 4.1 This evidence addresses matters raised in the HS2 S42A report. To that end, my evidence:
- (a) briefly summarises the relief sought by Ara Poutama relevant to Hearing Stream 2 (Section 5);
 - (b) discusses the application of provisions relating to “supported residential care activities” in the High Density Residential Zone (**HDRZ**) and the Medium Density Residential Zone (**MDRZ**), as recommended in the HS2 S42A report (Section 6); and
 - (c) discusses the PDP provisions in relation to the properties adjacent to the Arohata Prison, located on the southern side of Sunrise Boulevard, Tawa (Section 7).

5 RELIEF SOUGHT

- 5.1 Ara Poutama lodged a submission on the PDP dated 12 September 2022, and is identified as submitter number 240. The HS2 S42A report addresses the following points that were made in that submission:
- (a) **The provisions relating to “supported residential care activities” in the High Density Residential Zone (HDRZ).** Ara Poutama sought that the references to “supported residential care activities” be removed from the HDRZ, given that the definition of

“residential activity” and the associated provisions in the zone otherwise capture these activities (submission point 240.16).

- (b) **Alternative relief regarding the provisions relating to “supported residential care activities” in the HDRZ.** Ara Poutama sought that if the definition of “supported residential care activities” is retained in the Plan, then the references to such be retained as notified in the HDRZ (submission points 240.18, 240.20).
- (c) **The provisions relating to “supported residential care activities” in the Medium Density Residential Zone (MDRZ).** Ara Poutama sought that the references to “supported residential care activities” be removed from the MDRZ, given that the definition of “residential activity” and the associated provisions in the zone otherwise capture these activities (submission point 240.11).
- (d) **Alternative relief regarding the provisions relating to “supported residential care activities” in the MDRZ.** Ara Poutama sought that if the definition of “supported residential care activities” is retained in the Plan, then the references to such be retained as notified in the MDRZ (submission points 240.13, 240.15).
- (e) **The zoning and height limits proposed to apply to the properties adjacent to the Arohata Prison, located on the southern side of Sunrise Boulevard, Tawa.** Ara Poutama sought that the 21m and 11m heights proposed to apply to the subject properties, via application of the HDRZ and MDRZ in the planning maps, be retained as notified (submission points 240.1 and 240.2).

6 “SUPPORTED RESIDENTIAL CARE ACTIVITIES” IN THE HDRZ AND MDRZ

- 6.1 The inclusion of provisions relating to “supported residential care activities” within the PDP was a matter assessed in-depth through Hearing Stream 1, in relation to the PDP’s definitions. This is because Ara Poutama’s primary relief sought removal of the definition of

“supported residential care activity”, and the associated provisions relating to such throughout the PDP, given that the definition of “residential activity” otherwise entirely captures supported accommodation activities, such as those provided for by Ara Poutama (i.e. people living in a residential situation, who are subject to support and/or supervision by Ara Poutama).

- 6.2 The HS2 S42A report has adopted the position of the Hearing Stream 1 Reporting Planners in relation to both the HDRZ² and MDRZ³, which is that the definition of “supported residential care activity” should be retained in the PDP, and therefore the associated provisions in the HDRZ and MDRZ be retained as notified.
- 6.3 I do not intend to readdress this matter here in relation to the HDRZ and MDRZ chapters, and instead direct the Panel to my primary evidence on Hearing Stream 1 (appended as **Attachment 1**), given that sets out the full context regarding my position in relation to “supported residential care activities”. Section 7 of that statement outlines and assesses the relevant points, which I have highlighted for ease of reference.
- 6.4 For the reasons set out in Section 7 of my primary evidence on Hearing Stream 1, I remain of the view that there is no need for specific provisions relating to “supported residential care activities” in the HDRZ and MDRZ chapters.
- 6.5 However, should the Panel be minded to retain the definition of “supported residential care activity” via deliberations under Hearing Stream 1, then I would support the provisions relating to such for the HDRZ and MDRZ as recommended by the Reporting Planners in the HS2 S42A report.

² Section 42A Report: Part 3 – Residential Zones, Part 2: High Density Residential Zone, paragraphs 108 and 110.

³ Section 42A Report: Part 3 – Residential Zones, Part 3: Medium Density Residential Zone, paragraphs 49 and 444.

7 PROVISIONS RELATING TO PROPERTIES ADJACENT TO THE AROHATA PRISON (ON THE SOUTHERN SIDE OF SUNRISE BOULEVARD, TAWA)

Arohata Prison: Background and existing environment

- 7.1 Ara Poutama operates a custodial prison facility for women located at 1 Main Road, Tawa, known as Arohata Prison. Arohata Prison was built in 1944 and originally operated as a women's borstal. It became a youth prison in 1981 and a women's prison in 1987. It is classified as a minimum to high security women's prison. The facility is an important part of the national custodial corrections network given that it is one of just three women's prison facilities in the country, and the only women's prison in the Greater Wellington region. It therefore has significance in a regional and district context.
- 7.2 Arohata Prison sits on a site of approximately 53.34 hectares in area, which slopes relatively steeply upwards to the west and south, away from Main Road and Willowbank Road. The existing built facilities are located on the flatter parts of the site, towards the northeastern corner. The key existing facilities include (refer to **Figure 1**):
- (a) the main cluster of accommodation units and ancillary buildings, contained within a secure perimeter fence;
 - (b) a cluster of 'self-care' units contained within a secure perimeter fence; and
 - (c) staff and visitor parking areas.
- 7.3 The remainder of the site is in a mix of vegetation cover, with forestry plantation covering the majority of the site, including the steeper slopes to the western and southern sides.
- 7.4 The key surrounding land uses around the Arohata Prison site include:
- (a) To the north: one and two-level detached residential dwellings on residential-sized allotments, accessed from the southern side of Sunrise Boulevard (including a rural-residential property to the northwest).

- (b) To the northeast and east: one and two-level detached residential dwellings on residential-sized allotments, located on the opposite sides of Main Road and Willowbank Road. Also of note in this area is the Takapu Road train station and park-and-ride vehicle parking area, accessed off Boscobel Lane.
- (c) To the south: a forestry block, including a dwelling at the eastern end, plus ancillary rural buildings.
- (d) To the west: undeveloped pasture land.

7.5 **Figure 1** illustrates the key features outlined above.



Figure 1: Aerial photograph of the Arohata Prison site (source: PDP Map Viewer).

Operative and proposed planning context

7.6 The Arohata Prison site is subject to a designation in favour of the Minister of Corrections under the Operative Wellington City District Plan (**ODP**). This designation, referenced as “K2”, is for the purpose of “Arohata Prison” and is not subject to any conditions. As such, there are no specific standards or other such development controls constraining future prison development on the site from a district planning perspective.⁴ The site’s designation has been rolled over into the PDP,

⁴ Noting that any development works consistent with the designated purpose are required to go through the Outline Plan process in accordance with Section 176A of the RMA.

notified as reference "MCOR2", for the purpose of "Corrections purposes".

