

**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 Michael David Rachlin on  
behalf of Porirua City Council**

**Date: 13<sup>th</sup> March 2023**

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## INTRODUCTION

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

2 I have read the further evidence and statements provided by submitters relevant to the Section 42A Report – Overarching, Section 42A Report - Residential Zones, Planning Maps, and General Topics, and Section 42A Report - Commercial Zones and General Industrial Zone.

3 I have read the supplementary urban design statement from Graeme McIndoe and the supplementary economic statement from Philip Osborne.

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**). In it I identify those matters where I amend my recommendation from my s42A reports or where the submitter has suggested relief that differs from their submission and hence what was considered in my s42A reports.

5 I also address the issue of housing development capacity enabled by Variation 1 and PC19 given the evidence of Michael Cullen on behalf of Kāinga Ora. The submitter did not specifically raise concerns of housing development capacity in their submission. I also address the issue of walkable catchments.

6 Specifically, this supplementary statement of evidence relates to the following matters:

- Housing development capacity;
- Walkable catchments;
- Activity status for Corrections Facilities in the GIZ-General Industrial Zone;

- Educational facilities in the Residential Zones;
- Extension of HRZ-High Density Residential Zone;
- 36m building heights within 400m of the Metropolitan Centre Zone;
- Height in relation to boundary standard in the HRZ-High Density Residential Zone;
- Commercial activity in the HRZ-High Density Residential Zone;
- Amendment to NCZ-S4;
- Activity status for supermarkets in commercial centres;
- Activity status for large format retail activity in the MCZ-Metropolitan Centre Zone;
- Amendment to MCZ-S5; and
- The Large Format Retail Zone to north of Metropolitan Centre Zone.

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

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

8 Appendix C of my section 42A report sets out my qualifications and experience.

9 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**

9 My statement of evidence addresses the following matters set out in paragraph 6 above.

10 This supplementary statement has been prepared before the outcomes of the conferencing between Mr Rae and Mr McIndoe on urban design

matters is known and as such the recommendations in it may be amended to reflect any Joint Witness Statement between the urban design experts.

### **Housing Development Capacity**

11 In his evidence for Kāinga Ora, Mr Cullen questions the housing development capacity numbers modelled by Property Economics in their 2021 and 2022 reports<sup>1</sup>. Mr Osborne in his supplementary economics statement has responded to this.

12 I have reviewed the submission from the submitter and cannot see that they raised concerns that the PDP as amended by Variation 1 would not achieve the requirements of the NPS-UD in terms of enabling sufficient housing development capacity. Notwithstanding this, as identified in my s42A reports, on the 19<sup>th</sup> August housing bottom lines were inserted into the Regional Policy Statement for the Wellington Region (RPS). This requires for Porirua:

- 5,916 new houses between 2021 and 2031; and
- 8,062 new houses between 2031 and 2051

13 The level of plan enabled realisable housing development capacity, even accounting for all district plan overlays and qualifying matters, is 26,955 and so considerably exceeds the required housing bottom lines set out in the RPS.

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<sup>1</sup> Property Economics (2021) Porirua Housing Typology Demand Analysis and Property Economics (2022) Porirua Variation 1 and Plan Change 19 Qualifying Matters Assessment

14 The Hearing Panel might wish to note that a new HBA for the Wellington region is due to be published this year. This is required under Part 4 of the NPS-UD to inform the 2024 long-term plans for the region. This will be the first combined housing and business development capacity assessment since 2019. The 2022 HBA for the Wellington region only related to housing<sup>2</sup>.

### **Walkable catchments**

15 I have read and considered the evidence provided by Karen Williams, Nick Rae, and Michael Cullen for Kāinga Ora. Having done so, my recommendations in respect to how walkable catchments are defined and mapped in my s42A reports remain unchanged. I consider that the approach taken by the Council better achieves the overall outcomes that the NPS-UD seeks to achieve, in particular as it will assist in achieving a well-functioning urban environment.

