

District Plan Hearing Process

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12 February 2023

Our Submission

- We oppose the application of SNAs over privately owned residential land
- We seek certainty that the Panel will consider other methods of retaining biodiversity within the city through this Plan Change

Our property is a haven for birds and wild life with water, feeding stations and a bird bath



We want our family to be able to build on our section in future as it is no steeper than across the road



We want to be free of the fear of SNA on private property



Open Space



Birds are welcome at our Place

- Birds are resilient
- Mobile
- Eat
- Fly
- Socialise and nest
- Raise families
- Thrive
- More than 15 species and increasing numbers



Enhanced SNA on Council Land

- The Council already has sufficient Parks and Reserves to create enhanced SNA on Council Land
- We are happy with the status quo (February 2023) “***no SNA on Private Land***” but are very concerned the WCC may pivot on this decision
- The process we have participated in recently is fair and reasonable compared with the notification of SNA

Questions

1. How have the SNA proposals got to this point over four years without any authentic Statutory Authority?
2. Uncertainty if SNA's will remain "off the table" continues to play on my mind
3. The removal of property owners rights of appeal is a big issue

Shared Values

- Freedom
- Integrity
- Fairness
- Justice
- Love of Wellington and our natural environment
- We believe a solution that is beneficial for all parties is achievable with goodwill

We respect there are many Points of View and Options for the Commission to Consider

Government

- Government Ministers
- Departmental Officers
- WCC and GWRC Planning Staff
- WCC and GWRC Council and all Wellington businesses

Private Property Owners and all citizens of Wellington

NZ Courts

Political parties who now urge total revisions of the RMA

There is widespread confusion on the meaning of “*significant*” and RMA Legislation

The initial SNA proposals by WCC, GWRC and Government were based on assertions and errors of fact in the analysis, science, and failure to consider all stakeholders interests fully

Consultation by WCC SNA Proposals

- We feel cynical about the extent of consultation that was undertaken prior to the SNAs being notified
- Council Planning staff pursued SNA without honouring earlier WCC documentation indicating compensation for SNA
- If you can gain something valuable for nothing then why not claim as much SNA as you can and Council Officers did

WCC Report: Impact on Property Owners

2. ...Notwithstanding, where SNAs overlap onto privately held land, the economic impact is foremost in owners' minds. Any restriction which reduces development potential is likely to meet opposition from individual landowners...

Our comment: Of course it will meet opposition and it has

Source: <https://wellington.govt.nz/-/media/your-council/plans-policies-and-bylaws/district-plan/proposed-district-plan/files/sna-impact-on-property-owners-report-darroch-2019.pdf?la=en&hash=7B632F8745BAF7D32F5C7A83A99F01C42400FF86>

WCC Report: Impact on Property Owners

5. The introduction of measures to protect SNAs will provide long-term positive benefits to the wider communities which will far outweigh the losses to individual property owners.

Our Comment:

- We believe it is fair and reasonable there should be no losses for at all for private landowners

“Taonga in Our Backyards”

- NZ businesses cannot mislead with false information in advertising
- The High Court found in one case* “*terms and conditions were “**too detailed and complex** to permit a consumer looking at the website to easily determine what was covered”*”
- Flesch–Kincaid tests confirm many SNA and RMA reports require post graduate level education to understand
- WCC created lots of long and complex reports on SNA, that seem to meet the “**too detailed and complex**” threshold of the High Court
- Preventing an average person taking part in the discussion

Source: * On 27 August 2014 the Court of Appeal released the decision *Godfrey Hirst NZ Limited v Cavalier Bremworth* [2014] NZCA 418 clarifying when advertising is likely to be misleading or deceptive in breach of the Fair Trading Act 1986 (“the Act”).

Our Section and WC116 does not meet SNA Criteria

WC116 Cashmere Park above Onslow Road, Khandallah 8.42 hectares

RPS23a	RPS23b	RPS23c	RPS23d	RPS23e
Yes	Yes?	Yes?	Yes?	Unknown

Source: Wildlands report from WCC Website titled:

“AUDIT OF POTENTIALLY SIGNIFICANT NATURAL AREAS FOR WELLINGTON CITY: STAGE 1 DESKTOP ANALYSIS”

- * This is not an Audit. A desktop analysis is superficial and **“Potentially”** is vague
- * The Wildlands Report lacks precision because **23a is not in fact true.**
- * **Question Marks** in the Report above show clearly the writers’ **doubt** for 23b, 23c, and 23d; 23e is **Unknown**

To Qualify as SNA Sites need to:

- 23a Be a natural ecosystem that is no longer commonplace
- 23b Have biological or physical features that are scarce or threatened
- 23c Have diverse ecology, species and physical features
- 23d Connect ecosystems or habitats for rare indigenous species
- 23e Have significance to Tangata Whenua