- 7.7 The Arohata Prison site is zoned Rural within the ODP (refer to **Figure 2**), but under the PDP is proposed to be zoned Special Purpose – Corrections (refer to **Figure 3**).
- 7.8 The operative zoning of sites around the Arohata Prison site include Outer Residential and Rural under the ODP (refer to **Figure 2**).

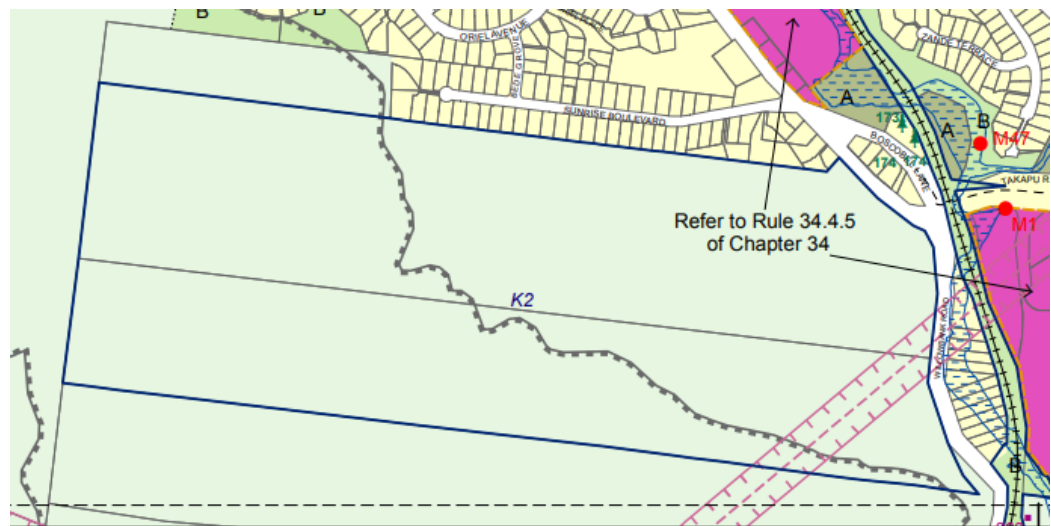


Figure 2: Operative zoning map (source: ODP Map 30). Key: pale green = Rural, yellow = Outer Residential.

- 7.9 The proposed zoning of sites around the Arohata Prison site include Medium Density Residential, High Density Residential, General Rural and Special Purpose Future Urban under the PDP (refer to **Figure 3**).

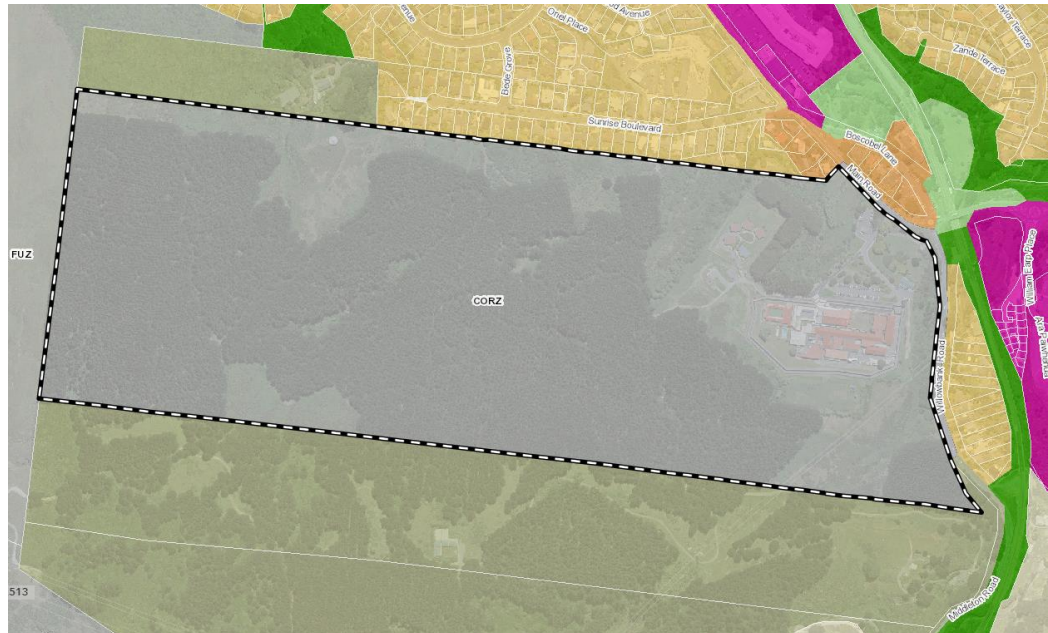


Figure 3: Proposed zoning map (source: PDP Map Viewer). Key: grey = Special Purpose Corrections (CORZ) and Special Purpose Future Urban (FUZ), yellow = Medium Density Residential, orange = High Density Residential, pale green = General Rural.

Submission points made in relation to zoning of properties adjacent to Arohata Prison

7.10 Following an assessment of the proposed zoning of all adjacent and nearby properties under the PDP (including undertaking a GIS-based landform and vegetation investigation) Ara Poutama made submission points specifically seeking that the zoning and associated height limits as proposed to apply the properties on the southern side of Sunrise Boulevard, adjacent to the northern boundary of the Arohata Prison site, be retained.⁵ These include the following zoning and heights, in relation to the properties identified in **Figure 4**:

- (a) MDRZ / 11m height
- (b) HDRZ / 21m height

⁵ Submission points 240.1 and 240.2.

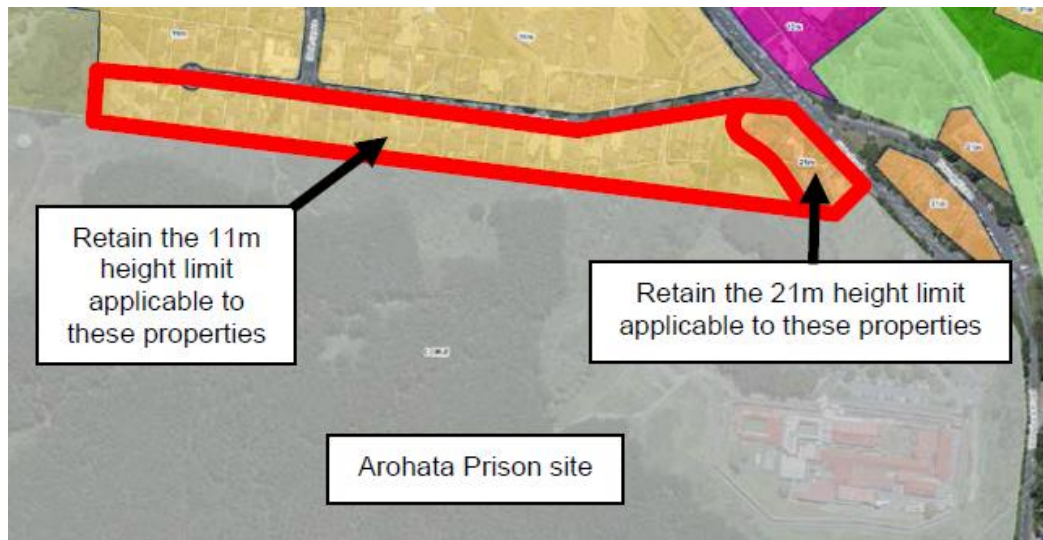


Figure 4: Excerpt from Ara Poutama’s submission on the PDP.

