

**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**

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

**Date: 2 December 2021**

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## **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 Notable Trees, Historic Heritage, Sites and Areas of Significance to Māori, and the legal submissions relevant to these Section 42A Reports.
- 3 I have also read the Expert Witness Conferencing Statements on Notables Trees and Historic Heritage, and the Supplementary Evidence on Notable Trees of Leon Saxon on behalf of Porirua City Council, and the Supplementary Evidence on Notable Trees of David Spencer, on behalf of Porirua City Council.
- 4 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**).
- 5 Specifically, this statement of evidence relates to the matters in the Section 42A Report – Part B Historic Heritage (HH s42A report), the Section 42A Report – Part B Notable Trees (Trees s42A report), and the Section 42A Report – Part B Sites and Areas of Significance to Māori (SASM s42A report)
- 6 I am authorised to provide this evidence on behalf of the Council.

## **QUALIFICATIONS, EXPERIENCE AND CODE OF CONDUCT**

- 7 Appendix C of the Trees s42A report, Appendix C of the HH s42A report, and Appendix D of the SASM s42A report set out my qualifications and experience.

8 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**

9 My statement of evidence addresses:

- Matters raised in submitter evidence and statements
- Matters raised in the expert witness conferencing statements and in supplementary evidence.
- Updates on minor errors in the s42A reports.

#### **Matters raised in submitter evidence and statements**

10 I confirm that I have read the submitter evidence and statements and expert witness conferencing statements.

11 There are five matters which I respond to within this section of my supplementary evidence. These are in response to matters raised in the evidence of Dean Raymond for Heritage New Zealand Pouhere Taonga and Alison Dangerfield for Heritage New Zealand Pouhere Taonga (Heritage NZ), and the Submitter Tabled Letter of Thomas and Claire Clark. These are on issues in the HH – Historic Heritage Chapter and Trees – Notable Trees Chapter and associated schedules as follows:

- Historic Heritage - Heritage Settings
- Historic Heritage - Interiors
- Historic Heritage - HH-P15- Subdivision
- Historic Heritage - Inclusion of NZAA site reference number in a new listing

- Notable Trees - Schedule entry details for TREE008, 24 Whanake Street.

12 I note that Mr Raymond has addressed the issue of provisions for animal grazing. I intend to address this in my right of reply after hearing any response to questions from the Panel.

*Historic Heritage - Heritage settings*

13 In referring to the HH - s42A report, Mr Raymond states at paragraph 15 of his evidence:

*The report writer states that the PDP takes the approach that **all** historic heritage items and their heritage settings are identified in the heritage schedules and identified on the planning maps (paragraph 151 – emphasis added).*

14 I note that paragraph 151 of my HH - s42A report incorrectly included the word 'all' before 'historic heritage items'.

15 On the issue of heritage settings more broadly, Mr Raymond questions why work has not been undertaken to determine the settings of eight historic places. Mr Raymond refers to the evidence of Ms Dangerfield that the amount of work involved for a heritage specialist to determine the settings of these eight places would be "in the order of 5 days".

16 Ms Dangerfield and Mr Raymond have not provided detailed supporting analysis or evidence setting out the spatial extent of any new heritage setting sought. I note that Ms Dangerfield in her evidence discusses including descriptors of heritage settings. Although, providing an alternative of denoting an area around a place (i.e. mapped/spatial extent), Ms Dangerfield concludes that :*"short, concise descriptors of the settings would be worthy and valueable additions to the heritage citations and I recommend that these be written in for each of the eight places."*

17 This descriptor approach is a shift from the mapped extent approach of the PDP. I agree that it would be appropriate to undertake work to identify heritage settings; however, and as set out in paragraph 154 of the HH s42a report, I consider that this work is most appropriately undertaken through a future plan change process. This is because of the nature and scale of the work, including site by site analysis to determine the need for any heritage setting and the associated spatial extents, and allowing for engagement with landowners. I also remain of the view that the most appropriate method to define heritage settings is through them being shown on the planning maps.

#### *Historic Heritage - Interiors*

18 In addressing the issue of the interiors of heritage items, Mr Raymond states, at paragraph 20 of his evidence:

*The introduction to both SCHED2 and SCHED3 states that 'interiors are excluded unless spatially identified.' However, although some of the schedule entries refer to interior elements, the PDP is not clear whether any of the interior elements referred to are actually included as recognised and protected parts of the heritage place.*

19 In paragraph 21 of his evidence, Mr Raymond outlines that there are a number of instances where interior elements are specifically identified. An example is provided of a Statement of Significance (schedule entry HH004), and Mr Raymond states:

*What is unclear in the PDP is whether or not this statement is an example of interiors being 'specifically identified' and therefore included in the schedule.*

20 I recognise the concerns raised by Mr Raymond and I consider that PDP needs to be very clear on whether any interiors are listed. Although no

interiors are currently listed in the PDP, such clarity is particularly necessary for any future work to schedule interiors of heritage items.