10 This matter is addressed in 5.4 of the 2022 Section 32 Evaluation Report-Part A-Overview to s32 Evaluation and 9.1.1 of the Section 32 Evaluation Report Part B: Urban intensification – MDRS and NPS-UD Policy 3. I do not intend to repeat this here. However, I would refer to the National Policy Statement on Urban Development 2020 - well functioning urban environment fact sheet mentioned in the s32 evaluation and its guidance that:

“The well-functioning urban environments policy is central to the NPS-UD and is to be read alongside other key policies, such as the intensification and responsive planning policies” (my emphasis)

11 The 2022 Section 32 Evaluation Report-Part A-Overview notes that where and how urban intensification is enabled is linked to achieving the

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<sup>2</sup> This limited HBA was required by Part 4 of the NPS-UD.

well-functioning urban environment required by the NPS-UD. There is a spatial element to this outcome in relation to:

- having good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport<sup>3</sup>; and
- supporting reductions in greenhouse gas emissions<sup>4</sup>.

16 In my opinion, the use of well-functioning urban environment factors in the walkable catchment methodology recognises the interplay between the above outcomes and the balance between the reality of existing land uses and access to those activities and the transitioning to a future state.

17 I consider that the objectives and policies of the NPS-UD allows for, and more so, supports the Council's more nuanced approach to identifying urban intensification areas and I support this approach over that suggested by the witnesses for Kāinga Ora.

**Activity status for Community corrections facilities in the GIZ-General Industrial Zone**

12 Maurice Dale in his statement of planning evidence for Ara Poutama Aotearoa - The Department of Corrections, has provided planning evidence and an associated s32AA evaluation in relation to making community corrections facilities a permitted activity in the GIZ-General Industrial Zone. I have reviewed Mr Dale's evidence and I agree with and adopt his evidence and s32AA evaluation on this matter and recommend

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<sup>3</sup> Policy 1(c) to the NPS-UD

<sup>4</sup> Policy 1(e) to the NPS-UD (this is similar to Objective 8 to the NPS-UD)

that community corrections facilities be a permitted activity in the GIZ-General Industrial Zone.

- 13 I have shown this recommended change in blue in attachment 1 to this supplementary statement.

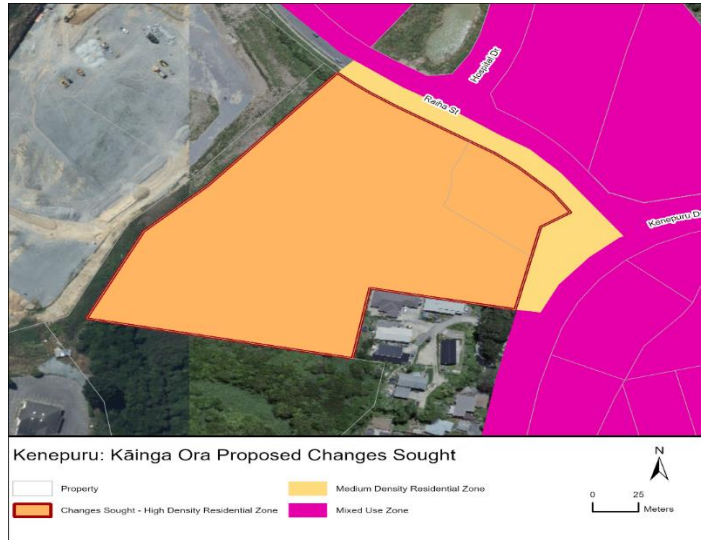
#### **Educational facilities in the residential zones**

- 14 I have read and considered the evidence provided by Sian Stirling for the Ministry of Education. Having done so, my recommendations in respect to educational facilities in my s42A reports remain unchanged. However, I also consider the change sought by Ms Stirling in paragraph 26 of her evidence to notified policy RESZ-P11, as this differs from the relief sought in their submission.

- 15 In my opinion, the effect of the change sought would be to require educational facilities to satisfy clauses 1-4 of RESZ-P11 and to have an operational or functional requirement to locate in the residential zones. The notified policy is more enabling as it only requires educational facilities to satisfy clauses 1-4, since clause 5 only applies to emergency services facilities. As such I do not recommend any changes.

