

## **STATEMENT OF REBUTTAL**

### **SNA 102 - 3A SOLWAY PLACE, PORIRUA**

### **GRAEME D WALKER on behalf of SAMANTHA MONTGOMERY LIMITED**

#### **Summary**

- *The basis of the proposed SNA 102 is a view of the property from a "vantage point" - there has been no entry on to the property even although such inspection would have been welcomed.*
- *The growth on site is dominated by exotics including broom, blackberry thorn, wandering dew and grasses with increasing amounts of vegetation dumped along the road frontage.*
- *With the cessation of maintenance works occasioned by the SNA process, the quality of site vegetation has declined marked with increasing dominance by 'undesirables'.*
- *SNA 103 lies directly downstream and adjacent to SNA 102 and the report identified similar vegetation types. SNA 103 was subject to separate review by Boffa Miskell and in consequence the bulk SNA 103 was removed from that property.*
- *The claim that the land is a necessary roost for the NZ Falcon, and that it comprises an important "escarpment" are baseless.*

#### ***I submit....***

My name is Graeme Walker and I am sole owner of Samantha Montgomery Limited, which in turn is sole owner of 3A Solway Place.

3A Solway Place is the sole remaining asset of Samantha Montgomery Limited, which has otherwise been inactive for over 10 years.

In my early 70's, this property has been a fundamental part of retirement planning for the submitter, and an SNA that effectively covers the full property removes all economic value from the property.

While SNA's are presented as a mere protection device, I am reliably informed that this property is unsalable with the imposition of the proposed SNA.

As detailed below, I dispute the content of the Goldwater evidence as being poorly considered and factually inaccurate.

In our original submission we noted advice from neighbours that Council had advised them our land was to be converted into public reserve, a matter on which we have never been consulted and of which Council now claims no knowledge. This detail was removed from the summary of submissions subsequently circulated by Council.

It is noteworthy that proposed SNA 102 combines 3A Solway Place with the with the existing public reserve that lies to the north, and the term "Papakowhai Escarpment" has been moved and is now shown as extending across both Lots.

While the detail is discussed below, I remain appalled that in our once democratic country, individual assets essential to an individual's imminent retirement can be simply removed from them,(whilst still requiring rate payments).

For the purposes of the following discussion inasmuch as it relates to geotechnical matters, or matters relating to previous earthworks, I record that the writer has a first class honours degree in engineers, specialising in geotechnical matters for over 50-years.

These work experiences include route-finding on escarpments and certifying engineer on over 30 million cubic metres of earthworks, including the developments of Whitby, Camborne, Belmont and Woodridge in the period from late 1993 to 2000.

Many of the matters raised below could have been resolved by a combined site inspection of which we had understood all affected parties would be entitled. An offer of inspection was made 12 July 2021, just hours before the scheduled time. Unable to attend due to commitments for emergency works for an adjacent Local Authority I advised accordingly and reconfirmed I still wished an inspection. Torrey MacDonald of PCC confirmed that there would be ample further opportunity. (email 12 July).

When later queried as to why no further inspections were possible he advised it was due to "not having a phone number" despite satisfactory contact by email previously.

In response to several further enquiries we have received an abundance of information on procedural matters but failed to find anyone in Council prepared to engage in matters of substance.

With respect to issues raised the Goldwater evidence for SNA 102.

#### *Habitat for the NZ Falcon*

The site is notable for an absence of any audible sign of birdlife. While no elaboration is provided in the Goldwater evidence, the only subspecies to be expected in the lower North Island is the Bush Falcon whose habitat is predominately forest - increasingly pine forest - or low tussock lands. DOC suggests they are very rare in urban areas and, given to attack on animals and humans, unlikely to be welcome in urban areas.

This justification trivializes the confiscation of land and is unbecoming of a professional report.

#### *Papakowhai Escarpment.*

A word search of the proposed District Plan reveals the terms "*Papakowhai Escarpment*" can be found only once - this being in the text for SNA 102.

