

# SUBMISSION AGAINST SNA AT 24 EXPLORATION WAY WHITBY

## PURPOSE OF THIS SUBMISSION

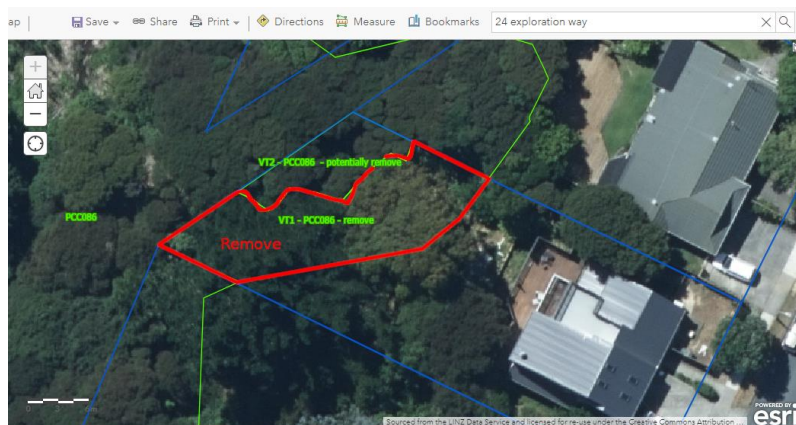
This submission is in relation to the land at 24 Exploration Way, Whitby (**the Site**) by the landowner Joanna Alderdice.

The landowner supports and concurs with the view of both the Porirua City Council (**Council**) and Wildlands (who carried out a Site review) that:

1. SNA 086 should be revised to exclude the Site; and
2. the Site should not be subject to any designation as a Significant Natural Area (**SNA**).

## BACKGROUND

Initially it was proposed that a large portion of the back section of the Site would be subject to a designation as an SNA, as can be seen in the below image provided by Wildlands. (Originally covering both VT1 and VT2.)



The Landowner entered in discussions with the Council regarding this proposed designation and advised that it was not appropriate for multiple reasons for the any aspect of the Site to be subject to an SNA.

The Landowner requested a site visit by Wildlands, via the Council.

Wildlands visited the Site on 4 August 2021 and carried out a review.

It was immediately determined by Wildlands that any area under the large gum tree and pine tree would clearly not be subject to an SNA. (Noted as VT1 on the image.)

The Landowner and Council concur with this view.

The small area remaining (noted as VT2 on the image) was determined to be 'marginal' and proposed by Wildlands to be removed, particularly due to the material modifications made to the understory.

Following discussions and peer review by Wildlands Principal Ecologist (Nick Goldwater), Wildlands ultimately reached the conclusion that the land noted as VT2 also should not be subject to an SNA.

Wildlands' conclusion was that none of the Site should be subject to an SNA as none of it meets the significance criteria.

The Council was also going to visit the Site for a review but following Wildland's final report advised that a Site visit was not required.

The Council advised it will accept Wildlands' advice and also agrees that no SNA should apply to any aspect of the Site.

### **AERIAL IMAGE IS MATERIALLY OUT OF DATE**

It is important to note that the aerial image being utilised for the purposes of this hearing/decision by the Council is materially and substantially inaccurate and out of date.

It was taken nearly 2 years ago and does not reflect the current state of the Site – which has now been visited and ground-truthed by Wildlands.

The aerial image of the property used shows:

- a. Significantly less coverage of the gum and pine than is actually present on Site – both the gum and the pine have grown materially. Everything under it is agreed to be excluded from the SNA.
- b. More natives present than exist on site. Many of the (limited number) of natives visible in the VT1 and VT2 are no longer on Site. This is primarily due to the fact that:
  - a. the gum and pine are constantly extending and impacting on the other trees; and
  - b. a number of major storms have taken down branches and trees, many of which were old and unsound.

It also does not show the substantial alterations to the underlying land on the Site that have occurred over the course of the past 17 years.

The vast majority of the land in question is in fact either deck, trampoline, sand pit, a swing ball area, a fairy garden, swing ball court and so on (see more below and images attached in Appendix 1).

There is also a significant amount of non-native vegetation that has been planted over a number of years.

## **UNDERSTORY/LAND SUBSTANTIALLY MODIFIED AND NOT NATIVE**

SNA's are supposed to protect areas of "significant indigenous vegetation and significant habitats of indigenous fauna".