7.11 Ara Poutama’s submission outlined its opposition to any increases in height within the identified properties, beyond that proposed under the PDP. The submission identified the following reasons for seeking this relief:

- (a) That proposed height increases do not create the opportunity for a breach in security, for example enabling contraband to be thrown over fences into the Arohata Prison facility; and
- (b) That the facility is not subject to reverse sensitivity issues, such as privacy and amenity of adjacent multi-level residential developments that could see into the prison.

7.12 The HS2 S42A report has recommended that Ara Poutama’s submission points be accepted. That is, that the HDRZ and MDRZ as applying to the properties on Sunrise Boulevard be retained as notified.

7.13 Kāinga Ora subsequently made further submission points opposing the relief sought by Ara Poutama, in relation to the subject properties on the southern side of Sunrise Boulevard.⁶ Kāinga Ora’s opposition was made on the basis that they had sought for the HDRZ to apply to all properties

⁶ Further submission points FS89.2 and FS89.3.

located along the southern side of Sunrise Boulevard through its primary submission⁷.

7.14 The HS2 S42A report has recommended that Kāinga Ora's further submission points be rejected.

7.15 I am opposed to the relief sought by Kāinga Ora on the basis of the potential effects on the Arohata Prison and on the properties on the southern side of Sunrise Boulevard, as I outline below.

Potential effects assessments

7.16 Specific assessments have been undertaken in relation to the key potential effects associated with potential residential height and density increases (beyond the notified provisions) on the properties located on the southern side of Sunrise Boulevard. These potential effects were identified in Ara Poutama's submission, and relate to:

- (a) Potential for the compromise of security and wellbeing within Arohata Prison; and
- (b) Potential for social impacts on residents in the Sunrise Boulevard properties.

Compromise of security and wellbeing within Arohata Prison

7.17 Mr Neil Beales, the Chief Custodial Officer for Ara Poutama, has provided a summary of the potential for the compromise of security and wellbeing of prisoners and staff within Arohata Prison. Mr Beales' assessment is appended as **Attachment 2** to my evidence.

7.18 By way of summary, Mr Beales notes 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.

⁷ As sought in submission ID 2 and on Map Sheet 3 of Kāinga Ora's primary submission (refer: <https://wellington.govt.nz/-/media/Your-council/plans-policies-and-bylaws/district-plan/Proposed-district-plan/Files/original-submissions/350-399/Submission-391-Kinga-Ora-Homes-and-Communities.pdf>)

- (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.

Social impacts on residents on Sunrise Boulevard

7.19 Ms 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, adjacent to Arohata Prisons. Ms Healy's assessment is appended as **Attachment 3** to my evidence. This assessment was also undertaken with the lens of a potential precinct overlay being imposed over the subject Sunrise Boulevard properties, both to manage the effects associated with non-compliant development on Arohata Prison, and to manage social effects within those properties.

7.20 By way of summary, Ms Healy notes 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.

Planning response to manage effects

- 7.21 To address these effects identified in Ara Poutama’s submission (i.e. compromise of security and wellbeing within Arohata Prison, social impacts on residential neighbours, reverse sensitivity), I consider that it is appropriate to retain the HDRZ and MDRZ zoning as notified in the PDP, owing in particular to the reduced height (11m) that the MDRZ requires as a permitted activity along the majority of the Arohata Prison’s northern boundary.
- 7.22 I also consider that the addition of a precinct would be also be appropriate planning response to manage the effects.

Proposed Sunrise Boulevard Precinct

- 7.23 This concept of a precinct overlay being imposed over the subject Sunrise Boulevard properties has been advanced and tested via an RMA Section 32 evaluation.
- 7.24 The proposed “Sunrise Boulevard Precinct” provisions are appended as **Attachment 4** to my evidence. Given the precinct includes two underlying zones (HDRZ and MDRZ), it is proposed that the precinct would have its own ‘standalone’ section in the PDP, sitting under Part 3 (Area-Specific Matters).
- 7.25 In summary, the precinct includes the addition of the following:
- (a) An introduction and purpose statement for the precinct.
 - (b) An objective setting out that built form is appropriately managed to reduce impacts on Arohata Prison, and that social and amenity values on properties within the precinct are maintained.
 - (c) A policy setting out that where compliance is not achieved with the building and structures permitted activities rules for the applicable

underlying Medium Density Residential and High Density Residential zones, require that non-compliant development:

1. Reduces 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;
2. Reduces the potential for noise emissions to be received from the Arohata Prison site through the use of noise baffling wall and glass treatments; and
3. Orientates outdoor living spaces away from the Arohata Prison site.

(d) The addition of a new restricted discretionary rule which requires that non-compliant development is required to address, as a matter of discretion, the above policy (in addition to the other matters of discretion applicable in the respective HDRZ and MDRZ).

7.26 The precinct takes the approach of adopting and referencing all provisions applicable to the relevant underlying HDRZ and MDRZ, thereby ensuring that the Medium Density Residential Standards are not made any less-enabling, nor reducing height in the HDRZ. The precinct simply introduces specific assessment criteria and a supporting policy when permitted HDRZ and MDRZ provisions are not complied with.

7.27 This is an appropriate outcome to assess and manage the associated effects, which outlined earlier in my evidence.

7.28 As evaluation of the precinct approach has undertaken been pursuant to Section 32 of the RMA, as set out in **Attachment 5** to my evidence. The evaluation has concluded that the precinct will give effect to, and will be consistent with, the relevant planning documents. Further, the proposed objective is appropriate to achieve the purpose of the RMA, and the provisions are the most appropriate way to achieve the proposed objective.

7.29 On this basis, it is appropriate that the proposed Sunrise Boulevard Precinct, as set out in **Attachment 4**, be inserted into the PDP.

Engagement with Kāinga Ora

7.30 Ara Poutama is currently engaging with Kāinga Ora on this matter, and the proposed Sunrise Boulevard Precinct provisions in particular.

Hearing Stream 1 Section 42A Reporting

7.31 I note that the Section 42A report for Hearing Stream 1 has recommended a change to the extent of the “walkable catchment” around the Takapu Road station. As a consequence, the report appears to recommend the commensurate extension of the HDRZ to the properties along the southern side of Sunrise Boulevard, adjacent to the Arohata Prison.

7.32 This was not however reflected in HS2 S42A reporting. I do not consider that this is appropriate, for the reasons set out above.