- 21 In my opinion increased clarity would be achieved by making a minor addition to the introduction to SCHED 2 – Historic Heritage Items (Group A) and SCHED3 – Historic Heritage Items (Group B) through adding the following ‘under Feature description’ (in red underlined):

(...)

*Information under Feature description identifies what is included in the schedule entry for each heritage item. The interiors of heritage items are excluded unless specifically identified under Feature description. Where a heritage item has a heritage setting this is stated.*

(...)

- 22 I recommend this addition is made to both of these schedules, and I also recommend a minor change to include ‘a’ before ‘heritage setting’.

#### *HH-P15- Subdivision*

- 23 In my HH s42A report I recommended that Heritage NZ may wish to clarify their relief in regard to HH-P15, i.e. the need for an addition to HH-P15-2 of: “... *integrity of the heritage item or site*”.

- 24 Ms Dangerfield and Mr Raymond respond to this issue in their evidence. I concur with Mr Raymond that the reasoning provided by Ms Dangerfield is a sufficient rationale. I also note the Section 32AA Analysis undertaken by Mr Raymond, and also Ms Dangerfield’s assessment being supported by two examples (in paragraphs 21- 24). As such, I agree with the relief sought and the rationale provided and consider it is appropriate to add these words to HH-P15-2.

- 25 In agreeing with the requested relief, I recommend a further minor addition to add the words ‘historic heritage’ before ‘site’. The recommended changes are shown below.

**HH-  
P15 Subdivision**

Only allow subdivision of sites that have heritage items, heritage settings or historic heritage sites listed SCHED2 - Historic Heritage Items (Group A), SCHED3 - Historic Heritage Items (Group B), and SCHED4 - Historic Heritage Sites where it can be demonstrated that:

1. The heritage values for which the heritage item or historic heritage site is scheduled are maintained and protected;
2. Sufficient land is provided around the heritage item or historic heritage site to protect associated heritage values and the integrity of the heritage item or historic heritage site;
3. There are measures to minimise obstruction of views of the heritage item from adjoining public spaces that may result from any future land use or development; and
4. The remainder of the site associated with the heritage item, heritage setting, or historic heritage site is of a size which continues to provide it with a suitable heritage setting to maintain the heritage values associated with the heritage item, or historic heritage site.

*Addition of an NZAA site reference number to new heritage listing*

26 Mr Raymond recommends including a NZAA<sup>1</sup> site number under the list entry below<sup>2</sup>. I agree with Mr Raymond that this is a minor technical change and I recommend R26/284 is included as follows:

**HHB034      World War II Road Block**

(...)

**NZAA site      R26/284  
number**

(...)

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<sup>1</sup> New Zealand Archaeological Association

<sup>2</sup> List entry is recommended for inclusion in SCHED3 in the HH s42a report

*Schedule entry for Notable Trees at 24 Whanake Street*

27 In relation to the Trees s42A report, Thomas and Claire Clark in their Submitter Tabled Letter refer to the recommendation to remove the puriri tree from the schedule (i.e. for TREE008) and that there is no subsequent amendment to remove the puriri tree from the description of TREE008.

28 Consistent with my recommendation in the Trees s42A report to remove the puriri tree from TREE008, I agree that the list entry for TREE008 in Appendix A of the Trees s42 report should be amended as below:

TREE008		
<b>Botanical name</b>	Rhopalostylis sapida, <del>Vitex lucens</del>	Description and values  Mature nikau grove <del>and one puriri</del> providing ecological benefits within front yard of the site.
<b>Common name</b>	Nikau Palm, <del>Puriri</del>	
<b>Location and legal description</b>	24 Whanake Street, Titahi Bay (Lot 46 DP 7626)	
<b>Coordinates</b>	-41.10047 , 174.83832	
<b>Single/Group</b>	Group	
<b>Number of trees</b>	<del>94</del>	



**Matters raised in expert conferencing statements and supplementary evidence.**

*Historic Heritage - Interior of Gear Homestead*

29 The expert witness conference statement from Greg Vossler, Ian Bowman<sup>3</sup> and Alison Dangerfield<sup>4</sup> addresses the scheduling of the interior of Gear Homestead. I recognise the experts' in-principle agreement that the interior of Gear Homestead (excluding the kitchen and service areas) could merit inclusion in the feature description for HHA007, but that a set of additional work should be undertaken to determine and recommend interior spaces and elements of significance for inclusion in the feature description.

