

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

**Date: 23<sup>rd</sup> March 2023**

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## **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 the following questions contained in the Hearing Panel's email of the 22<sup>nd</sup> March:
  6. *As regards the height control for shading:*
    - a) *What is the evidential basis for identifying shading as a specific characteristic that makes the level of development provided for by NPSUD Policy 3 or the MDRS inappropriate in the district?*
    - b) *What is the justification for considering that that characteristic makes the level of development provided by the MDRS or as provided for by NPSUD Policy 3(c) or (d) inappropriate in light of*

*the national significance of urban development and the objectives of the NPSUD?*

- c) Where is the assessment of costs and broader impacts of imposing the shading related height limits?*
- d) Where is the evaluation of different options to achieve the greatest heights and densities provided by the MDRS or as provided for in NPSUD Policy 3, while managing the specific characteristics sought to be protected?*

8 Please see Attachment 1 which includes a table summarising the s77L(3) and s77J evaluation undertaken in the Section 32 Evaluation Report Part B: Urban intensification – MDRS and NPS-UD Policy 3 for modification to permitted building heights to manage the adverse shading effects arising from increased building heights and responds to these questions.

**Date:** 23<sup>rd</sup> March 2023



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**Attachment 1 - Summary of s77L(3) and s77J evaluation undertaken in the Section 32 Evaluation Report Part B: Urban intensification – MDRS and NPS-UD Policy 3 for modification to permitted building heights to manage the adverse shading effects arising from increased building heights:**

- For sites on steep, south facing slopes; or
- For the Mungavin Netball court complex<sup>1</sup>

The issue of adverse effects of shading on wellbeing in the built environment is identified in part 5.3 to Section 32 Evaluation Report Part A: Overview to Section 32 Evaluation. The supporting report identifying this issue is the McIndoe Urban, August 2021, Indicators of Health & Wellbeing in the Built Environment.

The evaluation under s77L(3) and s77J is more fully set out in part 11.2.2.1 to the Section 32 Evaluation Report Part B: Urban intensification – MDRS and NPS-UD Policy 3.

Below, I respond to questions 6.a) to 6.) to the Hearing Panel’s questions received 22<sup>nd</sup> March 2023.

Panel question	Assessment in s32	Reports relied upon
<p>6.a)</p> <p>Summary of question:</p> <p>.....<i>evidential basis for identifying shading as a specific characteristic that makes the level of development.....?</i></p>	<p>See the section on <i>Assessing shading effects</i> in 11.2.2.1 of the s32 evaluation and the following sections:</p> <ul style="list-style-type: none"> <li>• <i>Table 15</i></li> <li>• <i>Factors leading to adverse shading effect.</i></li> </ul>	<ul style="list-style-type: none"> <li>• McIndoe Urban Design Memo 20</li> <li>• The Studio Pacific Architecture, Memorandum – shade study of Residential Intensification Precincts C, J &amp; K - July 2020</li> <li>• District Plan Zoning and Shade Implications for Mungavin Park – July 2020 (PCC)</li> </ul>

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<sup>1</sup> No submissions, including from Kāinga Ora, have opposed these controls or sought their deletion

<p>6.b)</p> <p>Summary of question:</p> <p>..... <i>What is the justification....?</i></p>	<p>See the section on <i>Approach and mapping methodology</i> in 11.2.2.1 to s32 evaluation, including <i>Assessing shading effects</i>.</p>	<ul style="list-style-type: none"> <li>• McIndoe Urban Design Memo 20</li> <li>• The Studio Pacific Architecture, Memorandum – shade study of Residential Intensification Precincts C, J &amp; K - July 2020</li> </ul>
<p>6.c)</p> <p>Summary of question:</p> <p><i>Where is the assessment of costs and broader impacts.....?</i></p>	<p>The assessment of the costs and broader impacts is contained generally throughout 11.2.2.1, with lost development capacity and a cost benefit analysis contained in Porirua Variation 1 and Plan Change 19 – Qualifying Matters (Property Economics, 2022) (see their 9.4 for cost-benefit analysis)</p>	<ul style="list-style-type: none"> <li>• Porirua Variation 1 and Plan Change 19 – Qualifying Matters (Property Economics, 2022)</li> <li>• McIndoe Urban Design Memo 20</li> <li>• The Studio Pacific Architecture, Memorandum – shade study of Residential Intensification Precincts C, J &amp; K - July 2020</li> <li>• District Plan Zoning and Shade Implications for Mungavin Park – July 2020 (PCC)</li> </ul>
<p>6.d)</p> <p>Summary of question:</p>	<p>See the section on <i>Assessing shading effects</i> in 11.2.2.1 of the s32 evaluation,</p>	<ul style="list-style-type: none"> <li>• McIndoe Urban Design Memo 20</li> <li>• The Studio Pacific Architecture, Memorandum –</li> </ul>

<p><i>Where is the evaluation of different options.....?</i></p>	<p>which identifies that the following assessments were undertaken in the reports listed in next column:</p> <ul style="list-style-type: none"><li>• 22 different combinations of building height and height in relation to boundary standards for residential shading controls</li><li>• 3 differing height standards for Mungavin netball courts</li></ul>	<p>shade study of Residential Intensification Precincts C, J &amp; K - July 2020</p>
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