

**Before the Hearings Panel
At Porirua City Council**

Under Schedule 1 of the Resource Management Act 1991

In the matter of the Proposed Porirua District Plan

Between **Various**

Submitters

And **Porirua City Council**

Respondent

**Statement of supplementary planning evidence of Caroline Elizabeth Rachlin
on behalf of Porirua City Council**

Date: 28 October 2021

INTRODUCTION:

- 1 My full name is Caroline Elizabeth Rachlin. I am employed as a Senior Policy Planner for Porirua City Council.
- 2 I have read the evidence and statements provided by submitters relevant to the Section 42A Reports on Natural Features and Landscapes, and Natural Character and Public Access, and the legal submissions relevant to both of these Section 42A Reports.
- 3 I have prepared this statement of evidence on behalf of the Porirua City Council (**Council**) in respect of technical related matters arising from the submissions and further submissions on the Proposed Porirua District Plan (**PDP**).
- 4 Specifically, this statement of evidence relates to the matters in the Section 42A Report – Part B Natural Feature and Landscapes (NFL s42A report), and the Section 42A Report – Part B Natural Character Chapter and Public Access Chapter (NATC and PA s42A report).
- 5 I am authorised to provide this evidence on behalf of the Council.

QUALIFICATIONS, EXPERIENCE AND CODE OF CONDUCT

- 6 Appendix C of the NATC and PA s42A report and Appendix D of the NFL s42A report set out my qualifications and experience.
- 7 I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2014.

SCOPE OF EVIDENCE

- 8 My statement of evidence addresses:
 - Matters raised in submitter evidence and statements;

- Updates on a procedural matter;
- Responds to a submission on the issue of the use of 'minimise' in policies;
- Updates on feedback from Te Rūnanga o Toa Rangatira (TROTR) on recommended changes to SAL 004 Cannons Creek; and
- Updates on two minor errors in the s42A reports.

Matters raised in submitter evidence and statements

- 9 I confirm that I have read the submitter evidence and statements and that there is nothing within them that changes my recommendations in the s42A reports. In particular, I note the evidence of Joao Paulo Silva for Director-General of Conservation, paragraphs 7.61 – 7.65, and I do not change my position on NFL-R2 and NFL-S2 in response to the evidence.

Procedural matter

- 10 In Section 1.5 – Procedural Matters of my NFL s42A Report, I advised my understanding that the Council intends to promulgate a Variation to the PDP to address an NFL schedules error, and for this to occur before the end of 2021. I wish to update the Panel that at the time of writing my understanding is that this will not occur before the end of 2021.

Matters in response to the submission on the use of 'minimise'

- 11 In Hearing Stream 1 the use of 'minimise' in policies was raised due to a submission from Waka Kotahi [82.296] about whether the word 'minimise' should be replaced with 'mitigate'.

12 Minimise is used in NFL-P8-3.c and NFL-P-13-1 of the NFL – Natural Features and Landscapes Chapter, and NATC-P4-3 of the NATC- Natural Character Chapter, as shown below:

NFL-P8 Special Amenity Landscapes (in the coastal environment)

Only allow subdivision, use and development within Special Amenity Landscapes in the coastal environment (outside of High Natural Character), where these avoid significant adverse effects and avoid, remedy or mitigate other adverse effects, on the identified characteristics and values described in SCHED10 – Special Amenity Landscapes having regard to:

(...)

3. The extent to which:

a. Land disturbance and indigenous vegetation removal is minimised;

(...)

NFL-P13 Earthworks, vegetation removal and buildings and structures in the Māori Purpose Zone (Hongoeka) and Takapūwāhia Precinct

Provide for earthworks and vegetation removal associated with papakāinga by Ngāti Toa whānau within the Maori Purpose Zone (Hongoeka) and the Takapūwāhia Precinct, and for residential activities in the Takapūwāhia Precinct, where kaitiakitanga is exercised to avoid, remedy or mitigate any adverse effects on the identified characteristics and values of the Special Amenity Landscape described in SCHED 10 – Special Amenity Landscapes; including through:

1. *Measures to minimise the extent and form of any earthworks and maintain the existing landform;*

NATC-P4 Inappropriate earthworks

Only allow other earthworks within coastal margins and riparian margins where it can be demonstrated that they are appropriate, by taking into account:

(...)

3. *How the alignment and location of the earthworks are designed to reduce cut heights and minimise changes to the landform and visual impact;*

(...)

- 13 In my opinion where ‘minimised’ is used in NFL-P8-3.c and in NFL-P13-1, it has the purpose of guiding applicants and decision makers to understand whether adverse effects have been avoided, remedied or mitigated, (as required by that respective policy direction), and where ‘minimise’ is used NATC-P4-3, it has the purpose of guiding whether the earthworks are appropriate.
- 14 In my opinion, ‘minimise’ in these three instances has the meaning of minimising (or reducing) to the smallest or least amount or extent possible. This is within the context of the overall policy direction and the other factors by which developments are to be assessed.

SAL 004 Cannons Creek

- 15 In my NFL s42A report, at page 40, I recommended that the Hearings Panel amend the schedule entry for SAL004 Cannons Creek as set out in Appendix A, (subject to confirmation from TROTR). I contacted TROTR on this matter and have received feedback, which I will also address in the Officer’s right of reply, including showing the changes within the schedule entry as a whole. The feedback received was to make a few

adjustments to one of the 'Shared and Recognised' characteristics and values.

- 16 The text below shows the recommended addition to new (4.) in SAL 004 in Appendix A of my NFL s42A report. The recommended adjustment sought from TROTR is also shown within this text as bold underline for new text to be added and bold strikethrough for text to be removed:

4. Waitangirua Hill is a recognised landform feature within the community and is of particular significance to Ngāti Toa. The name Waitangirua refers to two important streams in the broader area. ~~formed by the tears of iwi as they mourned the death of Te Rangihaeata's wife, Te Rongo;~~

Minor errors

- 17 Finally, I note that there is a minor error in Section 1.1 of my NFL s42 report where I stated considering and making recommendations on submissions in relation to "relevant strategic objectives, ...". I confirm that I did not make recommendations on strategic objectives in that s42A report.
- 18 There is also an error at paragraph 88 of my NATC and PA s42A report. The submission reference is 168.56 not 168.57.

Date: 28/10/2021



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