

Submission from Grant and Marilyn Griffiths on the District Plan

- Thanks for the opportunity to provide our feedback on the District Plan/SNA. Firstly, let us acknowledge that the Zealandia project is a clear success
- It is a landowner-friendly, community approach, that WCC should repeat
- Birdlife has multiplied greatly since
- Birds' ability to fly and find food and nesting places may be underestimated by WCC ¹
- WCC pays for and plants many food trees, eg Pohutukawa on city streets and lands

We are opposed to the SNA proposals in their current form.

However, we wish to work positively with Council and the community to identify other options to progress, for better outcomes.

- We love Wellington and have lived on our property from 1978
- We are keen gardeners, with a lifetime interest in plants, birds, animals, and conservation
- We also strongly believe in our New Zealand Justice system and the legal sanctity of traditional, private property rights

We wish to meet with Council, about our submission, and to answer questions.

1 Let's focus on SNA and the threatened species Wildlands said are on our land.

Wildlands cited 12 indigenous plants as primary forest remnants on WC116, Cashmere Park above Onslow Rd, Khandallah.²

Fire in the early 1970s burnt all vegetation in WC116.

In 1978 we purchased our home and only gorse in WC116 was more than 1 metre high

Our Issues with WC116

- Kohekohe and Tawa were the most endangered species cited. None are on our land
- Department of Conservation classified "150 Threatened New Zealand Species". None are on our land ³

2 What is on the ground?

The latest report identifies only Mahoe is on our land.

Mahoe is common and classified “Not Threatened” by New Zealand Plant Conservation Network. Mahoe grow up to 15 metres high ⁴ ⁵

3 Draft District Plans and SNA prejudice development of our private property.

- The SNA claim is over 51% of our land ⁶
- Our home and section are intergenerational assets and a resource for our children and grandchildren
- SNA are forever
- We are entitled to the peaceful enjoyment of our land ⁷

*The Legislation Guidelines (2021 edition), which have been adopted by Cabinet as the government's key point of reference for assessing whether draft legislation is consistent with accepted legal and constitutional principles, recognise ' respect for property as a fundamental constitutional principle.' "New legislation should respect property rights. **People are entitled to the peaceful enjoyment of their property [...] The Government should not take a person's property without good justification. A rigorously fair procedure is required, and compensation should generally be paid'***

- The above is very clear.
- Accepted that Government have directed WCC and GWDC to address SNA
- Our view is that claimed SNA objectives can be met by Council without designating any private land as SNA at all. The status quo should remain

4 There is an absence of equitability.

SNA are for the common good, so landowners need to be compensated and as well, receive rates relief.

- WCC will take valuable land for SNA and pay nothing to the legal owners
- Approximately 1700 ratepayers are expected to forfeit their land as SNA, and 220,000 ratepayers pay nothing
- Less than 1% pay the price, 99% benefit
- This is unjust, and inequitable
- Some call SNA a land grab, others confiscation
- There appears no appeal or negotiation with landowners on the size of SNA
- We have not waived our existing legal property rights
- If compensation for SNA is not in the WCC District Plan, then it needs to be in the WCC Annual Plan, with rates revenue increased to pay owners

If WCC cannot afford this, it has other options, including:

- Delay SNA
- Pay rent to landowners

[https://wccgovt.nz.Sharepoint.Com/Sites/Spot/Urban Development/Strategic Planning/District Plan/District Plan Review/Planning For Growth/PDP Notification Onwards 2022/Hearing Streams/Stream 01 - Strategic Direction/Evidence & Pres Longer Than 3 A4/PRESENTATIONS/1. Grant Griffiths/Submitter Speaking Notes - Grant Giffiths \[460\].Docx](https://wccgovt.nz.Sharepoint.Com/Sites/Spot/Urban%20Development/Strategic%20Planning/District%20Plan/District%20Plan%20Review/Planning%20For%20Growth/PDP%20Notification%20Onwards%202022/Hearing%20Streams/Stream%2001%20-%20Strategic%20Direction/Evidence%20&%20Pres%20Longer%20Than%203%20A4/PRESENTATIONS/1.%20Grant%20Griffiths/Submitter%20Speaking%20Notes%20-%20Grant%20Giffiths%20[460].Docx)

- Reject, or revise SNA
- Move lines on maps, to eliminate or reduce SNA greatly, say by 80%
- Set limits, eg 5% as the maximum area claimable as SNA per section title

5 Council valuers Darroch, calculate the financial loss for SNA property owners as 10% to 22% of their properties value. ⁸

- For us, this is a loss of over \$100,000

Some claim *“SNA changes nothing for landowners”*.