30 Given the further work necessary to determine the potential for listing, I consider there is not time to fully respond to the issue in this supplementary evidence. However, in my opinion there are two main options available to progress this matter. The first option is for further work to be undertaken within this current process, and the second is for this work to occur through a subsequent plan change. Either approach would provide for a more informed position to be provided.

*Historic Heritage – Titahi Bay Austrian Bay State Houses*

31 The expert witness statement also addresses the issue of including a selected group of Austrian State Houses in Titahi Bay within Schedule 4 - Historic Heritage Sites. Heritage NZ [65.80] sought the inclusion of additional historic heritage areas in the District Plan and one of these areas included 'The Austrian Housing area in Titahi Bay'.

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<sup>3</sup> For Porirua City Council

<sup>4</sup> For Heritage New Zealand Pouhere Taonga

32 I note that the joint expert witness conferencing statement discusses this matter within the context of a ‘heritage area’ (and not individually listed historic heritage sites). The experts agree in principle that “*a representative selection of Austrian State Houses in Titahi Bay could merit inclusion as a heritage area in Schedule 4 – Historic Heritage Sites of the PPDP.*” Further, they agree that additional work is required to determine and recommend the composition and spatial extent of any heritage area that could warrant inclusion.

33 I recognise the points of agreement and that there is potential for a heritage area to be determined in this location. However, I note the considerable amount of work recommended by these experts to be undertaken to progress any heritage assessment and recommendations, which includes a mix of research, site /field work, and reporting.

34 While I note their agreement on potential merit and further work required, I consider that there is not time to fully respond to the issue through this hearing (including within the Officer’s Right of Reply).

35 I consider that any further assessment of this area is more appropriately undertaken through a plan change process. This would also enable necessary engagement with multiple landowners.

#### *Notable Trees – Definition of Root Protection Area*

36 The expert witness conference statement of Leon Saxon and Jeremy (Jez) Partridge addresses the definition of Root Protection Area (RPA). Mr Saxon and Mr Partridge recommend changes to the definition, with a key new addition is to include a method of determining the RPA base on a 12 times stem diameter method basis.

37 Although I note their agreement, I consider the details of any new wording to RPA or to the diagram require further consideration including clarification, for example:

- The 12 times stem diameter method at recommended new c. does not include a point from which the 140cm height component is measured; and
- New c. of the RPA agreed by Mr Saxon and Mr Partridge includes the words *'Use whichever is greater of the three above methods'* and outlines a calculation for multi-stemmed trees.

38 In my view the wording as recommended has the potential to result in issues of interpretation as it is not readily clear what is the RPA. Such clarity could be achieved through further consideration, such as in the use of further changes or additions to the diagrams and amendments to wording. I have also read the supplementary evidence of Mr Saxon, where he advises: *"It is likely that the determination of the RPA will require input from an experienced arborist"*.

39 In my opinion further consideration is needed to make an informed position on the specifics of any amended definition and to ensure the definition provides necessary specificity and clarity. In my view this is particularly important given that some activities are permitted in the RPA, and therefore would not require any oversight of a qualified arborist, as is the case where a resource consent is required. I intend to address this my right of reply and after hearing the response to any questions from the Panel.

*Notable Trees – Use of hydrovac within the RPA, and hand digging within the RPA.*

40 Mr Saxon and Mr Partridge conferenced on the use of hydrovac in the RPA and hand digging within the RPA. They agreed that changes should be made to TREE-S1.

41 I note their agreement but I am of the view that there are points which it would be useful to hear from them in any questions from the Panel regarding why particular terms have been chosen, such as 'excavations', and 'air excavation', particularly as these differ from

what was either in the PDP as notified or as recommended in the s42A report.

- 42 To assist in showing the differences I have included the wording from the Trees s42A report (red text is new text to be included or deleted) and expert witness conferencing statement as set out below. I have outlined these differences in terms through showing them in blue text under the title Expert witness conferencing statement.

