

PC49 Open Space Consultation 2 – Mary Beth Taylor Reconvened Hearing – Wednesday 3 April

Personal background

I'm Mary Beth Taylor. Please refer to my original submission for personal details.

Reminders

1. *We are in a Climate Emergency.*
2. *We are in a Biodiversity Crisis. 4000 species in NZ are currently classified as threatened or at-risk.*

Decision pending-2 options: What are 'we' enabling?

1. Do you make a recommendation that will enable a private developer to harm regenerating biodiversity on publicly owned land for private financial gain?
2. Do you make a recommendation that will enable the community to protect and nurture biodiversity regeneration on publicly owned land for community use.

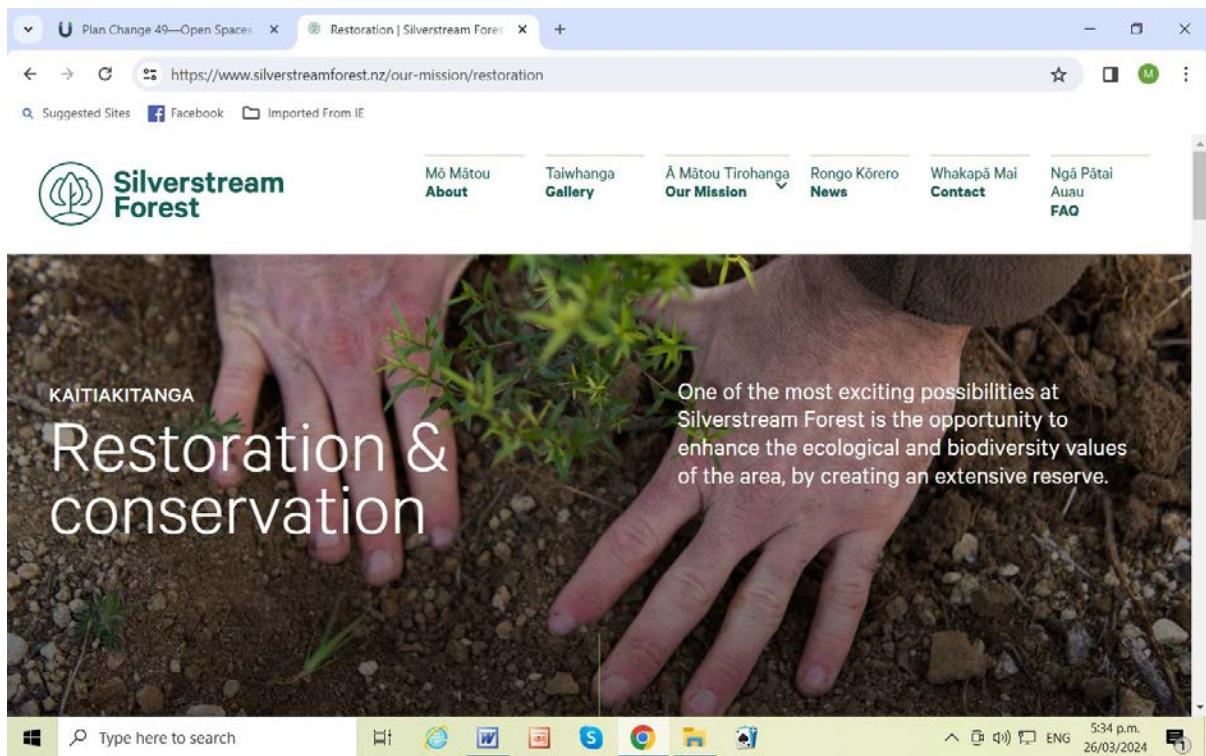
Silverstream Forest video – Ralph Goodwin – 2021 2.40 minutes

www.silverstreamforest.nz

GTC has experienced recent changes in ownership and directorship. Ralph Goodwin now holds only 12.5% of the company. GTC is now owned by Chris Darlow a lawyer working with an Auckland firm. The lawyer presenting GTC submissions at this hearing is one of the company's directors. A second director is Craig Martell whose company has provided consultants for the GTC at this hearing.

When Ralph Goodwin was director of GTC he produced a lovely little marketing video to explain his whakapapa, family's passion, connection to and stewardship of the Guildford land which he called Silverstream Forest.