It does not appear anywhere at all in a Google Search for "*Papakowhai Escarpment*".

In attached Figure 1 an aerial photograph taken in 1962 of the area (PCC GIS Mapping) is provided with the site boundaries overlain. It will be seen the land is bare farmland with no sign of an escarpment in our property, or in the adjacent Public Reserve.

Escarpments comprise abrupt discontinuity of land profiles, arising from actions such as seismic events, coastal erosion, or water erosion (as may occur in limestone despoils). Not only are there no escarpments but there are no circumstances under which an escarpment might be expected.

The suggestion that the land provides a unique escarpment feature is completely without merit and is unbecoming of a professional report.

#### *Land Forms.*

The landform along the Solway Place frontage had been previously subject to significant earthworks with two large steep cut batters along the frontage - these can be seen in the 1962 aerial photograph (Figure 1 attached Page 4) where their substantial nature is evident.

A public stormwater sump is located between these two ridgelines 50% of the site width in from the Solway Place frontage - the top of the northern cut batter is clearly visible - lying above, and adjacent to the sump - the top of the southern earth cut batter lies further into the site and is covered in dense scrub.

The land to the rear of No 5 Solway Place comprises earthfill for the full width of our property

It is supported by a 1.5 metre high crib wall along its western edge and overlies public sewer and stormwater pipes to which access is already a right for Council maintenance access.

### *Vegetation*

In the Goldwater evidence he describes having viewed the property from 'vantage points', which can only be assumed to be a very distant vantage.

The land lies approximately 100-metres east of SNA 103 (82 Eskdale Road). 82 Eskdale Road lies in the catchment directly downstream of SNA 102 and predictably the Goldwater evidence identifies similar vegetation species in both properties.

SNA 103 was subject to separate review by Boffa Miskell who found the Goldwater evidence wanting, and in consequence the SNA was removed (more-or-less) in its entirety.

Predictably, vegetation of significance is equally sparse on SNA 102 and SNA should also be removed. Had the promised site inspection occurred this circumstance would have been abundantly evident on site.

The Goldwater evidence states the vegetation "comprises a relatively large area of the *northernmost* extent of SNA 102" - the aerial plan provided with the evidence does not even cover the northern portion of the site..

This view could not be formed by anyone who has inspected the property.

The northernmost area of the site was previously occupied by a large stand of mature pine trees. In 2011, in conjunction with neighbouring properties, TreesScape were engaged to fell the trees, and, in the absence of vehicle access, the fallen material was cut to a size that could be handled manually and removed over a period of approximately 2-years.

While groundcover has regenerated, it currently comprises mainly long grasses, broom, gorse and wandering dew. The ground cover is easily observed from the public access at the top north-east corner of the site and could in no manner be described as "significant vegetation" - please refer to ***appended photographs***.

In response to initial approaches from Porirua Council on the value of scrub in this area the site was inspected by *Matt Muspratt (Senior Policy Analyst - Porirua City Council)* who confirmed "*I'll move back the vegetation lines from the area where the pine trees were as discussed*" (PCC email 2 May 2013), but this observation has not been enacted.

With respect to the overall site, the Goldwater evidence also notes "the occasional emergent radiata pine" - it is not possible to inspect the property from the Solway frontage without observing a large stand of at least a dozen pine trees dominating the southern 'wing' of the site - ***see appended photograph***. While the proposed SNA boundaries give passing recognition of the tree crowns, their dominance of this area goes un-noted.

The entire site is comprised predominately of areas of grass, broom and (particularly) blackberry thorn. There are easily discernible from aerial photography - selections of which are attached.