***Trees S42A report***

3. Any open cut excavations must be undertaken by hand-digging, air spade, or hydro excavation, ~~or Directional drilling machine~~ must be undertaken where under the protected root zone at a depth of 1m or greater. when within the protected root zone root protection area of a notable tree

***Expert witness conferencing statement***

3. Any excavations must be undertaken using handdigging, air excavation or hydro-excavation methods and not exceed an area greater than 1 square metre. Directional drilling shall be undertaken at a depth of 1 metre or greater when within the Root Protection Area of a notable tree and;

***Notable Trees – permitted activities within the RPA***

- 43 A further matter addressed in the conferencing was permitted activities in the RPA. Mr Saxon and Mr Partridge agree on changes to TREE-S1.

- 44 One of the changes recommended is to include new requirements for the oversight of a technician arborist, for example under TREE-S2-2 to include ‘... as specified by a technician arborist’ and under TREE-S2-4 ‘must be undertaken by a technician arborist’. It would be useful to understand the reason for these additions, particularly given TREE-S1-1,

already requires 'The works are undertaken or directed by a technician arborist.'

45 The experts also recommend TREE-S1-6 is amended to include a measurement of '10% of the roots within the tree's root protection area'. I have compared this recommend change with the PDP version as notified and the version recommended in the Notable Trees - s42A report.

***Notified TREE-S1***

*6. The works shall not affect any more than 10% of the trees protected root zone.*

***From Trees - S42A report (recommended changes shown in red)***

*6. The works shall not affect any more than 10% of the ~~trees~~ protected root zone ~~root protection area~~.*

***Expert witness conferencing statement***

*6. Any of the above listed works must not affect any more than 10% of roots within the tree's root protection area.*

46 Mr Saxon and Mr Partridge are recommending a new method of '10% of roots' within the tree's RPA. I have concerns regarding how this would be measured.

47 I recommend that these matters require further consideration to reach an informed position on any recommend changes to the standard. I consider that this is would be more appropriately considered after hearing any questions of the Panel to the experts and to be addressed more fully in the Officer's Right of Reply.

*Notable Trees – Minimum Qualifications for technician arborists*

- 48 Mr Saxon and Mr Partridge address the minimum arborist qualifications required to confirm specific tree works. I note that no changes have been recommended to the minimum qualifications of ‘technician arborist’ although Mr Saxon and Mr Partridge state agreeing to ‘S1 and S2 changes below’.
- 49 As with the permitted activities issue above, it would be useful to hear further on this matter to inform any recommendation in the Officer’s Right of Reply, in particular how any of the changes to TREE-S1 and TREE-S2 address the specific minimum qualification matter. This would also help inform consideration of the recommendations made to these standards.
- 50 TREE-S2 as recommended to be changed by Mr Saxon and Mr Partridge includes the words ‘live growth’. The meaning of this addition is unclear in its current form. This also needs further clarification to avoid creating issues of interpretation.

**Minor errors**

- 51 I note that there are minor referencing errors in the s42A reports. I outline corrections under the report headings below.

*Historic Heritage s42A Report*

- Paragraph 5, replace ‘in section O’ with ‘in section Appendix A’
- Paragraphs 36 and 37, replace ‘in O’ with ‘in Appendix B’
- Paragraphs 40, 87, 119, 144, 190, 213, 234, 242 replace ‘in O’ with ‘in Appendix A’

- Page 50, under 'Recommendation 1, replace 'in O' with 'in Appendix B', and under 'Recommendation 2' replace 'in O' with 'in Appendix A'

*Sites and Areas of Significance to Māori s42A Report*

- Paragraph 5, replace 'in section O' with 'in Section Appendix A'
- Paragraphs 36 and 37, replace 'in O' with 'in Appendix B'
- Paragraph 40, 135 replace 'in O' with 'in Appendix A'
- Page 21 under 'Recommendation 1' replace 'in O' with 'in Appendix B', and under 'Recommendation 2' replace 'in O' with 'in Appendix A'

*Notable Trees s42 Report*

- Paragraph 5, replace 'in section O' with 'in section Appendix A'
- Paragraphs 36 and 37, replace 'in O' with 'in Appendix B'
- Paragraph 40, 127 replace 'in O' with 'in Appendix A'
- Page 23 under 'Recommendation 1' replace 'in O' with 'in Appendix B', and under 'Recommendation 2' replace 'in O' with 'in Appendix A'

52 There is also an error at paragraph 243 my HH s42A Report, where the first part of this paragraph should read as shown below. Further, the numbered 244 and 245 should be replaced with points, also shown below:

*"For the reasons set out in the Section 32AA evaluation included throughout this report, I consider ...to"*

- *achieve the ...*
- *achieve the ... provisions."*

**Date:** 2/12/2021

*Cl Rachein*

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