Screenshot 160 – Ralph Goodwin (GTC) quote from promotional video 2021



Silverstream Forest adjoins the Silverstream Spur and both properties share an SNA. How did GTC go from being 'kaitiaki' of **their land** to wanting to ignore and then destroy biodiversity values on the Silverstream Spur, **community owned land**?

UHCC Policy Meeting 21 February 2024

Please see my document:

UHCC Policy Meeting 21 February 2024 - Mary Beth Taylor

Item 4 on the agenda recommended the removal of the remaining pines that were planted as a commercial forest by UHCC on the Silverstream Spur in the 1990's.

Several members of the public presented in Public Forum at this meeting to urge Council to delay the removal of the pines. Instead the public suggested establishing a Silverstream Spur Reference Group to work with council to produce a 'Biodiversity Restoration Plan' for the Spur.

Councillors decided that the pine tree removal would be delayed for three years and the possibility of creating a Silverstream Spur Reference Group would be explored.

All the community groups and individuals who have spoken up to support making the Spur a Natural Open Space with NO road/transport or infrastructure corridor are ready to support this plan.

No formal feasibility study

"A Feasibility Study is a preliminary exploration of a proposed project or undertaking to determine its merits and viability. A Feasibility Study aims to provide an **independent assessment** that examines all aspects of a proposed project, including technical, economic, financial, legal, and environmental considerations."

A couple of years ago the UHCC Director of Asset Management and Operations expressed to me their frustration at the lack of any formal feasibility strategy around

putting a road through the Silverstream Spur. They felt this was an essential first step that should be provided by the developer. From the supporting information for PC 49 Variation 1 it appears that an independent Feasibility Study for such a road has not been completed by the developer. Without this additional information it is impossible to determine exactly how much of the Silverstream Spur SNA would be permanently damaged by a transport/infrastructure corridor.

Consider the ‘Rights of Nature’ – <https://www.garn.org/rights-of-nature/>

The Rights of Nature means recognising that ecosystems and natural communities are not merely property that can be owned. Rather they are entities that have an independent and inalienable right to exist and thrive.

And we, the People, have the legal authority and responsibility to enforce these rights on behalf of ecosystems.

Examples of protecting the Rights of Nature

1. Ecuador: All of Nature/Pachamama has legal constitutional rights.
2. Bolivia: ‘Mother Earth Laws’ - Natural environment has personhood.
3. UN: Universal Declaration for the Rights of Mother Earth, the Universal Declaration of Rights of Rivers, and the Universal Declaration of Ocean Rights (UDOR).
4. Whanganui River, NZ: Personhood granted
5. Uruwera Forest, NZ: Personhood granted
6. Te Tiriti o Waitangi, NZ: The rights and obligations legally recognised in the Treaty, allows that Maori iwi have been able to negotiate new legal mechanisms to care for and protect ecosystems on their land and in their waters
7. Maori king and other indigenous Pacific leaders sign up to granting whales legal personhood at UN (NZ Herald 30 March 2024)

He Whakaputanga Moana:

Indigenous representatives pledged to work together to create the world’s largest Indigenous marine protected area network over a 2,200,000 km² area.

<https://www.nzherald.co.nz/kahu/maori-king-and-other-indigenous-pacific-leaders-sign-up-to-granting-whales-legal-personhood/2THXZK5GFVFDROZMPLZI3AWY/#:~:text=Pacific%20indigenous%20leaders%2C%20including%20the%20M%C4%81ori%20King%2C%20today%20urged%20the,as%20persons%20with%20inherent%20rights.>

Biodiversity loss in Aotearoa New Zealand

One of the biggest causes of biodiversity loss is persistent land-clearing activities to satisfy the rapid growth of human population and development. In Aotearoa NZ indigenous land vegetation cover is now less than 30% overall, down from approximately 90% in pre-human times. One-third of our species are listed as threatened. We have the highest proportion of threatened indigenous species in the world, currently 4000 nationally.

NZ has extraordinarily high levels of endemism, with around 40% of plants, 90% of fungi, 70% of animals and 80% of freshwater species fish found **nowhere else** on Earth. This means that if they are lost here in Aotearoa they are lost entirely from the planet forever. Our biodiversity is fragile and constantly under threat.

New Zealand's biodiversity policy

The National Policy Statement on Indigenous Biodiversity (NPS IB)

This is an essential part of our response to biodiversity decline in Aotearoa.

It provides direction to councils “to protect, maintain and restore indigenous biodiversity requiring at least no further reduction nationally.”