#### **Extension of HRZ-High Density Residential Zone**

- 16 I have read and considered the evidence provided by Nick Rae, Karen Williams and Brendon Liggett for Kāinga Ora. Mr McIndoe also addresses this matter in his supplementary urban design evidence. Having done so, my recommendations in my s42A reports remain unchanged, except in relation to Kenepuru. The land in question is shown below:



- 17 Based on the evidence provided by Mr Rae and Mr McIndoe, I agree that the most appropriate zoning for this land is HRZ-High Density Residential Zone rather than MRZ-Medium Density Residential Zone.

**36m building height limit within 400m of MCZ-Metropolitan Centre Zone**

- 18 Mr McIndoe has considered this matter in his supplementary urban design statement and agrees that this would be appropriate for the land at the corner of Kenepuru Drive and Titahi Bay Road and land to the east of the Mungavin interchange at Ranui. I show these areas with a yellow dotted line on the maps below:

**Land at Kenepuru Drive and Titahi Bay Road**





**Land at Ranui**



Recommended area for height uplift at Ranui, immediately to the east of the Mungavin Interchange. This is a maximum height uplift for the part of the MUZ here identified by the yellow dashed line.

- 19 Based on the evidence of Ms Williams, Mr McIndoe and Mr Rae, I agree with these changes and would recommend amendments to HRZ-S2 and MUZ-S1, and identification on the planning maps of these area as height increase sites. I show these changes in blue in Appendix A.
- 20 I have not undertaken a s32AA evaluation over and above the evaluations contained above and in the statements of evidence from Ms William, Mr Rae, and Mr McIndoe. I consider that these provide an appropriate s32AA evaluation for the proposed changes.

**19m x 60° height in relation to boundary (HIRB) standard in the HRZ-High Density Residential Zone.**

21 I have read and considered the evidence provided by Karen Williams, Nick Rae and Michael Cullen for Kāinga Ora. Mr McIndoe also addresses these matters including the proposal to link the 19m x 60° HIRB with a new 50% building coverage standard. The latter differs from the submitter's submission which sought only the 19m x 60° HIRB without an associated 50% building coverage standard.

22 Mr McIndoe has assessed the urban design effects of the proposed amendments and in summary considers them largely inappropriate for the following reasons:

- Poor quality urban design outcomes in terms of quality of streetscape and attractiveness of streets in promoting walking; and
- Adverse shading effects.

23 Based on Mr McIndoe's assessment my recommendations in my s42A reports remain unchanged. In particular, I consider that the changes sought would result in poor urban design outcomes and would not achieve healthy built living environments.

**Commercial activity in the HRZ-High Density Residential Zone.**

24 I have read and considered the evidence provided by Karen Williams, Nick Rae and Michael Cullen for Kāinga Ora. This matter has also been addressed by Mr Osborne in his supplementary economic statement.

25 Mr Osborne expresses concern that enabling commercial activity in the HRZ-High Density Residential Zone, has the potential to divert spending from the existing centres and to pose an increased level of competition to them.

26 I acknowledge the urban design benefits identified by Mr Rae and Ms Williams on this matter but on balance, based on Mr Osborne's economic evidence, I consider that the most appropriate planning response is to retain the discretionary activity status for commercial activities in this zone.

#### **Amendment sought to NCZ-S4**

27 Evita Key in her statement of planning evidence for Foodstuffs, has provided planning evidence in relation to amending NCZ-S4, as follows:

##### *NCZ-S4 Active frontages*

- 1. All buildings must be built up to and oriented towards the front boundary of the site.*
- 2. At least 55% of the ground floor frontage of a building fronting a street, pedestrian mall or other public space must be display windows or transparent glazing.*
- 3. The principal public entrance to the building must be ~~located on~~ orientated to the front boundary.*

28 Mr McIndoe has considered this matter and agrees with Ms Key. In his opinion, the amendment would achieve a better urban design outcome.

29 I agree with the evidence of Ms Key and Mr McIndoe on this matter. I have shown this recommended change in blue in attachment 1 to this supplementary statement.

