

11 September 2024

To: Independent Hearing Panel,
Commission
for the WCC's Proposed District Plan.

JCA Presentation for Stream 11

Introduction

Good afternoon Mr. Chairman and Commissioners,

I would like to start by **again introducing** Mary Therese and myself, Warren Taylor, from the Johnsonville Community Association (JCA). A **copy of our presentation** will be provided to Hayden following the end of this session.

The following is the Presentation of the Johnsonville Community Association Incorporated (JCA) for Stream 11 to the Independent Hearing Panel on the Proposed District Plan for 2024-2034.

The JCA's Overall Preferred Approach to SNAs

The JCA **strongly advocates** for the Wellington City Council to adopt a **partnership approach regarding encouragement of indigenous biodiversity on private land** in Wellington as **advocated by the Capital Kiwi Trust Board**. Their approach is **also strongly encouraged by** both:

- a) the **NPS-IB (section 3.5 refers)**, and
- b) the **current National Coalition government** who have made it very clear that the focus from Councils must be on indigenous biodiversity and not SNAs.

The **SNAs are a suitable mechanism** for maintaining and promoting indigenous biodiversity on **public land**. They are **not a suitable mechanism for promoting indigenous biodiversity on private land**. **Partnerships with private landowners, without the threat in perpetuity of SNA classification, is the correct long term strategy for encouraging indigenous biodiversity on private land.**

Consistent with latter, the JCA disagrees strongly with the new rule ECO-R4 where a private landowner wants to remove indigenous biodiversity that exceeds the rule's square metreage limit, e.g. 100m² for a private landowner, **they have to get a resource consent. This effectively results in private land containing a de-facto SNA classification.**

We also note the evidence of David Norman in his Statement of Supplementary Evidence where he states in paragraph 39, in relation to the 100m² protection proposal, that:

*in all cases, the **community benefits** of the proposal through increased biodiversity protections **are a small fraction of the costs imposed** through the policy.*

And after reviewing 200m² and 300 m² protection sensitivity tests, he concludes in paragraph 47 that:

even with looser restrictions on development, the estimated benefits derived by the proposal are a small fraction of the likely costs through reduced housing capacity and reduction in land values.

The JCA reiterates again item (c) from its Executive Summary in the JCA's Submission:

If a private land owner wants to change any aspect of the indigenous biodiversity on their privately-owned property that should remain the property owner's right and should not be subject to state control.

The Capital Kiwi Case Highlights the Need for Clarity in the PDP Regarding the Council's Policy Regarding Encouragement of Indigenous Biodiversity

The PDP needs to include a clear statement on whether the voluntary introduction of native species will, or will not, lead to the imposition of an SNA on private land in Wellington. For the PDP to not provide clarity on this key issue from the start creates a moral hazard for those property owners who are supporting the expansion of indigenous biodiversity, including Kiwi, in Wellington.

The JCA requests the Commission support the following JCA's recommendations to the WCC:

- a) **the PDP is to include a clear statement on whether the voluntary introduction of native species will, or will not, lead to the imposition of an SNA on private land in Wellington, and**
- b) **the PDP is to contain clear criteria on if, and when, the future voluntary introduction of native species onto private land in Wellington will result in this private land being rezoned as SNA.**

Partnership versus Control Model

The **NPS-IB does not advocate the usage of a control model** to promote indigenous biodiversity with private landowners. **The NPS-IB encourages the usage of a partnership model as set out in section 3.5 (1) (d), (e) and (f) as follows:**

(1) Local authorities must consider:

.....

- (d) the importance of forming partnerships in protecting, maintaining, and restoring indigenous biodiversity; and*
- (e) the role of people and communities, particularly landowners, as stewards of indigenous biodiversity; and*
- (f) the value of supporting people and communities in understanding, connecting to, and enjoying indigenous biodiversity.*

The **Council's control model approach states that** if a plan change process identifies indigenous biodiversity on private land as an SNA then the private landowner is to be **punished in three ways** by the state:

- a) the land owner's **land title is encumbered with an SNA classification**, and
- b) the land owner's **full utilisation of their property is restricted and controlled**, and
- c) the land owner's **property value will fall significantly without any prospect of compensation** from the state that has inflicted this deliberate damage on the private landowner.