Adopted 4 August 2023 - 8months old

Says the Government

“To be clear, there has been **no change to the statutory or regulatory obligations to Councils** (regarding the implementation of the NPS IB) at this point. These obligations continue to apply until and unless amended.”

Other Legislation Updates

NPS UD + FDS + IHCC IPI = No SGA

More mainly affordable housing along existing infrastructure corridors is needed. This is made clear through the NPS UD at the national level and the Future Development Strategy at the regional level. In addition the UHCC IPI (Intensification Planning Instrument: 13 December 2023) also creates pathways to urban intensification along existing infrastructure in Upper Hutt.

Future Development Strategy – adopted by the WRLC on 24 March 2024.

Reference to the Southern Growth Area has been abandoned in the FDS because

- the Housing and Business Development Capacity Assessment says that the majority of the region’s housing needs can be met in our existing urban zoned environments;
- the direction from the NPS-UD seeks to consider climate change and greenhouse gas emissions created by transportation;
- the FDS prioritises the effective use of already zoned land and emphasises that growth is kept to existing areas and existing infrastructure is strengthened;
- of the locational and infrastructure constraints in the SGA area;
- the SGA is deemed an area we **should not develop** in order to limit risks to our communities, infrastructure and environment.

FDS Consultation Question 5:

*Do you support our proposed approach to **protect the areas we love** by avoiding or limiting urban development in areas prone to natural hazards, land that is highly productive or land that contains high cultural or environmental/biodiversity values?*

One submitter commented: “Totally agree - we must protect what we love. We must also protect what protects us - clean air, water, biodiversity, food producing land, cultural sites (as vital for wellbeing)”

Ecologists reports – a snapshot in time- not future focussed

Hired ecologists working for developers can end up undermining Nature's efforts to rebuild biodiversity. They make judgements on which land, tree, species have value at a given moment and which can be removed from Nature to make way for human development and economic activity. They literally enable life and death decisions for species and ecosystems.

Community volunteers, environmentalists and kaitiaki strive to protect and support Nature's efforts to rebuild biodiversity. They understand that all land, every tree and species is connected and valuable to maintaining healthy biodiversity for all of Nature including humans.

Putting a road through the Spur would damage existing and regenerating biodiversity.

Dr Keesing and Mr Goldwater (Jan. 2024 visit) – agreeing and disagreeing SNA big/small, gully/no gully, fern trees/no fern trees, biodiversity or not

Meanwhile the Silverstream Spur is quietly and spontaneously regenerating biodiversity values. Given time and protection there would be a **natural acceleration** in the recovery of the biodiversity values on the Silverstream Spur.

Most recent community site visit to the Spur – March 2024

Jason Durry's team's observations indicate increasing biodiversity values on the Spur

Comments on gullies and ponga-mamaku tree fernland

A gully remnant that has been left untouched because it is too steep to farm or log is essentially a nursery for growing on both indigenous and exotic vegetation.

Gullies are often moist areas with high humus accumulation. Humus is the dark, organic material that forms as soil when plant and animal matter decays. It is perfect for germinating seeds and nourishing and sheltering young plants. Gullies also provide a protected habitat for birds, reptiles, insects, and fish if a freshwater source is present. Native birds inhabiting a gully will venture away to other areas of bush to seek food. They ingest the seeds of native plants and while roosting deposit those seeds which enhances the expansion of native bush.

The beauty of the Silverstream Spur is that there are already several species of podocarp forest giants present including beech, totara, and tawa.

Reforestation can tackle the climate and biodiversity crises.

8 Steps to restore a native forest

1. **Protect existing forest first:** Reforestation can occur naturally by leaving deforested areas undisturbed for an extended length of time. Forests can regrow without human intervention. Remove pests and predators.
2. **Work with local people:** Create volunteer focus groups.
3. **Maximise biodiversity recovery to meet multiple goals:** Carbon capture, boost ecosystem services, tourism, community recreation.
4. **Select the right area for reforestation:** Previously forested, Link up existing remnants of native bush.

5. **Use natural forest restoration wherever possible.**
6. **Select tree species that maximise biodiversity:** Right trees in the right places.
7. Use resilient tree species that can adapt to a changing climate.
8. **Plan ahead:** Forest & Bird seed collecting, germinating.

<https://www.kew.org/read-and-watch/10-golden-rules-for-reforestation>

NOTE: The **bolded 7/8 points** above indicate actions that are already being taken to support the restoration of the native bush on the Silverstream Spur.