Sean Grace

16 March 2023

**ATTACHMENT 1 - PRIMARY EVIDENCE OF SEAN GRACE ON BEHALF OF
ARA POUTAMA AOTEAROA THE DEPARTMENT OF CORRECTIONS FOR
HEARING STREAM 1**

ATTACHMENT 2 – ASSESSMENT OF POTENTIAL EFFECTS ON THE SECURITY AND WELLBEING WITHIN AROHATA PRISON

**ATTACHMENT 3 – REVIEW OF SOCIAL IMPACTS ON RESIDENTS ON
SUNRISE BOULEVARD**

ATTACHMENT 4 – PROPOSED PRECINCT PROVISIONS

ATTACHMENT 5 – SECTION 32 EVALUATION

IN THE MATTER OF

the Resource Management Act 1991

AND

IN THE MATTER OF

the Wellington City Proposed District Plan, Hearing Stream 1, Part 1, plan wide matters and strategic direction (submitter number 240)

**PRIMARY EVIDENCE OF SEAN GRACE
ON BEHALF OF
ARA POUTAMA AOTEAROA THE DEPARTMENT OF CORRECTIONS
FOR HEARING STREAM 1**

Planning

Dated 7 February 2023

GREENWOOD ROCHE
LAWYERS
CHRISTCHURCH
Solicitor: Rachel Murdoch
(rmurdoch@greenwoodroche.com)

Submitter's Solicitor
Kettlewell House
Level 3, 680 Colombo Street
P O Box 139
Christchurch
Phone: 03 353 0574

1 EXECUTIVE SUMMARY

1.1 Ara Poutama Aotearoa the Department of Corrections (**Ara Poutama**) made submission points in relation to definitions and provisions relevant to Hearing Stream 1 for the Wellington City Proposed District Plan (**PDP**). These include:

- (a) Retention of Strategic Objective UFD-O6;
- (b) Retention of the definition of “community corrections activity”;
- (c) Retention of the definition of “residential activity”; and
- (d) Removal of the definition of “supported residential care activity”.

1.2 The “Hearing Stream 1 – Part 1, plan wide matters and strategic direction” section 42A report, authored by Adam McCutcheon and Andrew Wharton, dated 20 January 2023 (the **HS1 S42A report**) recommends implementing the relief sought by Ara Poutama in relation to points (a) to (c) above, which I support.

1.3 In relation to point (d), the HS1 S42A report recommends retaining the definition of “supported residential care activity”. In my view, having this definition and the associated provisions in the PDP is unnecessary as the definition of “residential activity” otherwise entirely captures these activities, including supported accommodation provided for by Ara Poutama (i.e. people living in a residential situation, who are subject to support and/or supervision by Ara Poutama). Further, there is no meaningful effects basis for distinguishing residential activities provided by Ara Poutama from any other residential activity and there are no unintended consequences of implementing this relief in the PDP. Should the Panel be minded to retain a definition of “supported residential care activity” (and the associated provisions and references to such in the PDP), then I would support the amended wording of this definition as recommended by the Reporting Planners.

2 QUALIFICATIONS AND EXPERTISE

2.1 My name is Sean Grace. I am a Senior Principal and Planner at Boffa Miskell Limited, a national firm of consulting planners, ecologists and landscape architects. I hold the qualifications of Bachelor of Science

(Physical Geography). I am a Full Member of the New Zealand Planning Institute. I have been a planner in local government or as a planning consultant based in Tauranga, Auckland and Wellington for over 18 years.

- 2.2 As a consultant planner, I have provided consultancy services for a wide range of clients around New Zealand, including central and local government authorities, land developers, and those in the social and network utility infrastructure sectors. My experience as a consultant includes planning policy preparation and advice, providing expert evidence at Council hearings, attending Environment Court mediation, preparing Notices of Requirement for designations, resource consenting and non-statutory planning work. As a local government planner, my experience was in resource consent processing and planning monitoring and enforcement.
- 2.3 I have worked for Ara Poutama as a planning consultant over the course of the past 14 years.
- 2.4 I have extensive experience in District Plan policy work, and have appeared on behalf of Ara Poutama in hearings and at mediation for the Proposed Waikato District Plan, Proposed Auckland Unitary Plan, Proposed Invercargill District Plan, Proposed Ōpōtiki District Plan and several other Plan Change processes. I have reviewed and prepared submissions on behalf of Ara Poutama for numerous Proposed District Plans and Plan Changes.

3 CODE OF CONDUCT

- 3.1 I confirm that I have read the Code of Conduct for Expert Witnesses set out in the of the Environment Court Practice Notes 2014 and 2023. I have complied with the Code of Conduct in preparing this evidence and will continue to comply with it while giving oral evidence. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

4 SCOPE OF EVIDENCE

4.1 This evidence addresses matters raised in the HS1 S42A report. To that end, my evidence:

- (a) briefly summarises the relief sought by Ara Poutama relevant to Hearing Stream 1 (Section 5);
- (b) confirms Ara Poutama's support for several definitions and a Strategic Objective as recommended by the HS1 S42A report (Section 6); and
- (c) discusses the definition of "supported residential care activity", as proposed in the HS1 S42A report (Section 7).

5 RELIEF SOUGHT

5.1 Ara Poutama lodged a submission on the PDP dated 12 September 2022, and is identified as submitter number 240. The HS1 S42A report addresses the following points that were made in that submission:

- (a) **The definition of "community corrections activity"**, whereby Ara Poutama sought that the definition be retained as notified (submission point 240.3).
- (b) **The definition of "residential activity"**, whereby Ara Poutama sought that the definition be retained as notified (submission point 240.6).
- (c) **The definition of "supported residential care activity"**, whereby Ara Poutama sought that the definition, and associated provisions applying to such throughout the PDP, be deleted (submission point 240.7).
- (d) **Alternative relief regarding the definition of "supported residential care activity"**, whereby Ara Poutama sought that, if Council were to retain the definition and the associated PDP provisions, the definition be retained as notified (submission point 240.8).
- (e) **Strategic Objective UFD-06**, whereby Ara Poutama sought that the reference to "supported residential care" be removed from this

objective (a consequential amendment if the relief in point (c) above were granted) (submission point 240.9).

- (f) **Alternative relief regarding Strategic Objective UFD-06**, whereby Ara Poutama sought that, if Council were to retain the definition of “supported residential care activity” (as per point (d) above), the objective be retained as notified (submission point 240.10).

6 SUPPORT FOR REPORTING PLANNERS’ RECOMMENDATIONS

- 6.1 The HS1 S42A report recommends retaining the definition of “community corrections activity” as notified,¹ which is consistent with the relief sought by Ara Poutama. I support this recommendation, as the definition proposed is the same as the definition for “community corrections activity” included in the National Planning Standards.
- 6.2 The HS1 S42A report has recommended that the definition of “residential activity” be retained as notified,² which is consistent with the relief sought by Ara Poutama. I support this recommendation, as the proposed definition is also the same as the definition for “residential activity” included in the National Planning Standards.
- 6.3 The HS1 S42A report has recommended retaining Strategic Objective UFD-06 as notified,³ which is consistent with the alternative relief sought by Ara Poutama in relation to this objective. I support this recommendation, insofar as the reference to “supported residential care” within the objective is considered appropriate by the Panel. I discuss this matter further below.

