



# SILVER STREAM RAILWAY

HERITAGE RAILWAY

22 March 2024

To: Upper Hutt City Council: Submission on Plan Change 49 Open Space, Variation 1 Silverstream Spur Reconvened Hearing

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## **Silver Stream Railway Submission to the reconvened hearing on: Plan Change 49 Open Space, Variation 1 Silverstream Spur**

### **Introduction**

Silver Stream Railway Incorporated (SSR) is the land owner of the former Wellington to Wairarapa Railway Corridor that runs along the bottom on the northern side of the Silverstream Spur. This railway was constructed between 1873 and 1875 and despite closure and removal in the 1950's still retains a number of historic features from construction including original culverts and stream crossings from the waterways on the Spur.

SSR have made submissions on the many proposed changes to the use of the Spur over the last decade including to all iterations of Upper Hutt City Councils Plan Change 49. Our earlier submissions have focused on the areas of reverse sensitivity, and the history of UHCC's involvement in the Spur with a smaller focus on the widely recognised ecological aspects of the Spur and surrounding area.

It is noted that since the hearing adjourned UHCC have attempted to initiate the rapid clear felling of the pine plantation on the Spur, via a proposal to the Policy Committee meeting on the 21<sup>st</sup> of February 2024. This resulted in a decision to delay any discussion on the removal of the pines until at least 2027, when the next long term plan is put out for consultation, due to cost implications for council related to the proposed regeneration planting and management of wilding pine regrowth. Despite our best efforts to engage with UHCC on this matter in collaboration with Forest and Bird Upper Hutt, we to date have not received a response on our offers to assist with and contribute to the restoration of the Spur.

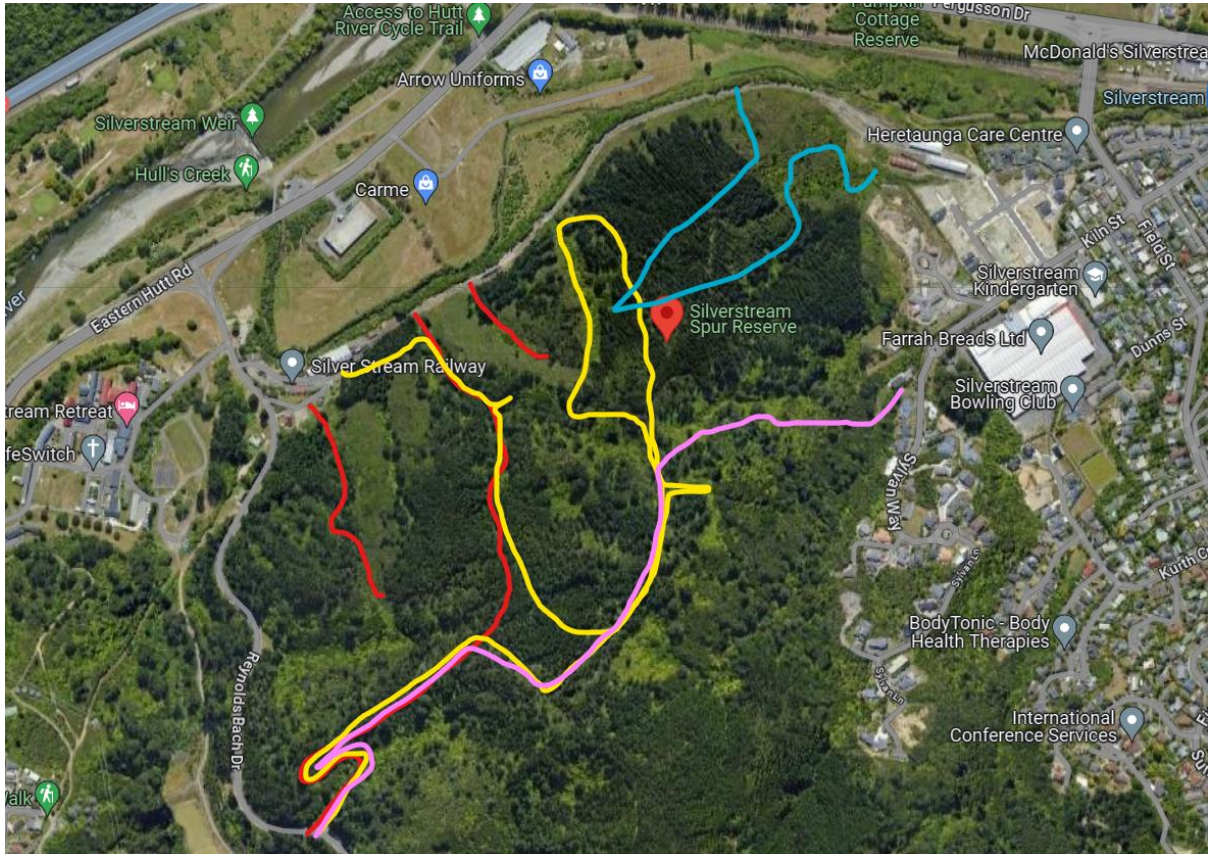
It is also noted that the Wellington Regional Leadership Committee has released its final version of its Future Development Strategy, and as expected, the GTC Land (or "Southern Growth Area") and the Spur have not been included as a future development or future urban area. We consider both

recent events have demonstrated a vastly changed attitude towards the Spur and its importance for the wider community.