Decision I seek is to

1. **Zone the Silverstream Spur in its entirety as Natural Open Space.**
2. **Protect all indigenous biodiversity/SNA's on the Silverstream Spur from development.**
3. Remove rule NOSZ-S4, remove new policy NOSZ-P6 Silverstream Spur infrastructure, remove new policy NOSZ-P7 Silverstream Spur SNA, remove new rule NOSZ-15 Road and associated network utility infrastructure...on the Silverstream Spur SNA, remove rule NOSR-22 Removal of indigenous vegetation on the Silverstream Natural Area.
4. **No provision for a road/transport/infrastructure corridor through the Spur.**

Decision pending-2 options: What are 'we' enabling?

3. Do you make a recommendation that will enable a private developer to harm regenerating biodiversity on publicly owned land for private financial gain?
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UHCC Policy Meeting 21 February 2024 - Mary Beth Taylor

I am unable to attend Wednesday's Policy meeting but I wish to provide some information and suggestions on Items 4 and 5. Please ensure that this document is tabled at the meeting. Thank you.

<https://www.upperhuttcity.com/files/assets/public/v/1/yourcouncil/meetings/2024/cycle-1/policy-agenda-20240221.pdf>

<https://www.upperhuttcity.com/files/assets/public/v/2/yourcouncil/meetings/2024/cycle-1/policy-minutes-20240221.pdf>

Item 4: Pg 4 – Removal of pine trees Silverstream Spur (Reserve)

Corrections

- Errors and inconsistencies in reports and Council messaging can result in confusion, lack of community confidence and diminished trust in Council.
- Where a report affects more than one department the directors of both departments should check and sign off on the report. This report includes reference to both **Planning and Regulatory Services** and **Parks and Reserves**. Please don't work in isolated silos.
- **PC 49** not 49A.
- Intends to change the zoning of both areas to '**Natural Open Space**' not 'Open Space and Open Space – Natural area'.
- and '**to prohibit**' the development of the land for housing' not 'to minimise' the development of the land for housing. The removal of the MOU signalled the decision to no longer use the Spur for housing. This must be made clear in this report.
- the removal of the pine trees on a '**lowest conforming financial cost and highest environmental return basis**'. The intention should be that the removal of the pine trees will result in enhanced environmental returns. This is not merely a financial transaction.
- '**recommends that public engagement or consultation to support this work should be encouraged**'. This is publicly owned land and there is ongoing high level interest from the community around the treatment of the Spur and its future use. They should be invited to contribute to this work.

Suggestions for pine trees

- **Please don't be in a hurry.** Take some time to develop a comprehensive plan for the Silverstream Spur beyond the removal of the pine trees.
- Before logging of the pine trees commences, 'Expressions of Interest' should be invited from various local groups and individuals to form a **Silverstream Spur Reference Group**.
- The work of the **Silverstream Spur Reference Group** would be to
 - produce a 'Biodiversity Restoration Plan' for the Silverstream Spur to include strategies for
 - access ways for removal of logs with minimal disruption to the regenerating forest

- tree removal with minimal damage to exiting native flora and fauna
- timing of tree removal to minimise fire risk
- slash chipping and storage for future use on site
- a planting plan to ensure the numbers and types of native trees are planted in the right places
- local seed gathering, germination, and tree raising
- native tree planting at appropriate times
- ongoing pest plant and pest animal control
- ongoing plant support (releasing, watering, mulching)
- future pathways plan, signage, amenities for recreational use
- increasing public interest and involvement in the Silverstream Spur Restoration Project.

The Upper Hutt branch of Forest & Bird has extensive expertise, experience and interest in local forest regeneration and biodiversity restoration. Volunteers grow and plant out in Upper Hutt about 5000 native plants each year. Given sufficient lead time (approx. 1 year) the branch could provide good numbers of locally sourced and grown natives for the Silverstream Spur Restoration Project.

Silverstream Steam Railway has been engaged with the Silverstream Spur issue for a very long time. Their active support for the protection and restoration of the Spur is ongoing through removal of pines, planting of native trees and trapping on their land.

There is a wonderful opportunity for a positive and productive partnership between Forest & Bird, Silverstream Steam Railway, environmental groups, the community and Council to work together to transform the Silverstream Spur into an amazing Natural Open Space for community recreation into the future.