7 “SUPPORTED RESIDENTIAL CARE ACTIVITY”

Background

- 7.1 Within Wellington City, and throughout Aotearoa, Ara Poutama establishes, delivers and manages residential housing in the community to assist people within its care with their transition and/or reintegration into the community where they have been on custodial sentences, and**

¹ HS1 S42A report, paragraph 545.

² HS1 S42A report, paragraph 643.

³ HS1 S42A report, paragraph 1199.

to assist people with proactively participating in society where they are on community sentences. These homes accommodate people following their release from prison, those on bail and/or those serving community-based sentences (such as home detention). In instances where more than one person resides at these homes, the group operates as a household participating in typical domestic activities, using the homes for sleeping, eating, cleaning, bathing and studying and the like. Depending on the needs of the residents, they receive a varying level of support and/or supervision from on-site providers, such as help with domestic duties and responsibilities (e.g. getting a drivers licence), rehabilitation, and/or reintegrative support (e.g. assistance with finding employment).

- 7.2 Significant demand for Ara Poutama housing exists nationally, including within Wellington City. This is in part driven by the provisions of the Sentencing Act 2002, requiring sentencing judges give consideration to community-based sentences before considering custodial sentences.
- 7.3 In order to support this statutory requirement and for Ara Poutama to fulfil its own statutory mandate, it is imperative that such residential activities are clearly provided for within the relevant plan definitions. To that end, Ara Poutama has sought, in the PDP and in other District Plans nationally, the consistent implementation of the National Planning Standards definitions and associated plan provisions for "residential activity" and "residential unit" (both of which are included in the PDP, and thus supported).
- 7.4 The definition of "residential activity" entirely captures supported accommodation activities, such as those provided for by Ara Poutama (i.e. people living in a residential situation, who are subject to support and/or supervision by Ara Poutama). Specifically, supported accommodation activities use "*land and building(s) for people's living accommodation*" (as per the definition of "residential activity") and these activities occur within "*a building(s) or part of a building that is used for a residential activity exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities*" (as per the definition of "residential unit").

- 7.5 In addition to the above, the notified version of the PDP also includes a definition of "supported residential care activity", which is worded as:

SUPPORTED RESIDENTIAL CARE ACTIVITY

means land and buildings in which residential accommodation, supervision, assistance, care and/or support by another person or agency for residents. [sic]

- 7.6 The corresponding PDP residential zone provisions, as notified, then provide a permitted status for these activities, but with an activity standard restricting occupancy to 10 residents. As an aside, I note that there is no restriction on occupant numbers for a "residential activity" in the residential zones.

- 7.7 In my view, having a separate definition and plan provisions for "supported residential care activities" has the potential to create interpretation issues, which may unnecessarily trigger the need for resource consent. To explain, I provide two examples in the context of the notified PDP provisions:

- (a) A household of 11 people relies on a nanny or housekeeper for *supervision, assistance and care* of those living in the house. This technically could fall within the scope of a "supported residential care activity" and require resource consent under the PDP provisions for the residential zones, despite the effects being no different to a residential activity (which has no restriction on occupancy) where a nanny is not present.
- (b) A household of 11 people includes one person subject to home detention who receives *supervision and support* from Ara Poutama. This technically again could require resource consent under the PDP provisions for the residential zones as a "supported residential care activity". However, the home detention of that single occupant creates effects that are no different to a residential activity (which has no restriction on occupancy) where none of the 11 occupants are subject to home detention.

- 7.8 Putting the occupancy rate aside, in my view the effects of supported accommodation activities and general residential activities are very similar, if not the same. Supported accommodation is predominantly a residential activity, with the only potential difference being the presence of support people on-site, and the associated vehicle trip generation. In

some instances visits by staff may only occur once a week, and in others the visits may be more frequent (e.g. daily). However, this may be comparable to, say, a family with several teenagers who each have their own vehicles and come and go throughout the day. All other effects, such as noise, light emission, residential character (i.e. building bulk and location) etc, are the same and are managed through achieving compliance with District Plan standards.

7.9 It is my understanding is that it would be highly irregular to have 10 or more residents in a supported accommodation unit managed by Ara Poutama. As such, any potential effects associated with having a relatively high number of people residing within a unit would be equally highly irregular.

7.10 Put simply, there is, in my opinion, no meaningful effects basis for distinguishing residential activities provided by Ara Poutama from any other residential activity. Where consents for Ara Poutama's activities are required, in my experience, they tend to be strongly opposed by surrounding residents because of perceived safety and amenity concerns associated with those in Ara Poutama's care. However, the decision to accommodate those persons within the community has already been made through the Court via sentencing. Imposing unnecessary consenting requirements on those activities – particularly where they might be contested – risks undermining the operation of the Sentencing Act.

7.11 For the reasons above, the primary relief sought in Ara Poutama's submission was to delete the definition of "supported residential care activity" (and the associated provisions and references to such) in the PDP, given that the "residential activity" definition can otherwise be relied upon.

7.12 The alternative relief in Ara Poutama's submission was that if Council were to retain the definition of "supported residential care activity" (and the associated provisions and references to such) in the PDP, the definition should be retained as notified. While having the definition in the PDP appears unnecessary and creates additional hurdles for Ara Poutama, it is nonetheless workable in its notified form.

Reporting Planners' Recommendation

7.13 The HS1 S42A report has made the following assessment in relation to the "supported residential care activity" definition:⁴

"The plan approach to providing for supported residential care in residential zones is to allow for up to 10 residents in a supported care facility as a permitted activity (eg MRZ-R4, HRZR4 refers]. This activity is specifically defined and controlled to distinguish from general residential activities. Where there are proposed to be more than 10 residents in supported residential care the activity is assessed as a restricted discretionary activity. The matters of discretion under MRZ-R4 2. are:

"The extent to which the intensity and scale of the activity adversely impacts on the amenity values of nearby residential properties and the surrounding neighbourhood."

In my opinion this is an appropriate way of managing supported residential care activities. The submissions by Dpt of Corrections [240.7 and 240.8], and Oranga Tamariki [83.2] are not supported as they are both seeking changes which would set no limit on the number of residents in supported care and as a consequence would be permitted activities."

7.14 As set out earlier in my statement, it is my opinion that there is no need, from an effects point of view, to control or distinguish supported accommodation activities from general residential activities. Whilst I do not disagree that the level of effects associated with a household of more than 10 people is likely to be greater than a household of fewer people than this (i.e. in terms of the potential for increased noise, traffic generation, etc.), my point is that the effects are apparent whether a residential unit is used for supported residential care purposes or not.