30 I have not undertaken a s32AA evaluation over and above the evaluations contained above and in the statements of evidence from Ms Key and Mr McIndoe. I consider that these provide an appropriate s32AA evaluation for the proposed changes.

#### **Activity status for supermarkets in commercial centres and large format retail activity and drive-through activity in the Metropolitan Centre Zone**

- 31 Evita Key in her statement of planning evidence for Foodstuffs, has provided planning evidence in relation to making supermarkets a permitted activity in all commercial and mixed use zones<sup>5</sup>. Karen Williams on behalf of Kāinga Ora has provided planning evidence in relation to making supermarkets, drive-through activities and large format retail activities a permitted activity in the MCZ-Metropolitan Centre Zone.
- 32 I have taken the opportunity to review my previous recommendations on these matters in light of this evidence. I now consider that there is merit in some of the relief they seek for the reasons given in their evidence.
- 33 As such I agree with Ms Key that supermarkets should be a permitted activity in all commercial and mixed use zones but consider gross floor area thresholds are still necessary to appropriately implement the centres hierarchy set out in strategic objectives CEI-O1 to CEI-O6, and to achieve the zone purposes as identified in NCZ-O1, LCZ-O1, and LFRZ-O1.
- 34 In relation to the planning evidence from Ms William, I agree with her that it is appropriate to make supermarkets a permitted activity in the MCZ-Metropolitan Centre Zone recognising that built form effects will be considered and managed under MCZ-R1. Under this rule, new buildings and additions to buildings greater than 450m<sup>2</sup> will require resource consent and they will be assessed against MCZ-P7 (large scale built development).
- 35 In relation to supermarkets, I consider that the following framework more appropriately achieves CEI-O1 to CEI-O6, and the zone purposes identified in NCZ-O1, LCZ-O1, and LFRZ-O1 than the notified provisions:

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<sup>5</sup> Metropolitan Centre Zone, Large Format Retail Zone, Mixed Use Zone, Local Centre Zone and Neighbourhood Centre Zone.

- No change is needed to NCZ-R3 which already makes supermarkets a permitted activity up to a threshold of 200m<sup>2</sup>; and
- No change is needed to LFRZ-R4 which already makes supermarkets where they have a store or individual tenancy greater than 450m<sup>2</sup>.
- Amend LCZ-R17 to make supermarkets a permitted activity up to a threshold of 450m<sup>2</sup>, as recommended by Ms Key.
- Make supermarkets of any scale, a permitted activity in the MCZ-Metropolitan Centre Zone, as recommended by Ms Key and Ms William.

36 Property Economics in their 2019 report, Porirua Commercial Centres Network Assessment, recommended that retail activities in local centres should be subject to a gross floor area threshold of 450m<sup>2</sup>. It also considered that supermarkets were generally considered to be activities with a gross floor area of 1,000m<sup>2</sup> but being a convenience store they should be subject to a resource consent requirement where economic impacts on existing centres could be assessed.

37 The report included the following comments in support of gross floor area controls:

*There is a trade-off for any centre between the benefits associated with a critical mass (or economies of scale), and the convenience and accessibility for these centres to provide for their communities of interest (or catchments). In order to grow effectively, and offer the amenity and accessibility necessary to provide convenience retail and commercial services, it is crucial that smaller centres are efficiently developed, and are accessibly located, so as to meet the local community's requirements.*

*The development of these centre and their associated economic and social benefits must, however, be balanced with the potential impact they will*

*have on existing centres, the catchments they support, and their role and functions in the community. It is not considered appropriate to sacrifice the vitality within existing centres for increased convenience for smaller sections of the community. As such it is necessary to compare, even at a general level, the likely distributional costs associated with new retail developments and their benefits to the community.*

*Centres sizes are a function of the catchment they serve, and if a centre grows at a level disproportionate with the catchment (households) it provides those services for, it will potentially do so to the detriment of an adjoining centre, reducing the economic vitality and amenity of that centre and its ability to provide functional and social amenity for its community.*

38 I acknowledge that Property Economics consider that all supermarkets should be subject to a resource consent process to assess their impact on commercial centres, but I consider it appropriate that small scale superette and metro store supermarket types are enabled in the Neighbourhood and Local Centres respectively, to reflect the purpose of those centres.