Minister Andrew Hoggard's Advice

When Associate Environment Minister Andrew Hoggard announced in March 2024 that the government was **suspending rules around Significant Natural Areas for three years while it replaces the Resource Management Act** he included the following comment in his statement:

*"For now, the government has agreed to suspend the obligation for councils to impose SNAs under the NPS Indigenous Biodiversity, and we're sending a clear message that it would be **unwise to bother**".*

On 28 August 2024 he released another press statement titled: *Scope of Significant Natural Areas Review* which included the following:

Mr Hoggard says the Coalition Government is delivering on its commitment to cease the implementation of new SNAs and review their operation.

"We campaigned on the importance of individual property rights and we intend to deliver. In their current form, SNAs identified on private property limit new activities and development, and in my view, will likely undermine voluntary conservation efforts.

The review will examine what criteria and process set out in the NPSIB to identify SNAs.

***"I want to make sure that the most unique environments are sensibly protected, without putting undue restrictions on land use change"**.*

JCA Wants Changes to the PDP to Mandate a Partnership Approach for Encouraging Indigenous Biodiversity

The JCA requests the Commission support the JCA's recommendations to the WCC that:

- a) the Council is required to **properly align the PDP objectives and rules to support partnership with private landowners in promoting indigenous biodiversity in Wellington**, and
- b) the Council is required to **adopt a strategy for encouraging indigenous biodiversity on private land that entails partnerships with private landowners without the threat in perpetuity of SNA classification on their private land or the requirement to obtain resource consents for clearing indigenous vegetation.**

Future Effect of Zealandia on Developing Wellington's Indigenous Biodiversity

Bird life from Zealandia has in recent years been **migrating across Wellington**. It is clear that this will **continue to be case in future decades** and that Wellingtonians are welcoming this change to our natural environment. In effect, **this is going to be one of the key game changers the encourages the further addition and restoration of indigenous biodiversity on public and private land in Wellington**. In other words, **resurgence of indigenous biodiversity will occur organically over the coming decades**. As such the **Council doesn't, and shouldn't, have to do anything in this space with private land** as this desirable outcome will just occur naturally over time.

The threat of SNAs being declared on private land is THE KEY game blocker to the achievement of further addition and restoration of indigenous biodiversity on private land in Wellington. The threat of SNAs being declared on private land must consequentially be removed.

Council is Under Resourced to Manage Expanded Indigenous Biodiversity on Private Land in Wellington

The Council is **currently over committed to servicing maintenance requirements on its own public land**. Paragraph 224 of the Section 42A Report indicates that:

“due to competing financial priorities, this (an SNA incentives programme including financial incentives) was not brought forward into the (Council's) Long Term Plan”.

The **Council does not have the funding nor the resources to expand its operations to manage and maintain SNAs on private land**. And it doesn't need this self-inflicted encumbrance on itself!

Benefit to Cost Ratio Analysis and the Effect of SNAs on Property Values

After reviewing the table in paragraph 217 of the Section 42A Report and the supporting Appendix F report from David Norman, the JCA requested a copy of the calculation model in its original spreadsheet form that supports the table calculations.

Access to the original spreadsheet model has been denied to the JCA by the Council on behalf of GHD.

This outcome is completely unacceptable to the JCA. The outcomes from the model's spreadsheet are being used by the Council to justify its PDP public policies in relation to SNAs on private land in Wellington. And yet how the model uses those inputs, assumptions and any formulae to calculate those outcomes from the model are not subject to submitter scrutiny. Submitters are being asked to accept this as evidence without being able to challenge or validate the positive benefit cost ratios calculated for imposing SNAs on private land as part of the hearing review. Given these very relevant facts, **the JCA recommends the Commission treat with caution:**

- a) **Appendix F, and**
- b) **the comments provided in the Section 42A Report as economic evidence to justify SNAs being classified on private land.**

In his Statement of Supplementary Evidence **David Norman is cautionary regarding the usage of the Benefit to Cost Ratio analysis in the table in paragraph 217** of the Section 42A Report. At the very least, David Norman's work **should be independently peer reviewed by a competent party like Dr. Tim Helm** to provide that extra level of assurance as to the robustness and soundness of this work. Natural justice demands that an independent peer review is done.

Also mentioned: magnitude of the SNA encumbrance on private landowners.

Conclusion

Decisions about the PDP will affect Wellington for the next 50 to 100 years. It is therefore fundamental that those decisions are sound and right. Prescient wisdom is the pre-eminent requirement for the SNA issue together with sound and robust judgement calls to successfully further progress indigenous biodiversity in Wellington over the next 100 years.

Warren Taylor
on behalf of the Johnsonville Community Association