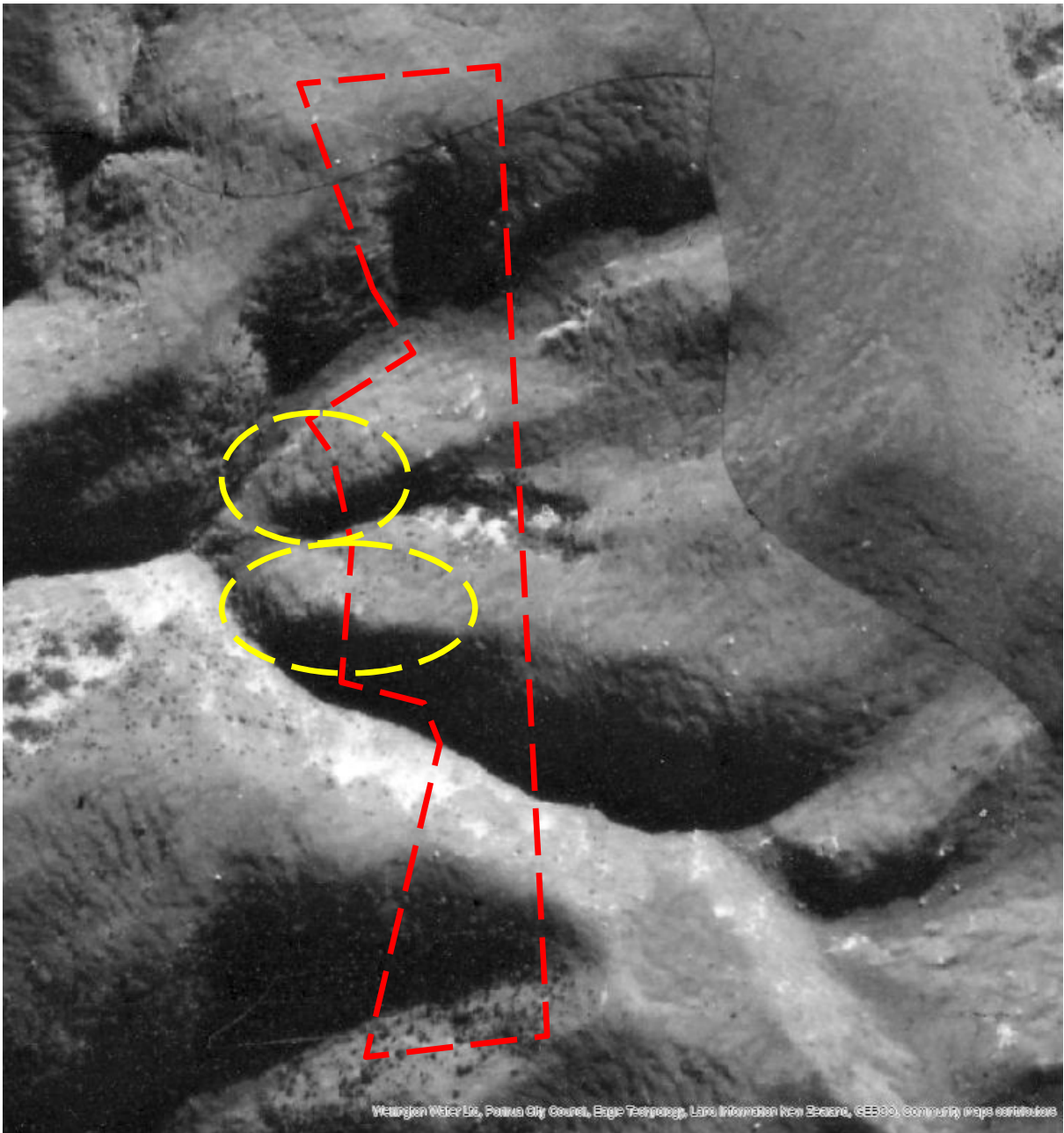
In this light the Council's reluctance to attend a joint site visit is of particular concern.

As part of the review, the Goldwater evidence makes minor adjustments to the SNA boundaries along the Solway Place frontage moving it - on average - 6 metres from the boundary and following a disjointed line bearing no relation to vegetation .

In reality the wandering dew extends in as far as the public sump (18 metres - approximately one half of the maximum site width) and rubbish dumpings up to 10 metres in. Predictably the two cut faces - also extending in as far as, and beyond the sump - are dominated by exotics, broom and scrub.