39 I also agree with Ms Williams evidence regarding enabling large format retail activity as a permitted activity in the Metropolitan Centre Zone for the reasons she has identified. This recognises that built form effects will be considered and managed under MCZ-R1. However, I do not agree with Ms Williams in relation to enabling drive through activities as a permitted activity in the MCZ-Metropolitan Centre Zone. On this matter my recommendations in my s42A reports remain unchanged.

40 In summary, I am now recommending the following changes:

- Amend LCZ-R17 to make supermarkets a permitted activity up to a threshold of 450m<sup>2</sup>;
- Make supermarkets of any scale, a permitted activity in the MCZ-Metropolitan Centre Zone; and

- Make large format retail activities a permitted activity in the MCZ-Metropolitan Centre Zone.

41 I have shown these recommended changes in blue in attachment 1 to this supplementary statement.

42 I have not undertaken a s32AA evaluation over and above the evaluations contained above and in the statements of evidence from Ms Key and Ms William. I consider that these provide an appropriate s32AA evaluation for the proposed changes.

### **MCZ-S5**

43 Evita Key in her statement of planning evidence for Foodstuffs, has suggested alternative relief to the deletion of MCZ-S5, as sought by Foodstuffs. I address this alternative relief which proposes amendments to the standard to require screening of parking areas rather than controls on their location within a site.

44 Mr McIndoe has addressed this relief and sets out why he considers it would result in a poor urban design outcome. In my opinion the alternative relief would not appropriately implement MCZ-P9 which requires:

*Any adverse effects on the amenity and quality of the streetscape and public open spaces can be minimised;*

45 The policy and associated standards for this zone are seeking to address the poor urban design outcomes that have occurred in the central city under previous district plans. The 2020 Section 32 Evaluation Report Part 2: Commercial and Mixed Use Zones comments that:

*At the same time the City Centre is an underperforming asset. It is car dominated with vast areas of car parking and a lot of previous developments are of poor quality.*

46 Based on Mr McIndoe’s assessment my recommendations in my s42A reports remain unchanged. In particular, I consider that the changes sought would result in poor urban design outcomes for the Metropolitan Centre zone.

### **Large Format Retail Zone to north of Metropolitan Centre Zone**

47 I have read and considered the evidence provided by Karen Williams, Nick Rae and Michael Cullen for Kāinga Ora on this matter. Mr McIndoe has also addressed the issue of providing for a 50m/53m height limit across the extended MCZ-Metropolitan Centre Zone, as sought by Kāinga Ora.

48 Having considered this evidence, my recommendations in my s42A reports remain unchanged.

49 They reflect the reality that large format retail activity is already established in the area, contributes to the economic wellbeing of Porirua and is likely to remain for the foreseeable future. The LFRZ-Large Format Retail Zone also contains a restricted discretionary consent pathway for the area to “evolve”<sup>6</sup> over time in terms of the mix and grain of land use activities. This provides for fine grain activities to establish in this area where they meet the provisions of LFRZ-P4.

50 Property Economics, in their 2019 report Porirua Business Land Assessment note in relation to retail activity:

*The relatively high inflow from the wider Wellington Region can be explained through a couple of reasons. First there are a significant number of Wellington City residents who work in Porirua City and as such increase the proportion of spending through ‘drive-by traffic’. Second it suggests that Porirua City may possess retail offers which attract retail customers to the area. A key sector group is large format retailing in Porirua, which is not well supplied in Wellington*

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<sup>6</sup> Paragraph 9.9 of statement of evidence from Michael Cullen



*giving Porirua an advantage which Wellington finds difficult to counter with limited opportunities for such development.*

51 I do not use the above, to justify a status quo approach, but to identify that large format retailing already exists and serves a wider catchment than just Porirua.

52 Mr Osborne, in his supplementary economic evidence, also raises concern that expanding the MCZ-Metropolitan Centre Zone in the way proposed by Kāinga Ora would lead to less likelihood of residential development in the existing MCZ.

