

Hearings stream 11, Ecosystems and Indigenous Biodiversity

Steve West, 13 September 2024

Introduction

Tēnā koutou, and thanks for the opportunity to speak with you today.

To start, while I'm not a lawyer, or an expert on the RMA, I would describe myself as an analyst, a critical thinker and a passionate Wellingtonian, who like many in Pōneke, seeks to contribute positively towards our environment, including through activities like predator free trapping.

My primary concern is how the creation of private residential SNAs will negatively impact on both landowners, who will face stringent rules and unwanted costs, and on our native flora and fauna, who will bear the brunt of decisions taken from the imposition of these SNAs.

I first learnt of Council's intention to make around 40% of our property a SNA, or Backyard Tāonga as it was originally called, in August 2019. And since then, I have looked for ways to highlight my concerns, including by:

- Engaging directly with Council about our property in Captain Edward Daniell Drive.
- Regularly submitting and advocating to Council on its intention to create SNAs.
- Having an article on Backyard Tāonga published in the Dominion Post in 2021.¹
- Being a keynote speaker at the 2021 Khandallah community meeting on SNAs.
- And actively engaging with the District Plan process, which is why I am here today.

Now, referring to my statement of evidence, there are several key points that I want to draw your attention to, in addition to specific details about our property.

Natural Justice

Firstly, I want to address my comments on natural justice as raised in point 6.c, which I note Council has also raised as a concern in its Section 42A Report.

Currently private residential SNAs are excluded from the District Plan and if these were reinstated there would be no further opportunity for impacted landowners to make a submission to Council or the Independent Hearings Panel on these being reintroduced.

In the lead up to the proposed District Plan being notified I met with lots of residents in Nagio and Crofton Downs on SNAs, with many expressing frustrations. And in one notable visit I spent time

¹ [Wellington council targets mediocrity with Significant Natural Areas policy | Stuff](#)

with a woman who had just lost her husband and despite this, wanted to know more about the proposed SNAs as the level of information from Council seemed lacking.

For most landowners the direct contact referred to by Council has been two letters, with the first describing a project called Backyard Tāonga, and the second on SNAs provided reluctantly after the Khandallah community meeting in 2021.

Furthermore, I expect many residents were simply unaware that the decision by Council in June 2022 to remove private residential SNAs from the District Plan could be challenged.

Against this backdrop, if private residential SNAs are reinstated into the District Plan, without giving opportunity for further submissions, I believe this would raise questions of natural justice for landowners who should reasonably expect to be given the opportunity to be heard.

Indigenous biodiversity in Wellington

As noted in points 19 to 25 of my evidence, indigenous biodiversity in Wellington has increased significantly over the last two decades, with no native birds now under threat. Certainly, at our place flocks of kākā are now a daily feature, especially around dusk.

I think the fact that Wellington's flora and fauna is flourishing, reflects well on the fantastic voluntary conservation efforts citywide, along with Zealandia and programs like Predator Free Wellington and Capital Kiwi.

Notably, these achievements have occurred without any SNAs, which of course completely undermines the notion put forward by some submitters that private residential SNAs must be reinstated in the District Plan to stop biodiversity decline in Pōneke.

Private residential SNAs

To put the scale of the residential SNAs in Wellington into context I have provided statistical details in points 7 to 9 of my evidence. The key observations I want to highlight are:

- There is a sizeable asymmetry between land parcels and land area.
- The 1,343 private residential SNA land parcels account for 74% of the total pool of SNA land parcels in Wellington.
- Yet private residential landowners only account for 283 hectares, or 5.4% of the total area of identified SNAs.

And my analysis in point 10 shows that even if there was a significant reduction of indigenous biodiversity, arising from private residential SNAs being excluded, the impact, in my opinion would be de minimis with 99% of the total SNA areas in Wellington still retained.

