

IN THE MATTER

of the Resource
Management Act 1991

AND

IN THE MATTER

of Hearing of Submissions
and Further Submissions
on the Proposed Porirua
District Plan

Minute 55 – Stream 2 SNA Issues (6)

1. Following issue of our Minute 53, Mr Graeme Walker has filed another Memorandum stating that Samantha Montgomery Limited rejects our Minute on the basis that it *“seeks to place false information on record”*.
2. We intend to respond only briefly on this occasion. In Minute 53, we said that we did not accept Mr Walker’s statement that he could not raise the issue of the practicality of the boundaries identified by the ecological experts in their Joint Witness Statement dated 31 August 2022.
3. We accept that Mr Walker did not have the opportunity to review and comment upon the Joint Witness Statement before it was submitted. The point we were making in Minute 53 was that the outcome of the Joint Witness Statement was an agreement as between the two experts that the SNA boundaries contained in Mr Fuller’s earlier Memorandum dated 12 August were correct. Mr Walker did have the opportunity to review the latter.
4. Mr Walker now seeks to contradict Mr Fuller’s evidence, saying that he did not identify an area of the site degraded by pest plants. If Mr Walker was of that view, he had the opportunity to state that in his own August statement.
5. We accept that our Minute was incorrect saying that Mr Walker had previously raised the issue of infestation of climbing asparagus on the site. Mr Walker had identified the presence and degrading effect of a variety of other pest plants, but not climbing asparagus. It was Mr Fuller who identified the significance of climbing asparagus in his 12 August Memorandum.
6. Mr Walker attributes to us a recommendation that he obtain a resource consent to spray the weeds on the property. That was not our intention. In Minute 53, we merely observed that if, as he said, spraying was the only

solution to pest plant infestation, applying for a resource consent to spray the affected areas was an option open to him.

7. As regards the balance of Mr Walker's Memorandum, he raises a number of matters that he regards as unresolved. In Minute 53, we endeavoured to explain that the hearing process is one where, after submitters have put their case to the Hearing Panel (and the Council has replied), the Hearing Panel retires to consider all of the material before it and to reach its view. The fact that Mr Walker regards some matters as unresolved does not mean that we will not seek to resolve them in our decisions, if they are relevant to the matters before us.
8. Mr Walker states also that if the Hearing Panel had an interest in "*meaningful outcomes*" we would be happy to undertake a visit to his property guided by him. The implication is that because we have not taken up that offer, we are not interested in arriving at an appropriate outcome. If that Mr Walker's intention, the Hearing Panel rejects it.
9. We refer to Minute 2, which describes the function of site visits and makes it clear (at paragraph 103) that the purpose of a site visit is not to gather evidence, but rather to enable the Hearing Panel to better understand the evidence it has heard. In this case, we have the benefit of detailed ecological reviews from Mr Goldwater and Mr Fuller, supplemented by Mr Walker's observations, both when he appeared in the Stream 2 hearing, and in his August 2022 statement. We do not consider that we need to go on the site to better understand that evidence. We note for the record, however, that three of the four Hearing Panel members have visited the site already while in the vicinity and viewed it from the road.
10. More generally, Mr Walker obviously does not agree that the process the Hearing Panel has followed has been fair to him. It is sufficient merely to record that we disagree. If, when he receives our decisions, Mr Walker does not accept them, and continues to believe that the procedure adopted by the Hearing Panel has been unfair, Samantha Montgomery Limited will have the option open to it of appealing to the Environment Court.

Dated 9 December 2022

A handwritten signature in blue ink, appearing to read 'T. Robinson', with a large, stylized flourish extending downwards from the end of the signature.

**Trevor Robinson
Chair
For the Proposed Porirua District Plan Hearings Panel**