

Slides 2

I embarked on a major research project after finding some details in the railways archives that showed there was much more to the story of the Spur that was being let on by council. My initial approach to the council was to allow me to read meeting minutes as outlined in section 46a of LGOIMA making no mention about the Spur. My interpretation of this act was obviously quite different to that of the council because in an email to me was included a suite of internal emails I was not supposed to see stating that the information about the Spur had already been made available to the public, my request having gone to the legal counsel and was to be treated as an OIA request, with a hefty price tag to be payable by me if I wanted to proceed. Eventually I was given access to the minutes and later some more material, however the more contentious documents I am still seeking such as the original motion for purchasing the Spur, and the financial transaction details are "unable to be located" Eventually this journey took me to the Alexander Turnbull Library, National Archives, Hutt City Council archives and a few other sources.

End of Slides 2

These slide illustrate beyond any doubt that despite what the GTC experts think, the history of councils involvement in the Spur did not start when GTC released their masterplan in 2007, and began their crusade to get the Spur by purchase, development strategy, swap, and now by stealth. On the same basis that they are arguing because recently council have been seen to be supporting their efforts, a much longer period of council lobbying (successfully)to save the spur from what it deemed at the time to be inappropriate use, carry's much more weights as it has enabled us to be having this hearing today.

Start 3rd slides

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Relief sought

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While these additions have been declared out of scope, they are in keeping with the natural open space zoning, and are less out of scope that the construction of road that would destroy vast areas that the natural open zoning is seeking to protect.

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SSNA areas. Included in the section 32 report there were some inexactness and confusion about the areas visited by Wildlands consultants. With this correction, while the areas are the bare minimum of what should be included, SSR would support these areas being included as the Silverstream Spur Natural Area.

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This slide shows the number of watercourses that exit the Spur and travel over the railways property, flowing in to Halls Creek and eventually the Hutt River. The definitions are taken from the GWRC definitions for fresh water, and as can be seen there are a number of rivers (as defined by GWRC) that flow directly off the Spur under the railway. These rivers flow year round, even during dry summer months, the stream in the white area shown previously was utilised until recently to provide feed water for our steam locomotives utilising a consent granted when the railway was

being established. Some of these rivers are home to native Koura, listed by the Department of Conservation as a threatened species.

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We find it rather difficult to believe the GTC “experts” as one of them, Mr Keesing states there is no watercourses on the Spur during some early assessment of the Spur when engaged by council on ecological potential of the Spur, yet another expert, Mr Reed states that culvert pipes will have to be put in where the proposed road crosses a “existing water course”. Removing the conflicting expert arguments from the equation the use of embankments with culverts to fill gully’s in a forested area is a known high risk as the culverts will undoubtedly block up and with resulting damage to both the road and the downstream areas IE our railway. The danger this will cause to other properties should not be under estimated with all the recent severe weather events and will not be solved by hydraulic neutrality rules catering for 1 in 100 year events that recent history has shown are happening more frequently than the stated 100 year interval.

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SSR will be most affected by any changes on the spur, right from removing pine trees, through to any construction of a road. The site has been notified as a High Slope Risk (all except small portions near the top) in the Plan Change 47 meaning disturbance of the slopes above our railway will inevitably lead to slips, damage to our infrastructure and a risk to the safety of our members and visitors.

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An attempt is also being made to justify the creation of the road through the spur to “facilitate the revegetation of the retired plantation forestry” which we consider is an attempt to falsely claim that the pine trees need to be removed via Kiln Street. The Spur has a history of being used for plantation forestry, especially on the Hutt City End, and during the course of these works a number of forestry roads have been created and are still in reasonably good order today as assessed by a forestry contractor. These tracks are easily accessed by a metaled forestry road from Reynolds Bach Drive. When the resource consent was applied for to enable the forestry project on the Spur initiated by council, the use of this road and no others was a condition of that consent, (refer appendix 4, 27 and 28) It is noted that GTC are currently engaged in harvesting the area on the ridge to the south (behind) the Spur, and this wood is able to exit via other already established roads without the need to create a brand new one under a different pretence

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The mistaken belief that there is no access on to the spur by the public indicated by councils insistence that a road is needed to be able to gain access demonstrates a complete lack of understanding of the Spur by Council staff, but is not surprising given their history in managing the Spur. As has been stated by other speakers, there are a number of tracks already on the Spur that enable passage from one end to the other, these tracks could be enhanced under existing Natural Open space policy and do not require special provisions as is attempting to be justified due to this lack of knowledge of the area and lack of engagement with parties familiar with, and without a commercial interest in the spur. The comment made in paragraph 171 of the section 42A report stating that without the proposed road/infrastructure corridor that large areas of indigenous vegetation will need to be removed, has no basis and with proper design, knowledge and a holistic rather than the current siloed view from council, giving weight to the access provided by

neighbouring natural open space zones, a series of walking tracks can be developed without needing a full scale road and infrastructure corridor which only seeks to destroy the things that the zoning is trying to protect.