- It clearly does. Darroch are professional valuers

6 In the current political climate there may be other ways to address SNA

7 One way is a national approach.

- Government funding for Wellington SNA
- In Christchurch, Government provided money for infrastructure to enable development of the inner city
- Resetting WCC assumptions on how much land is needed for SNA. The targeted 30% approach of all land is arbitrary
- WCC could borrow to fund SNA
- All ratepayers should pay equally to buy land for SNA if it is to proceed

8 WCC could declare SNA on existing Public Land and Reserves only and extend the successful Zealandia model with the help of willing volunteers

With private land left as is, respecting:

- ***“Private Land is Private Land”***
- ***“No SNA on private land without payment”***

9 A phased approach

WCC could move more gradually on the Draft District Plan, proceeding only once funding is available to compensate affected legal landowners. Remember:

10 The Draft RMA Amendment Bill is not yet passed

The Greater Wellington Regional Council and Wellington City District Plans are **both non-statutory documents and have no legal effect at this stage**

11 **Other Considerations including:**

- Over 180 years of legal property rights in New Zealand are being set aside by the current SNA proposal, which has progressed to this point without any statutable authority
- Stress and negative impacts on health and wellbeing and mana of landowners and their families
- The SNA proposals are a temporary expedient
- The problem SNA is intended to fix is not defined satisfactorily
- Fire is an increased risk of SNA not included in the District Plan
- COVID impacts on the community and finances, strongly indicate slowing down SNA, reduction of the scope of SNA and phased approach. All affected landowners should be able to request a stay of many years from the SNA provisions while justice, legal authority, finance and phasing are sorted out
- Working with the community and willing volunteers are essential elements for success and that is missing from the current approach and SNA proposals
- The underlying Wildlands report seemingly has not been subject to peer reviews or rigorous review
- Five minutes is a very short time for landowners to seek justice
- The fact the RMA Amendment Bill is being rushed through under urgency, without rights of appeal, and therefore our trusted Courts System invalidated; is confirmation of successive Government's inability to resolve the housing crisis
- Who gets the carbon credits on private/SNA land?
- WCC rates have increased 14% this year
- There are many other higher priorities for Council to act on and fund, including water, wastewater, roads, and infrastructure
- SNA does not seem to justify a high priority for limited Government and Council funding given many other current issues
- What happens if there is no further action on SNA? We believe that wildlife will continue to flourish in Wellington as they do now, post Zealandia, on available public reserves and private gardens. Birds eat food from indigenous and imported plants and trees

- While QV property valuations are also increased affecting 2021 -2022 rates and future rates, it is very likely there may be a pullback in actual property values
- This conclusion considers the totality of all Government housing interventions to date, and continuing Government spending on COVID and supporting the economy and community
- For example: Banks being held responsible to ensure borrowers can repay housing loans, is having an impact, from 1 December 2021.
- Steep land, subject to SNA, should not be valued for WCC rates on the same basis as flat building sites

These considerations support

- Respect for traditional land rights and our New Zealand Justice System
- Meaningful discussions with landowners as **the most affected stakeholders**
- Rejecting, or revising, or deferring SNA
- Reducing substantially the scope of SNA and limiting the area claimed eg to a maximum of 5% of every section, in WC116 and every other SNA area
- A phased approach, there is no need for extreme rush
- Compensation for legal owners at market rates
- Rates relief for SNA landowners
- All ratepayers to pay equally for SNA

¹ ***“Please remember, Birds have wings, they do not have wheels, and therefore they do not need a green, continuous road, across all of Wellington”***

Tui fly 10 kilometres a day in search of food, Grey Warblers, Riroriro, hundreds of metres at a time. Shining Cuckoos, Pipiwharauora* fly over 3,000 kilometres from the Solomon Islands. All are among many bird visitors already welcomed on our land. *Incredible Journeys, New Zealand Wildlife on the Move pages 4 -5. Ned Barraud, 2021, Published by Potton and Burton

² Wildlands Contract Report No 3942, WC116 pages 91-92

³ Department of Conservation (DOC) **Draft** Threatened Species Strategy especially pages 12, and 42-48. <https://www.doc.govt.nz/contentassets/97142dceee6b4f0e95a625ab4fa58dfc/threatened-species-strategy-draft.pdf>

⁴ New Zealand Plant Conservation Network Mahoe
<https://www.nzpcn.org.nz/flora/species/melicytus-ramiflorus/>

5 <https://blog.doc.govt.nz/2021/08/09/understanding-the-conservation-status-of-our-species/>

6 WCC Draft District Plan and Significant Natural Area (SNA)

7 The Legislation Guidelines (2021 edition)

<http://www.ldac.org.nz/about/updates/legislation-guidelines-2021-edition-now-available/>

8 Darroch Valuers Report

https://planningforgrowth.wellington.govt.nz/data/assets/pdf_file/0016/3247/SNA-Impact-on-Property-Owners-Report-Darroch-2019.pdf