53 Mr McIndoe has raised concerns about the effect of enabling 53m high buildings across this area and considers that it will result in a poor urban form around the harbour edge. I have additionally identified in my S42A report that Te Rūnanga o Toa Rangatira opposed the extension of the City Centre Zone in a further submission on the PDP including on grounds of the cultural value of Te Awarua o Porirua.

**Date: 13th March 2022**

A handwritten signature in black ink, reading "Michael D. Rochlin". The signature is written in a cursive style and is positioned to the right of the date.

## Attachment 1 – Amendments to PDP

### General Industrial Zone

<u>GIZ- R14</u>	<u>Community corrections activities</u> <sup>7</sup>
	<u>1. Activity status: Permitted</u>
	<u>Where:</u>
	a. <u>GIZ-S5 is complied with.</u>
	<u>2. Activity status: Restricted discretionary</u>
	<u>Where:</u>
	a. <u>Compliance is not achieved with GIZ-S5.</u>
	<u>Matters of discretion are restricted to:</u>
	1. <u>The matters of discretion of any infringed standard.</u>
	<u>Notification:</u>
	<u>An application under this rule is precluded from being publicly notified in accordance with section 95A of the RMA</u>

### Consequential renumbering of GIZ-R14 to GIZ-R18

### Local Centre Zone

LCZ- R17	Supermarket
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<sup>7</sup> Dept of Corrections [135.7]

1. Activity status: **Permitted**<sup>8</sup>

Where:

- a. The gross floor area per tenancy does not exceed 450m<sup>2</sup>.

2. Activity status: **Restricted discretionary**

Where:

- a. Compliance is not achieved with LCZ-R17-1.a.

Matters of discretion are restricted to:

1. The matters in LCZ-P4.

**Notification:**

An application under this rule is precluded from being publicly notified in accordance with section 95A of the RMA.

## Metropolitan Centre Zone

### MCZ-R18 Large format retail activity

1. Activity status: ~~Restricted discretionary~~ Permitted<sup>9</sup>

~~Matters of discretion are restricted to:~~

- ~~1. The matters in MCZ-P4~~

### MCZ- Supermarket R19

1. Activity status: ~~Restricted discretionary~~ Permitted<sup>10</sup>

~~Matters of discretion are restricted to:~~

- ~~1. The matters in MCZ-P4.~~

~~**Notification:**~~

~~An application under this rule is precluded from being publicly notified in accordance with section 95A of the RMA.~~

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<sup>8</sup> Foodstuffs [122.13], Woolworths [120.10]

<sup>9</sup> Woolworths [120.7], Harvey Norman [144.66]

<sup>10</sup> Foodstuffs [122.40], Kainga Ora [OS76.327]

## Neighbourhood Centre Zone

### NCZ-S4 Active frontages

1. All buildings must be built up to and oriented towards the front boundary of the site.
2. At least 55% of the ground floor frontage of a building fronting a street, pedestrian mall or other public space must be display windows or transparent glazing.
3. The principal public entrance to the building must be ~~located on~~ orientated to<sup>11</sup> the front boundary.

## Mixed Use Zone

### MUZ-S1 Height

1. All buildings and structures must not exceed a maximum height above ground level of:
  - a. 18m
  - b. [.....]
  - c. [.....]
  - d. 36m on sites subject to Height Increase – 36m, as identified on the planning maps<sup>12</sup>

**Amend planning maps to show sites identified as Height Increase – 36m at the following sites:**

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<sup>11</sup> Foodstuffs [122.8]

<sup>12</sup> Kāinga Ora [OS76.117]



## HRZ-High Density Residential Zone

### HRZ-S2 Height

1. Buildings and structures must not exceed a height of:
  - a. 22m
  - b. [.....]
  - c. [.....]
  - d. [.....]
  - e. [.....]
  - f. 36m on sites subject to Height Increase – 36m, as identified on the planning maps<sup>13</sup>

**Amend planning maps to show sites identified as Height Increase – 36m at the following sites:**

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<sup>13</sup> Kāinga Ora [OS76.151, OS76.118]