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The long held view by the community including our organisation is that there has been a high level of predetermination about the provision of a road on the Spur for private interests. This is shown by the number of attempts both GTC and the council have made to fulfil this ambition, all with minimal, if any public input, including but not limited to the:

- Back room deals seeking valuations and legal opinions on the sale of the Spur paid for, at least in part by council, culminating in the signed sale and purchase agreement from GTC (Appendix 37 & 38).
- Including the Spur in the Memorandum of Understanding with GTC. Discussions undertaken in public excluded council meetings provided absolutely no opportunity for the community to have their say. Only after the MOU was signed was public feedback invited via a “Focus Group” on the Land Use Strategy in 2016

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- Removing the Spur from the 2017 Open Space Strategy, removed because it was considered to be out of scope because of the Memorandum of Understanding.
- Removing the Spur from consideration at the recent Long Term Plan as no proposal had been received and it would be considered at a later date mainly due to the Memorandum of Understanding. This process also included the “loss” of 7 submissions about the Spur.
- Putting the infrastructure/transport corridor on the Spur forward for funding from the Kaianga Ora Infrastructure Acceleration Fund. This again was undertaken in public excluded portions of council meeting, with little to no opportunity for the community to have a voice.
- Determining that the Spur was out of scope of the first part of PC49.
- Inclusion of the Transport Corridor in PC49 variation 1. No opportunity was presented for the Spur to be included solely as natural open space zoning without making up special provisions for a transport/infrastructure corridor.

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In addition a draft section 42A report considering the original submissions and further submissions on PC49 was released online via an OIA request. It discusses a road of a known size and location (currently both are considered “unknown”), talks of creating a precinct to enable this road, and does not mention at all about using any proposed road to enable access for recreation use, further reinforcing our belief that this has only been added to “soften” the impact to the community of a road/infrastructure corridor.

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Several publicly available emails from the former chief executive also support this view, including where he states that “, we are committed under the current leadership at Council and staff to work collaboratively with GTC in advancing the planned development of the SGA”

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The stated apparent support of council in the inclusion of the GTC land in the FDS and the request for zoning change in the rural chapter of PC50 mean that either this decision about the road has already been predetermined by council and GTC, or that in fact they are confident that they can actually proceed on the basis of not having the Spur available to service their land.

All along it has seemingly never been considered to access the GTC land by other means, council being scared off by the threats that the SGA area can't or will not go ahead if access through the spur is not provided. There is no basis of fact behind these threats, as witnessed not only by the comments made to the Land Use Strategy Focus Group (appendix 8&9) that without the spur the development can go ahead, but also by the comments made in the GTC "expert" evidence that the Spur is the "best option" or "limited options" are available, but nowhere is it indicated that there are no options other than the Spur. In light of the ability for Upper Hutt and the entire region to meet its housing options, it is time that GTC put the dream of using the Silverstream Spur Reserve as an access to their land to bed and moved on with undertaking their development on its own merits.

As previously stated there has been a complete lack of opportunity to rezone the Spur as natural open space without a road or infrastructure corridor being included, an option that was never put to the elected members of the council when making the decision to undertake the rezoning. At the Policy Committee meeting on the 27th of July 2022, the Policy Planning Manager (Miss Thomson) was answering questions from elected members of council about submissions to the (original) PC49 process, and Councillor Angela McLeod asked this question: *"of those submissions that were out of scope how many of them included dislike or discontent with thinking there could be a transport corridor through there"*

The reply from the Miss Thomson was as follows: *"because the submissions were not specific to a particular proposal there weren't any that we were aware of that were specific about a road corridor because one had not been proposed at that time in a formal process, so the only submission about enabling a road corridor was actually a further submission wanting to ensure that there was some ability to have an access to the Southern Growth Area. That was the only submission that specifically talked about there being a road"*

This reply was factually incorrect and is at odds with the Submissions and Further Submissions that the public via the PC49 web page, and the submitters that received copies of the further submissions have been provided with. All up, using these sources there are 2 original submissions and 6 further submissions specifically opposing a road on the Silverstream Spur. As the eventual vote on this topic which included putting forward a proposal to go out for consultation on a plan change variation to rezone the spur as natural open space without a transport/infrastructure corridor was only carried by using a casting vote, had the correct reply been given the outcome could most likely have been different. These submissions and further submissions that specifically opposed the road to the original PC49 have been included as Appendix 3 in our submission.