SNA criteria

My statement of evidence in points 26 to 29 provides details about the MF6 ecosystem and the representativeness criteria in the Regional Policy Statement for assessing SNAs. While I don't intend repeating all this detail, the key points to note are:

- The MF6 ecosystem is described as a kohekohe and tawa forest. With secondary plants listed including māhoe, which is perhaps the most commonly found native in Wellington.
- With the representativeness criteria requiring ecosystems with less than 30% remaining, such as MF6, to be considered significant.

And as a result large parcels of land (including in the Harbour Lights subdivision) with some māhoe, but few other notable features have been identified as SNAs, despite the lack of any kohekohe or tawa, which forms the primary basis of this MF6 ecosystem.

Alternatives to SNAs

As noted in points 34 to 36 of my evidence, while the RMA and Regional Policy Statement offer frameworks for protecting indigenous biodiversity, neither prescribe in detail how Council might protect significant indigenous vegetation or habitats of indigenous fauna.

Case law referred to, and comments by Forrest & Bird in its submission, suggests that SNAs are not the only option available to Council for meeting its regulatory obligations under the RMA and in the Regional Policy Statement.

Furthermore in point 38 I have highlighted some unintended outcomes that might arise from establishing private residential SNAs. Two key points I would like to draw attention to are:

- How creating SNAs will likely result in land value losses for landowners of up to 30%.²
- That ordinary maintenance, like trimming trees on a small urban plot would now require resource consent and an ecological report, costing around \$6,000 in total, along with using a qualified arborist. Landowners would not be permitted to do this work themselves.

I therefore expect creating private residential SNAs will make native bush an expensive and unwanted burden for many landowners, with real risk of biodiversity gains starting to diminish.

In my opinion, better biodiversity outcomes would be achieved by permanently excluding private residential SNAs from the District Plan, instead relying on the general provisions for protecting biodiversity, along with a program to encourage city wide planting of natives so as to establish a broad spread of food across Pōneke for our birds.

² SNA implementation by WCC and the impact on property owners | Darroch 2019

Captain Edward Daniell Drive

Now to focus on our property in the Harbour Lights subdivision. Previously this land was a poultry farm, with various historic documents describing there being limited native bush, except near the entrance on Old Porirua Road. As part of the eventual subdivision 2.5 hectares of land was vested to Council, with a covenant containing conservation obligations placed over the remaining lots.

As explained in points 53 to 56 of my evidence, while still in dispute, we have engaged extensively with Council on our land being classified as a SNA. The three key documents provided are:

- The 2021 assessment from Council, which identified 15 native plants, six native birds, and an area of blackberry which would be removed from the SNA boundary.
- Our landowner report, which found none of the 15 identified plants were under threat regionally and that five of the six native birds were not threatened, with kākā in recovery.
- The response from Wildland Consultants, which provided further detail, including its justification for why the māhoe-dominated forest should remain a SNA.

The 150 square metre area of blackberry, that has now been excluded from the proposed SNA on our property, provides a good example for why Council should be required to assess each parcel of land before classifying it as a SNA, rather than simply relying on aerial photographs.

Summary of the relief sought

In summary, I am seeking:

- That 9 Captain Edward Daniell Drive remains excluded from the list of SNAs in the District Plan, noting there is already a covenant on the land title with conservation obligations.
- That the whole Harbour Lights subdivision also remains excluded from the list of SNAs in the District Plan for the same reasons as provided for our property.
- That the relief sought by some submitters to reinstate private residential SNAs is rejected.
- Or if the Panel decides to reinstate these private residential SNAs, that it:
 - a) rejects the previous rules from the draft District Plan, as these would impose a heavy and unreasonable burden on those landowners,
 - b) identifies new, and more practicable rules for private residential SNAs, and
 - c) limits any rules for private residential SNAs to land that is not already protected by some other method, such as a QEII or land title covenant.

Thank you for your time. I would be happy to answer any questions or points of clarification that you may have.