

**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

**Response of Michael Rachlin on behalf of Porirua City Council to interim
questions from the Hearing Panel**

Date: 20th March 2023

INTRODUCTION:

1 My full name is Michael David Rachlin. I am employed as a Principal Policy Planner.

2 I have prepared this response 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**).

3 Specifically, this statement of evidence relates to the matters in Hearing Stream 7.

4 I am authorised to provide this evidence on behalf of the Council.

QUALIFICATIONS, EXPERIENCE AND CODE OF CONDUCT

5 My section 42A reports for Hearing Stream 7 set out my qualifications and experience.

6 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 2023.

SCOPE OF EVIDENCE

7 My statement provides a response to a number of interim questions raised by the Hearing Panel in their email dated 19th March arising from Day 4 of the Hearing.

8 *How many building consents have been lodged since notification of Variation 1 taking advantage of the additional capacity provided by (a) HDRS; (b) MDRZ?*

8.1 This will require information gathering from the Resource Consent and Building Assurance teams. It will be provided as part of the Council's right of reply.

9 *Please comment on Mr Gadd's suggestion that rule MRZ-R10 could usefully be clarified to the effect that the 40m² trigger is per residential unit on a site?*

9.1 This is addressed in 3.12.26 of the Officer's Report: Part B – Residential Zones, Planning Maps and General Topics. I still consider that the reasons set out in that assessment are relevant and I do not change my recommendation.

9.2 I consider it unlikely that more than one residential unit will be retained on a site¹ without some form of subdivision to create a title for each unit². The 40m² threshold would then be available to each residential unit.

10 *Is Mr Gadd correct that the effect of the exclusion of eaves in MRZ-S5 from the side yard setback is that eaves on 2 houses might be as close as 0.5m apart?*

10.1 MRZ-S5 requires a minimum 1m setback from a side boundary. The eaves exemption is 600mm which means that

¹ PDP defines site as means:

- a. an area of land comprised in a single record of title as per Land Transfer Act 2017; or
- b. an area of land which comprises two or more adjoining legally defined allotments in such a way that the allotments cannot be dealt with separately without the prior consent of the council; or
- c. the land comprised in a single allotment or balance area on an approved survey plan of subdivision for which a separate record of title as per Land Transfer Act 2017 could be issued without further consent of the Council; or
- d. except that in relation to each of sub clauses (a) to (c), in the case of land subdivided under the Unit Title Act 1972 or 2010 or a cross lease system, a site is the whole of the land subject to the unit development or cross lease


² Sub-R4 provides for Subdivision of land around existing lawfully established buildings (excluding accessory buildings) or buildings (excluding accessory buildings) approved or part of a resource consent application as a controlled activity.

a gap of 0.8m would be retained between eaves of buildings on adjoining sites. There is an additional exemption for gutters or downpipes of up to 150mm in width. If gutters or downpipes are included, then the gap becomes 0.5m between gutters or downpipes attached to eaves of buildings on adjoining sites. The gap between the walls of buildings will be a minimum of 2m.

11 *Can Council please identify a 400m walkable catchment around Pukerua Bay Ry Station on a map, identifying what difference it makes if pedestrians are assumed to use the pedestrian overpass ie show the walking catchment with and without that assumption.*

11.1 This will require mapping by the Council's GIS team and will be included as part of the Council's right of reply.

Date: 20th March 2023


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