7.15 There is also uncertainty created by having the definition and provisions regarding "supported residential care activities", particularly in instances where a residential unit is used for such purposes in conjunction with other general residential activities.

7.16 On this basis, I support the primary relief sought by Ara Poutama, which is the deletion of the definition of "supported residential care activity", and the associated provisions and references to such, in the PDP. In my view, such relief and consequential amendment would not lead to unintended consequences. That is, the removal of the provisions can be done without compromising the regulation of any other activities in the

⁴ HS1 S42A report, paragraphs 681-682.

PDP, with reliance instead being on the relevant provisions for residential activities.

7.17 Should the Panel be minded to retain a definition of “supported residential care activity” (and the associated provisions and references to such in the PDP), then I would support the amended wording of this definition as recommended by the Reporting Planners. The amendments recommended tidy up a minor discrepancy apparent in the notified version of the definition, and provide an appropriate exclusion for “retirement villages”. The recommended amended definition reads:⁵

SUPPORTED RESIDENTIAL CARE ACTIVITY

means land and buildings in which residential accommodation, supervision, assistance, care and/or support is provided by another person or agency for residents, excluding retirement villages.

Sean Grace

7 February 2023

⁵ HS1 S42A report, paragraph 685.

09 March 2023

Boffa Miskell
35 Grey Street
Tauranga
Attention: Sean Grace

Dear Sean,

Arohata Prison is one of only three prisons in the Women's Network and the only women's prison in the Greater Wellington area. Given the size and configuration of the women's network the site is critical at a local, regional and national level. The facility plays a vital role in the region in allowing Ara Poutama Aotearoa to meet its responsibilities under the Corrections Act 2004 for enforcing sentences and orders of the criminal courts and the New Zealand parole board. Given this context, it is important 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 of the site.

Prison operations, and in particular security, is managed through oversight of activities and issues both inside and outside "the wire" and within our property boundaries. In managing both current and future prison environments, we need to be cognisant of the risks that people in prison present to others - both internally and externally. Equally we need to be aware that people in prison can also be under threat eg. duress from people outside the prison environment.

Our staff have to balance these risks, and prison design is a key element of that. With urban spread over time we have seen new or expanded communities encroaching in proximity to our prisons more than before. These changes in urban form increase traffic around the perimeters of our sites, including the numbers of pedestrians walking by. They also 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) and for communications to be passed unchecked and of course for contraband to make its way into prison. These outcomes of urban spread have implications for community safety and prisoner safety.

Community safety

The combination of those in prison having visibility of (and into) surrounding

homes and being able to then pass information to others outside the prison environment, is something which Ara Poutama tries to carefully manage, however that is made increasingly difficult as residential environments move within close proximity to our properties. Modern technology has exacerbated those risks which arise at the nexus of prison operations with local populations eg. mobile phones that can be thrown over fences and drone incursions.

In the worst case event of an escape or major incident (which are extremely infrequent/unlikely), the closer a community is based to the prison, the more likely they are to be aware of the incident. This increases anxiety and concern which inevitably leads to deterioration of relationships between the site and the surrounding community.

Prisoner safety

Ara Poutama has to ensure that people in prison are safe from external eyes, and with cameras on phones, especially those that have powerful zoom lens, houses and flats in close proximity provide opportunities for breaches not only of security, but also of privacy. The welfare of prisoners and staff is at the forefront of our minds and that duty of care includes the emotional and psychological wellbeing of prisoners, many of whom have a legacy of lifelong trauma. 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. Unwanted contact (including the passage of information and contraband) from outside “the wire” can threaten/disrupt that healing environment and the loss of privacy for those living in a prison environment through overlooking into units and/or outdoor exercise units, can affect the health and safety of those in our care, particularly for those who are residing in our prisons for extended periods of time.

Prisons, alongside Community Corrections sites and Corrections housing, are a critical part of our communities, however unlike CCS and housing, prisons need to maintain physical separation for security and the safety and wellbeing of prisoners, staff and the surrounding communities.

Please let me know if you have any questions or feedback.

Yours sincerely



Neil Beales

Chief Custodial Officer

Boffa Miskell
Level 5
35 Grey Street
Tauranga
New Zealand

16 March 2023

Attention: Sean Grace

Dear Sean

Re: Social Impact Review - Residential intensification adjacent to Arohata Prison

We have been instructed to undertake a social impact review in relation to the above to accompany your evidence in support of a new precinct – the Sunrise Boulevard Precinct – proposed for residential land adjacent to Arohata Prison.

To inform this advice, and a specific review of this site, the following has been undertaken:

- Review of the site including visit to Sunset Boulevard
- Media review of Arohata Prison
- Literature and case study analysis of social impacts of prisons
- Review of proposed precinct and security advice

Social context of baseline environment

Arohata Prison is located in the residential area of south Tawa on a large plot of land surrounded by bush, plantation forestry and pastureland. The designation covers the extent of the property and allows for future development of the site for the purpose of Prison functions. Arohata Prison was built in 1944 and originally operated as a women's borstal. It became a youth prison in 1981 and a women's prison in 1987. It is classified as a minimum to high security women's prison.

Defined as a peri-urban prison Arohata is currently bordered by Willowbank Road to the east, bushland to the south, pastureland to the west and residential properties to the north (Sunrise Boulevard). In relation to Tawa, it sits at the southern extent of the community (Tawa South), to the west of Grenada North and to the north of the Glenside and Churton Park communities.

Takapu Road Station is in close proximity to the entrance of the prison. Most community facilities in Tawa are to the north of this area.

Tawa South

The mean age of Tawa South is 39 (Wellington City is 34) and approximately 9% are Māori (0.5% higher than Wellington City). The area has a significantly lower proportion of people with no children (28% in Tawa South vs 48% in Wellington overall) - noting the working age is the highest portion of the population - and a higher proportion of families with children (18% in Tawa South vs 11% in Wellington overall). There is also a higher proportion of elderly with activity limitations (20% in Tawa South vs 15% in Wellington City). The mean income is \$41,500 which is the same as Wellington City and has similar incomes of those households who earn over

\$70,000. According to the 2018 Census, the area around Sunrise Boulevard is primarily decile 2 (1 being the least deprived), and the area inclusive of the prison is decile 4. A historical analysis of New Zealand Prison Facilities in 2001 (Morgan and Baines 2001) indicated that, at that time, 18% of staff resided within the local host community of Tawa.

Sunrise Boulevard

With regard to Sunrise Boulevard, this street connects to other streets but ends in a cul-de-sac. At present the southern side (which borders Arohata Prison and is the focus of this review) is made up of single detached homes either single storey or double/split level (with garages on the ground level and living on the second – going to single level at back due to gradient of site). There are currently 42 properties on the southern side of the street (including 5 on Main Road) within the subject area. The earliest properties (2) were built in the 1950's with the majority established in the 1960's (17) and 1970's (13). Only one property has been built since the 1970's and this was in the 1990's.