***As illustrated in the appended photographs***, the balance of the site is dominated by blackberry, long grass and broom.

**Figure 1**



*Title Boundaries*



*Earthworked Batters*



**SITE AERIAL 1962**

**FIGURE 2**



*Title Boundaries* 

**Site Contour and Buried Services (PCC GIS Mapping - Current)**



**FIGURE 3**



*Title Boundaries*

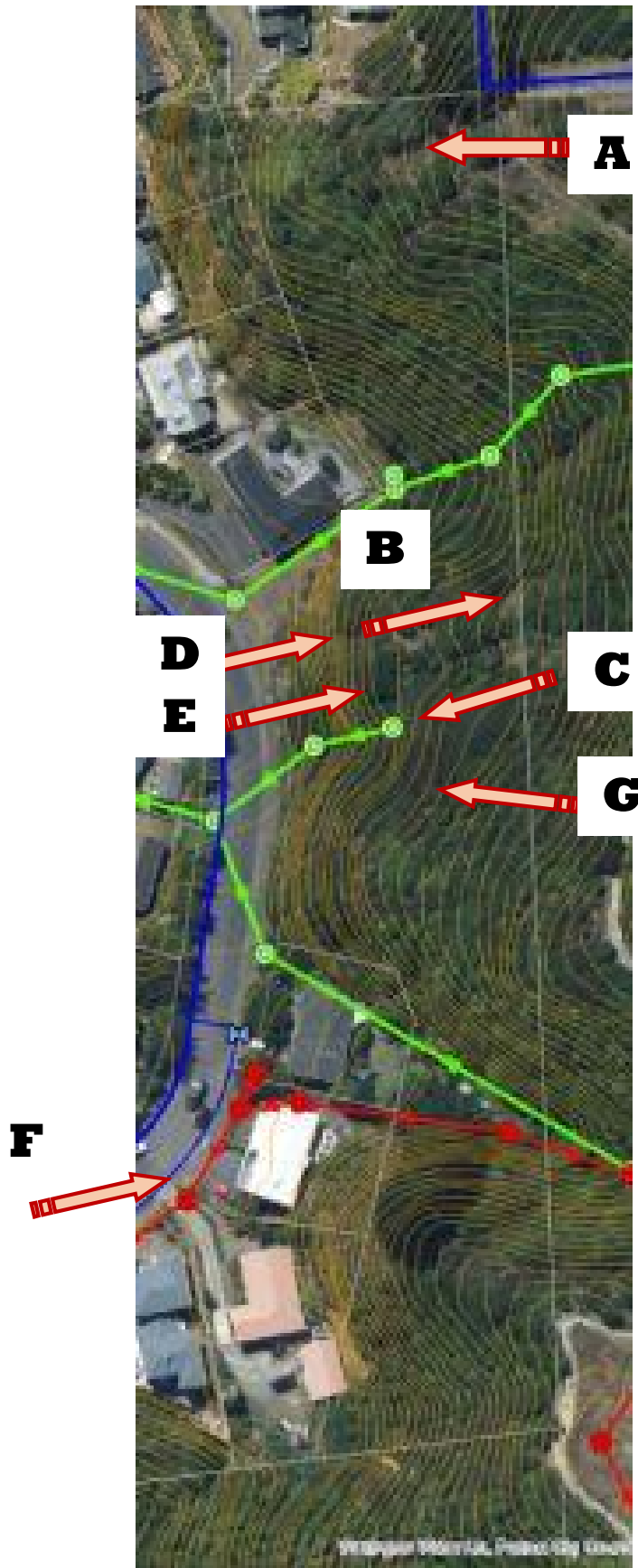


*Earthworked Batters*



**SITE AERIAL 1995**

**SITE PHOTOGRAPHS**







***View "A"***



***View "B"***



***View "C"***





***View "D"***



***View "E"***



***View "F"***





***View "G"***



***View Down from PCC Reserve***



***Sump in Centre of Site***