It is submitted there is a minimal amount of indigenous vegetation on Site and the Site is also not a significant habitat of indigenous fauna.

The Site does not in any way fall within the type of land that was intended to be covered by an SNA.

It is submitted by the Landowner that under no definition could the Site fall be classed as significant – or anything approaching that standard.

This view is supported by both Wildlands and the Council.

The back garden is the only usable garden on the Site and as such has for years has been a highly utilised recreational space that has been significantly modified.

The Landowner as invested tens of thousands of dollars over many years to fully fence the section and carry out substantial work on Site.

The vast bulk of the land in both VT1 and VT2 is actually:

- Permanently and materially landscaped, using a variety of retaining walls and filled in with hard landscaping materials such as pebbles and sand etc.
- Numerous pathways and stairs.
- A large sand pit.
- A large trampoline.
- A swingball court.
- A deck.
- A climbing frame.
- A fort.
- A fairy garden and bridge.
- A lot of non-native vegetation, comprising of plants such as lavender, gardenia, camelias, magnolias, clivias, tractor seat plants, and many more.

There are a very minimal number of trees that are beyond very small sapling size in the entire area in question that are native.

Immediately over the fence is a large concrete walkway with a small section of plants to the side - and a neighbour's section comprising of lawns and fruit trees – and then a lake. Not a native forest that can/should regenerate.

See images in Appendix 1 that show all of VT1 and some of VT2. This clearly shows what the site looks like in reality on the ground and very clearly provides evidence that the Site should not be subject to an SNA.

## **PRACTICAL REASONS WHY TREES CAN'T BE ALLOWED TO REGENERATE**

In addition to the above, the Landowner proposes that it is not appropriate or practical to let trees regenerate on Site, as it will:

- Lead to safety issues as it is vitally important for adults to easily be able to see children playing on the Site – especially as it is the main recreational area for the entire property and there is a lake just over the fence.

*This safety issue is particularly important as our family was traumatised by the attempted abduction of the young girl by a patient at what was the respite facility immediately next door. The patient tried to break into our house after the Landowner saved that child. The children were terrorised and still suffer significant ongoing anxiety due to this. Having a light and open section (and being able to see our children on our section) is even more important for them – otherwise they are too scared to play in their only playground/garden.*

- Make the ground boggy and unusable and damage the costly assets the Landowner has on site.
- Impact on the fenceline – branches must be kept away from the fence, and most of the area being considered is in close proximity to the fence.

It is also impractical and futile to designate this small part of the Site an SNA – the gum and pine will continue to grow quickly and in the near future will overtake the small amount of native trees remaining. It is agreed by Council, Wildlands and the Landowner that anything under the gum and pine should not be covered by the SNA as these are not native trees.

Additionally, the high traffic usage of this Site as a playground and recreational area for a number of children means that the foliage/trees continue to be broken and reduced over time. This is just reality.

In fact, children climbing the trees and playing has led to branches and small saplings coming down since the Site assessment – as will continue to happen as this is our only garden.

## **MANIFESTLY UNJUST AND DISPROPORTIONATE CONSEQUENCES**

Finally, designating this small very 'marginal' section of land as an SNA would have significantly unfair consequences to the Landowner that would outweigh any possible small ecological benefit.

This is the only flat land available at the back of the Site and so it is vitally important the Landowner can continue to use this freely.

The Landowner's plan is to put a granny flat on part of this section in the future, as allowed by the Site's title and in accordance with council guidelines. There is no other flat land on Site that could be used for this purpose.

The Site was purchased with the clear proviso that there were no restrictions over land use. In particular, the Landowner made sure this was not reserve when the Site was purchased – it was a very important part of the Landowner's decision making.

If this is designated as an SNA the Landowner will be prevented from doing this. This will materially impact the proposed use and also the value of the site, for a small area of land that has already been substantially altered and has limited native vegetation.

The Landowner considers this would be a manifestly unjust consequence of designating a small piece of marginal land an SNA.

## APPENDIX 1 – SITE IMAGES

### PHOTOGRAPHIC IMAGES OF VT2

The images below show **ALL of the area noted as VT2**, as well as some of VT1.

As can be clearly seen this heavily modified area is not suitable to fall within the definition of an SNA.