At present these properties that border the prison are a minimum 50m to 500m from the border of the occupied prison boundary (where there is open yard and buildings). All properties are buffered from visual views by either the gradient (a hill) and/or dense planting. This affords visual screening to both properties (the prison and residential properties) (see Attachment A).

Social Impacts of prisons – literature and case study review

General

The literature and case study review revealed a number of social impact themes, largely identified by communities that have been subject to prison development. These potential social impacts ranged from 'adverse' to 'positive' and included impacts on employment and the local economy, fear of personal safety and crime, property values, community resources and services, community improvement, aesthetic values, environment/conservation, community prestige, and quality of life.

Literature shows that prisons can attract people to an area for employment (particularly when located in more rural areas), positively impacting the local economy. There is potential for a prison to contribute to the community through schemes and inmate labour.

In terms of negative impacts many potential impacts are those feared/anticipated by residents particularly when a new facility is proposed rather than actualised impacts. Primary issues of concern are amenity, property values, personal safety and crime.

A review of New Zealand case studies and social impact monitoring showed no significant change in local crime rates in relation to the siting of corrections facilities (Morgan 2005, Morgan and Baines 2001, Quigley and Watts 2016, Bingham and Healy, 2021). Perception of personal safety can vary and literature shows it directly correlated with management of the site and any incidents of abscondence (Morgan 2005). Recent review of two Auckland sites did not report any concerns for personal safety (Quigley and Watts 2016, Bingham and Healy 2022). A 1999 property value review including Arohata Prison (reported in Morgan, 2005) found no significant changes in property values were found.

With regard to potential impacts on amenity and privacy there are a number of factors related to the built form of both residential and prison buildings and the form of the prison (e.g. the level of security and privacy they require to carry out the functions of the specific site) which can influence its appearance for neighbours. In some case prisons can and do operate next to residential accommodation with little screening (this is dependent on the size and function of the sites). In most cases in our experience, where possible or practicable, sites provide screening for activities within the site (from neighbours). However, this can be difficult in cases where development follows the establishment of the site. In these cases, there has been a 'reverse sensitivity impact' for facilities. For example, when the prison or similar site seeks to alter activities or functions on the site, there can be community opposition or concern about the change, albeit that they moved into an area after the site

became operational. Often issues are raised where residents (often newer residents) become more aware of the facility when changes are proposed and then the facility can face opposition.

Arohata Prison

A review of media coverage of the site did not reveal any community coverage of issues in the community pertaining to the site over the last 10 years. There was coverage of inmates escaping in 2005 and 2006 one of which was related to an escape whilst being escorted to appointments (i.e., off-site) both were resolved without incident. As noted above there was no evidence of the prison impacting property values of the area.

Social impact review

In order to manage potential security and social impacts associated with enabling residential intensification on properties on the southern side of Sunrise Boulevard, adjacent to Arohata Prison, an initial set of "Precinct" provisions has been provided.

The Precinct would seek to achieve the following:

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

I will seek to review the provisions and social impact in relation to the above objectives and the receiving community.

Built form within the Precinct does not compromise the ability of the Arohata Prison to operate securely

Prisons form an important function in the community both for the safety of the community and the treatment of offenders. They have specific functions depending on the level of security they provide and if they are unable to operate securely the health and wellbeing of the community, staff and inmates could be impacted. I defer to the specialist security advice as to the required provisions in relation to this site. The provisions limit sightline to the site (affording privacy of inmates) and minimise the ability to communicate and pass materials from the wider community to the site.

Built form within the Precinct does not compromise the enablement of future development on the Arohata Prison site

The designation for Arohata Prison is established and allows for development of the site; this is reflective of future proofing for population growth and different treatment provisions on site that are required in the future.

As with many Prison sites, it has been our experience that these facilities aim to keep a low profile within the community. When there is a requirement for change, it can then become more visible within the community and there can be opposition, particularly from those less aware of the site (newer residents) and from those who did not anticipate any future change. In addition, it has been our experience that in the development of neighbouring sites, changes to these 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. The provisions of the precinct both provides explicit direction to future developers on the potential extent of the Arohata Prison site in relation to its designation, and pre-emptively provides design mitigation to prevent incompatibility of both these functions in the future.

Built form does not compromise the safety and wellbeing of those living and working at the Arohata Prison

Similar to the provisions of operating the Prison securely, this also serves the purpose of providing for the safety and wellbeing of those living and working at the site. I defer to the advice of the security expert and the requirements of this site as to how unfettered development of the Sunrise Boulevard sites within the new provisions may compromise the security, safety and wellbeing of staff and inmates.

Social and amenity values of the properties within the Precinct are maintained

Before reporting on this, I note that this is primarily a desk top review and no engagement with the current property owners has been undertaken. The main social and amenity values that are afforded these properties 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. This may be harder to achieve if in the future buildings are significantly taller and orientated to the Prison site. The proposed precinct provisions, specifically the obscuring of south facing windows, limitation of openings orientated south towards the site and open space next to the Prison site will maintain privacy and reduce sensitivity of noise if operations get closer to the northern perimeter. It is noted that this only applies to activities that are not permitted for and require resource consent. For existing residents this does put additional unanticipated requirements for future development, but only in instances where resource consent is required, and these requirements could change how they use and enjoy the current environment if they develop their site. Notwithstanding, this approach would ensure that potential social impacts associated with non-compliant residential development adjacent to the Prison are managed, and overall it is considered to be an appropriate response from a social impact perspective.

For existing residents, I recommend a meeting with owners and the designation authority or alternately providing a letter, where information is provided to them on this precinct and the provisions explained to them in full. I further recommend that consideration of retention of a buffer of existing planting is retained to provide soft landscaping buffers in addition to the proposed provisions.

Overall comment

For the reasons outlined above, I am of the opinion that the precinct will provide for continued compatibility of the functions of both the residential neighbours and the Prison as they develop in the future. It does not prohibit future intensification of the area nor the ability of Ara Poutama Aotearoa the Department of Corrections to provide corrections services for future populations.

Yours sincerely



Jo Healy (Primary Author)

Associate – Social Impact Specialist



Charlotte Lee (Reviewer)

Senior Associate – Social Impact Specialist

on behalf of

Beca Limited

Phone Number: +6493080831
Email: Jo.Healy@beca.com

Please note that information in this report has been derived from available public records (including the Regional and District Plans and Policy Statements as they were provided on the local authority website), at the time of preparation of this document. These records are continually changing and are frequently incomplete and therefore Beca Limited cannot be held responsible for any misrepresentation, incompleteness, or inaccuracies provided within that information, or for updating or revising this report in respect of any changes that may occur after the date of this document, or for notifying of such changes. Should any other information become available, then this report should be reviewed accordingly by Beca Limited.

Attachment A – Site visit photos – Sunrise Boulevard Properties and Arohata Prison property in background



Sunrise Boulevard Precinct

PRECXX	Sunrise Boulevard Precinct
<p>Introduction</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 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>	

Objectives	
PRECXX-01	<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"> 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.