### **Details of Submission**

1. SSR has been established on the site adjacent to the Silverstream Spur since the early 1970's. The society holds an extensive photo archive that details the changes that have taken place on the Spur in that time, from mostly gorse, scrub with some mature forest, to the regeneration and wilding pine/ pine plantation at present. Some of the current membership have been active at the site for decades and have watched and recorded this transformation, and consider that the areas that were not disturbed by the pine plantation works, or have had the pines subsequently removed either by fire/s or by removal, clearly demonstrate the regeneration potential of the area.
2. The society has been actively involved in ensuring the Spur can continue to exist in its current undeveloped form, almost continuously over the last 10 years. Its main opposition to the numerous proposals for the area have broadly related to reverse sensitivity issues, such as noise and smoke, along with expected problems with run off and land stability above the societies property where the land forms are proposed to be modified.
3. SSR has built a very wide measure of public support for the retention of the Spur in a natural state in its entirety, with good support at public meetings, a large number of views on our dedicated web page on the Spur, and the 4145 signatures we have gained on the 2 petitions set up to ensure the Spur remains intact for future generations.
4. In line with the societies objectives to be more sustainable and contribute to the environment in which the railway exists, there have been numerous initiatives undertaken to enhance and restore the biodiversity of the area, mostly on society owned property but also in the adjacent Hulls Creek area which has been replanted in native vegetation beginning in 2003 with Forest and Bird Upper Hutt. This and other initiatives such as planting out areas of our own site have given our members a greater understanding of vegetation types and species, and our interest in the Spur has naturally followed into ecological aspects of the various parts that make up the Spur landform.
5. Being a dominant natural feature that boarder most of the society's property, there are numerous part of the current make up of the Spur that have a more than minor effect on the operations of the railway, such as requiring regular inspections and monitoring of the various water courses that continually flow under the railway, and of the pine plantation on part of the Spur that has now become a safety hazard to our operations and is having to be more closely monitored. Some of this plantation has been affected by storm events and has resulted in several of the trees toppling over above and immediately adjacent to the active railway line.
6. UHCC have attempted to absolve them selves of responsibility of the hazard the pine plantation has become, even forcing the railway to pay to have the toppled trees secured so it could reopen the line (and therefore resume operations to generate revenue) and has attempted to claim that the trees sown as part of the pine plantation were not its problem or responsibility.
7. SSR has been concerned for many years that reports that have been commissioned about the ecology of the Spur, are not an accurate or complete analysis of what is present and what we witness on a daily basis. We consider this is likely to downplay the significance of the area to lessen the opposition to any of the numerous proposals that have been made for the use of the Spur.
8. SSR members have conducted a number of walkouts over the Spur in recent years in addition to the regular accessing of the Spur connected with the pest trapping work our members are involved in with Pest Free Upper Hutt. These walk outs were conducted in

June 2021 (Red), October 2022 (Pink), February 2024 (Blue) and March 2024 (Yellow) and were conducted in an attempt to better understand the ecology on the Spur, in particular the type and location of species, the watercourses, and to understand the linkage between the parts of the Spur that we see on a regular basis, with those that are not in our direct line of site. Several other submitters participated in these walk outs, with 8 people involved in the walk in October 2022. The approximate route of these walk outs is shown below.



9. During the walkouts many photographs were taken of what we considered to be notable features, including any large canopy trees, any seedling size canopy trees, the size and state of the water course's, in particular the points in which the water was flowing, and where there was evidence of ephemeral flows, any bird life, or any other features we considered to be intriguing. Several side excursions were undertaken during these walk outs to get a better feel of the consistency of what we were seeing on our chosen route.
  