Policies	
PRECXX-P1	<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"> 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; 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 3. Orientating outdoor living spaces away from the Arohata Prison site.

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

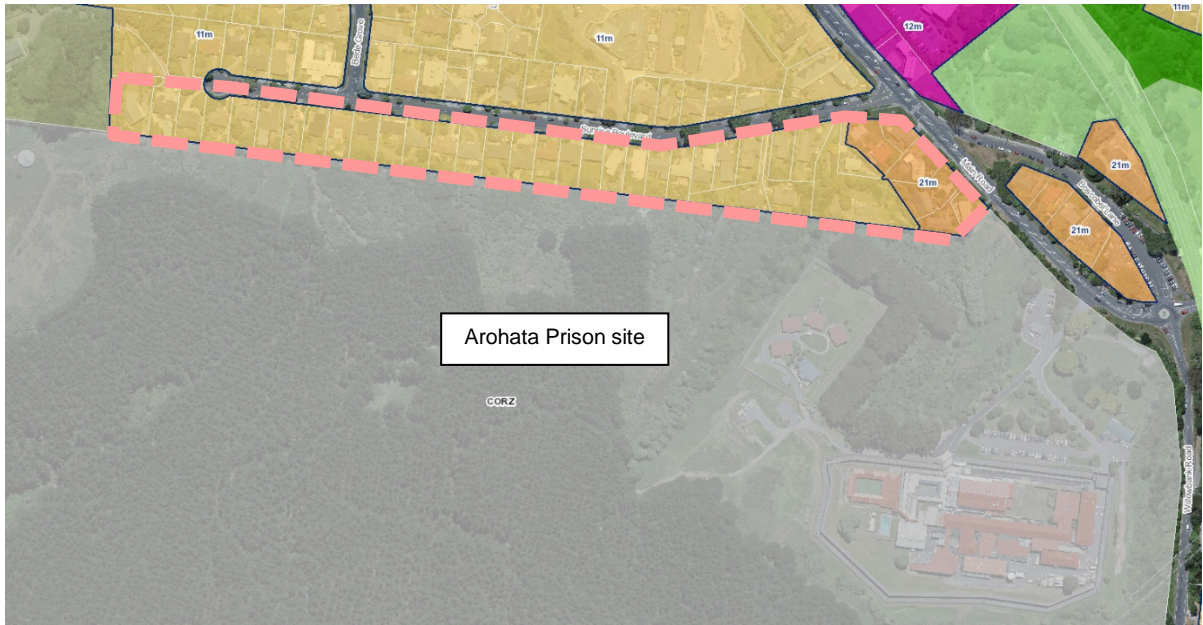
Rules: Land use activities in the High Density Residential Zone	
PRECXX-R2	All land use activities
	1. Refer to Rules HRZ-R1 to HRZ-R10.

Rules: Building and structure activities in the Medium Density Residential Zone	
PRECXX-R3	All building and structure activities
	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"> a. The matters of discretion specified under the relevant rule; and b. The matters in PRECXX-P1.

Rules: Building and structure activities in the High Density Residential Zone	
PRECXX-R4	All building and structure activities
	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"> a. The matters of discretion specified under the relevant rule; and b. The matters in PRECXX-P1.

Standards: Buildings and structures in the Medium Density Residential Zone	
PRECXX-S1	All buildings and structures
1.	Refer to Rules MRZ-S1 to MRZ-S14.

Standards: Buildings and structures in the High Density Residential Zone	
PRECXX-S2	All buildings and structures
1.	Refer to Rules HRZ-S1 to HRZ-S17.



Planning Map: Sunrise Boulevard Precinct

Sunrise Boulevard 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

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.

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

Element	Benefits	Costs
Environmental	<ul style="list-style-type: none"> • Fewer design considerations for non-compliant developments within the precinct to assess. 	<ul style="list-style-type: none"> • Increased likelihood of potential for compromise of security of the Arohata Prison associated with non-compliant developments within the precinct. • Increased likelihood of potential for adverse amenity (reverse sensitivity) effects associated with non-compliant developments within the precinct being located next to Arohata Prison.
Social	<ul style="list-style-type: none"> • Potential increased perceived safety by not having overt references to the adjacent Arohata Prison in the planning provisions. 	<ul style="list-style-type: none"> • 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. • Increased likelihood of potential for adverse social (reverse sensitivity) effects associated with non-compliant developments within the precinct being located next to Arohata Prison.
Economic – General	<ul style="list-style-type: none"> • Fewer design considerations for non-compliant developments within the precinct to assess, potentially appealing to developers investigating options for residential development within the precinct. 	<ul style="list-style-type: none"> • Decreased certainty for Ara Poutama in terms of future expansion opportunities within the entirety of the Arohata Prison site.
Economic Growth	<ul style="list-style-type: none"> • None identified. 	<ul style="list-style-type: none"> • None identified.
Employment	<ul style="list-style-type: none"> • None identified. 	<ul style="list-style-type: none"> • 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.

Cultural	<ul style="list-style-type: none"> • None identified. 	<ul style="list-style-type: none"> • 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.
-----------------	--	--

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

Element	Benefits	Costs
Environmental	<ul style="list-style-type: none"> • A tailored planning framework being introduced which is able to specifically assess and address the effects unique to the local environment. • Decreased likelihood of potential for compromise of security of the Arohata Prison associated with non-compliant developments within the precinct. • Decreased likelihood of potential for adverse amenity (reverse sensitivity) effects associated with non-compliant developments within the precinct being located next to Arohata Prison. 	<ul style="list-style-type: none"> • Increased design considerations for non-compliant developments within the precinct to assess.
Social	<ul style="list-style-type: none"> • 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. • Decreased likelihood of potential for adverse social (reverse sensitivity) effects associated with non-compliant developments within the precinct being located next to Arohata Prison. 	<ul style="list-style-type: none"> • Potential decrease in perceived safety by having references to the adjacent Arohata Prison (including its future development potential) in the planning provisions.
Economic – General	<ul style="list-style-type: none"> • Increased certainty for Ara Poutama in terms of future expansion opportunities within the entirety of the Arohata Prison site. 	<ul style="list-style-type: none"> • 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.
Economic Growth	<ul style="list-style-type: none"> • None identified. 	<ul style="list-style-type: none"> • None identified.
Employment	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • None identified.
Cultural	<ul style="list-style-type: none"> • Increase opportunities to implement cultural programmes at 	<ul style="list-style-type: none"> • None identified.

	Arohata Prison if development capacity of the prison is unencumbered by the potential for inappropriate development to occur on neighbouring residential properties.	
--	--	--

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
Extent to which the provisions of the proposal are the most appropriate way to achieve the objective	<p>Option 1 Efficiency: 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. Effectiveness: 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>Option 2 Efficiency: 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. Effectiveness: 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>
Assessment of the risk of acting or not acting if there is uncertain information about the subject matter of the provisions	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.
Reasons for the selection of the preferred option	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.

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.