10. These walkouts encompassed a wide range of vegetation types and we consider that the areas covered were as wide of a range as currently exist on the Spur. It is notable that there are many different assemblages of both plants and animals, for instance one area has a heavy presence of Grey Warbler that responded to the playing of a You Tube call video (with 5 coming to the call), yet these birds were not seen on the others parts during the time we were in that location. Similarly vegetation typology can differ markedly between different parts of the Spur, *Pittosporum eugenioides* (Tarata) as an example, was only recorded in one location, yet *Carpodetus serratus* (Putaputaweta) which has not been recorded anywhere near our property, is extremely common in areas near the highest point on the Spur, particularly in lightwells near the ridge. There is abundant regeneration occurring, in the areas that have been subject to recent (20 + years) fire damage, with canopy trees *Beilschmiedia tawa* (Tawa) ranging in size from less than 100mm up to over 2 meters in height. The watercourses extended further onto the Spur than our earlier mapping had

indicated, with good flows showing during the March 2024 (late summer) visit when they were recorded.

11. SSR now consider that the removal of the pine trees via the clear felling method proposed would be extremely damaging to the areas of regeneration that have taken place, and would like to propose a new requirement in rule NOSZ – R22 as shown in our relief sought.
12. Both Mr Goldwater and Dr Masik mention in their evidence the consequences of removing buffering zones from existing vegetated areas which will increase damaging edge effects and the changes to the areas that this will bring, and will result in further dismemberment of the native vegetation that has survived the rages of fire, and damage from an ill planned and executed pine plantation
13. In 2015, UHCC commissioned the Boffa Miskell Silverstream Spur Ecological Values Assessment, which was undertaken by Dr V Keesling. As discussed in our earlier submission and as presented in the earlier part of the hearing, this report states there are no permeant aquatic systems and no habitat for fish on the Spur which we demonstrated was not a true representation of the streams on the Spur.
14. The report also details only 4 types of vegetation on the Spur, that being: Young Gorse, Gorse Broadleaf, Mixed Serial Broadleaf (Gully), and Pine Plantation. These vegetation types are transcribed onto a map, however, there is no Mixed Serial Broadleaf (Gully) on the map and this has been changed to Tree Fern on the map. There is no mention of areas of regenerating bush or what Dr Keesing now describes as Kamahi broadleaf with beech. It is unlikely that these areas grew to the size and scale they are now in the intervening 9 years since his earlier report was undertaken, so it is likely these were considered not relevant or were missed, in a similar way to the water courses previously mentioned.
15. Study of our own photographs of that time and recollections from members, confirms both the streams and beech tree gully's existed in the same form that they do now aside from some minor erosion of the stream beds and growth of the trees.
16. In both this and in his subsequent reports or statements, the Spur and its parts all seem to be considered by Dr Keesing in isolation, yet in reality it forms an important part of a much wider area of recovering native bush. His notion that removal or areas of native vegetation to allow for a road corridor are not adequately tested or explained and therefore like his earlier 2015 assessment are not considered to be accurate, compared with what we have witnessed.
17. The area to the West and south west of the spur was formerly owned in its entirety by Hutt City Council for Rubish disposal purposes, being largely the Silverstream Landfill. Some parts of the area were more recently sold to Silverstream Retreat Christian Centre. Large parts of this land are made up of the same Beech Kamahi vegetation found on the Spur, however being just across the council boundary has never been considered as part of the linkage that the spur also contributes to.

18. The Silverstream Landfill is currently undergoing development for its 3<sup>rd</sup> and final stage to take it through to the end of expected life span over the next 20-30 years. As part of this development work, over 230 Lizards (Geckos and Skinks), mostly comprising of rare Copper Skinks, along with the more common Northern grass skinks and the Raukawa geckos. The vegetation they were removed from is typical of the areas along side Reynolds Bach Drive neighbouring the Spur, and it is highly likely that these lizards exist on the Spur, undeterred by the boundary between the two city's.
19. In a similar way, a number of similar species were relocated from an area in Manor Park to the Hulls Creek Area adjacent to the railways property. It is extremely likely that these have or will migrate onto the Spur.
20. We have also considered the evidence of Mr Goldwater from Wildlands and agree with the following points specifically:
  - That the road would have a moderate to high affect on the Spur with the vegetation removal required. Our study of both the road design requirements of UHCC, the requirements of the NOSZ rules, and the topography of the land show that 3.5ha would be the likely amount of land required to support the road/infrastructure corridor. While there are statements being made by GTC that this is not so, it does not demonstrate why this is not so, and is a moot point anyway as there is no restriction on the length or area allowed to be taken up in the NOSZ rules. The road must be a road of the required size to service the proposed number of houses, this is not something that can be altered, and even if this were possible, there is nothing stopping the road later being changed to remove more vegetation.
  - That the area of treefernland proposed for removal by Dr Keesing should be retained as we also consider it provides important linkage and buffering to the other areas on the Spur and adjacent land. In the areas covered by our walkout, including close to the proposed road route, there is evidence of early stage regeneration obvious, removing further areas will only lead to further degradation of the remaining pieces and needs to be avoided.
  - The removal of wilding pines and continuation of the pest trapping will greatly assist with the regeneration prospects for some of the more marginal areas of the Spur.
21. Consideration of reasoning suggested for the removal of the north facing gully shown in the originally released S42a report does not meet with our agreement for the following reasons:
  - This gully continues in the form described for its entire length from the southern boundary of the Spur to the boundary with the railway property. In fact of all of the parts of the Spur, this gully and the last part is the most natural part and warrants protection. Our walk outs have confirmed that the pest plants noted in the SNA assessment notes are not present in this gully as they were only viewed by the ecologists who have viewed and assessed this area originally, were located on the easiest and safest (entry via the gully itself would have required climbing a 3 meter high waterfall) route to get to the lowest area of beech forest. Our study of the area concludes while the base of the gully may be narrow in places due to the differing type of rock where the stream has cut down, the native vegetation in the gully extends up the sides to the point where it meets the wilding pine dominated area, the gully is not sparsely vegetated with a number of mature trees extending up both sides, and into any other gullies that join the main gully as well as in the base of the gully, and the gully its self is devoid of any pest plant species that were seen in the area of recently cleared pine.

## **Summary**

The purpose of the Plan Change 49 variation one first and foremost has been to zone the Silverstream Spur as Natural Open Space, which is aimed at conserving the natural character and associated ecological and landscape values. Sadly this has been coupled with a poorly reasoned attempt by a private company to gain control over a portion of this land and severely erode the natural character and physical value of the Spur to increase the financial value of their own land. The consensus by all parties whether for or against the road/infrastructure corridor is that there are some significant values on this land that meet the requirements of the Regional Policy Statement or National Policy Statement for Indigenous Biodiversity. The requirement for a road has been driven by a requirement for more housing to meet population growth, however evidence has shown with a high degree of clarity that such growth can be easily and comfortably be met without bisecting an area that all parties agree has ecological values that would be compromised and that there are adequate alternatives available for this company to access their land should they choose to pursue their plans for their development. A Natural Open Space is not an area that should have its natural functions severed by a road that will ultimately service 1600 households that will own over 3000 vehicles that will utilise the road on a regular basis. The proposition that a road is required to restore the biodiversity is flawed and many other similar areas even in the local area do not require such corridors to service or enhance their values. The only option is to remove the provisions for this road/infrastructure corridor as aside from their being no logical reasoning for it, it would be damaging to the other parts of the Spur this plan change is attempting to protect. We therefore have arrived at the same relief sought as our earlier submission as we feel that despite the XXXX first and foremost removing the provisions for a road/infrastructure corridor from the Spur would see this objective met in the first instance.

## **Relief Sought**

SSR maintain the relief it is seeking in from this proposed plan change as shown below.

- Zone the entire Silverstream Spur Pt Sec 1 SO34755 as Natural Open Space;
- Remove any and all provisions for a road/transport and/or network utility infrastructure corridor on any part of the Silverstream Spur Pt Sec 1 SO34755.
- At the conclusion of the Plan Change 49 process undertake to designate the entire Silverstream Spur Pt Sec 1 SO34755 as a Reserve in accordance with the process outlined in the Reserves Act 1977, with the result being that the entire Spur becomes a reserve in perpetuity.
- Correct errors and short comings with the Significant Natural Areas identified in Appendix 3 figure 5 of the PC49 Section 32 report and undertake to ensure all of these area are incorporated in to the Silverstream Spur Significant Natural Area overlay.
- Introduce a Special Amenity Landscape overlay on the entire site as the Spur meets the definition by being distinctive, widely recognised and highly valued where part of the site are dominated by natural components and part is an exceptional landscape areas that has been modified by human activity. The Spur also has a number of shared and recognised values.

- Formally put together a stewardship group of interested parties to oversee a future for the Spur that is sympathetic to its neighbours and allows the Spur to continue to mature into an outstanding ecological asset for Upper Hutt. One condition of this group would be that any involvement must be on the basis of having no commercial interest in the Spur or desire for potential financial gain from the site.

***Specifically related to the reconvened hearing on Ecological aspects:***

- Retain in full as SSSNA, the area of Mamaku/Ponga Treefern and manuka that has been proposed for removal from the SSSNA area by Dr Keesing.
- Extend the SSSNA area to include the entirety of the two north facing gully's that contain streams including the required buffer linkage areas to and from these areas as shown in our earlier submission.
- Amend rule NOSZ – R22 to include the removal of removal of any vegetation (exotic or indigenous) within or adjacent to the identified SSSNA areas. This will ensure that any removal of any exotic or non-indigenous vegetation (pine trees) within the vicinity of the SNA's will not result in the damage or destruction of the regeneration occurring near these areas.

Jason Durry

22 March 2023.