It was very concerning to hear the statement during the hearing yesterday, when referencing future mapping of SNA areas, (covered at 4:20:20 in the Facebook Live Stream) that "we (the council) need to go out and do that urgently because a road proposal is imminent". This confirms the comments made to our organisation during a recent meeting with Council staff on

separate issue regarding the Spur that GTC are putting forward a proposal for a road in the very near future. This serves to drastically undermine any trust in the council when on one hand they are undertaking a proper process, this plan change, yet on the other hand they are entertaining the idea of a road before the hearing has even started and is disrespectful not only to this process but also the members of the community that have taken the time to engage on the subject.

SSR consider that a road going through the Spur is just the beginning of GTC's aspirations for the Spur. The wider community share this view with us. GTC have been wanting the spur to build houses on going right back to at least 1994 when they submitted to the councils forestry consent. Given councils history in poor decision making around the spur, we are not confident that if a road is developed that the land next to it would not be used for housing in the future. Nothing we have seen or read to date indicates that this is not a high probability, especially when GTC submitted to this variation on that basis.

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SSR are extremely concerned that council are not publicly disclosing the updated (2023) HBA numbers. Throughout the last few years these older figures have been used to throw weight behind needing the GTC development and because it needs to be on such a grand scale to meet housing shortfall it requires the destruction of parts of the Spur. While 2019 figures showed a shortfall in realisable capacity in the region, the 2022 update showed a surplus.

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These figures are used on the dedicated Southern Growth Area webpage on the council website.

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The 2023 assessment was released in July 2023 and was adopted by Council on the 2nd August 2023

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This is a full revision of the assessment which takes into account the massive uplift of supply enabled by the MDRS. It shows that region wide 206,000 homes will be enabled by the MDRS changes with demand for only 99,000 through to 2051. Upper Hutt has capacity in already enabled land (IE does not include the GTC area) of 18,461 homes with a demand of only 7954 houses leaving a surplus of 10,507 which will meet demand for the short, medium and long term in the same period. While these figures represent a snap shot in time, they also represent the latest data, have been adopted by council, and take account of the shift to intensification and brownfields development rather than relying on edge expansion. These figures invalidate the council's growth context section of the Section 42A report (Paragraphs 34-37) attempting to justify the inclusion of the road to meet a perceived housing shortage in the long term. This section 42a report was compiled and released well after the meeting where the council adopted the 2023 HBA. In paragraph 34 the report specifically refers to the outdated non MRDS enabled 2022 assessment and omits the fact that the 2022 plan also contained an, albeit smaller, surplus of capacity. Paragraph 35 refers to the 2016 Land Use Strategy (incorrectly mentioned at the hearing yesterday to as being released in 2018, when it was actually adopted in September 2016) where the outcome of the Spur being used to provide access had already been decided. It also includes another outdated document, the Wellington Regional Growth Framework (2021) that again predetermined the Spur would be utilised for access and potentially housing in association with the GTC Property. This document too was released well

before the bi partisan MRDS rules were implemented as well as the Intensification planning instrument, both now operative leaving these documents redundant. Incidentally the Land Use Strategy uses a figure of a mere 4923 houses being enabled by its contents reinforcing its outdatedness. . Things have moved on quite markedly since the Land Use Strategy document was commissioned. It does not include large developments that have already been zoned accordingly (St Pats under the IPI) or have been kick started by other means such as the Infrastructure Acceleration Fund being the Trentham Racecourse. These 2 developments, close to the metro rail corridor are easily able to cover the number of houses that the GTC land could have made available.

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While we have heard a number of times that the number of submissions has little to no bearing on the outcome, we wonder exactly what the criteria was for including provisions that are the polar opposite of what this plan change was trying to achieve. While there has been some minor tweaking of wording to attempt to “decouple” the road from the GTC land, this has always been and remains the both the councils and GTC’s primary interest in any form of construction on the spur.

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The community have really thrown their weight behind the seeing the Spur retained in full as open space. There has been a real community sprit displayed by all of the people and organisations interested in seeing it retained, and this working together will greatly assist the restoration of areas of the Spur in time. The petitions we set up continue to gain support, with the one most relevant to this hearing now sitting at 1600 signatures. This seeks the same relief as outlined at the beginning of this presentation and demonstrates exactly how unpopular and unjustified the use of the Spur for private gain actually is and cannot be ignored. A Spur without a road is already exists, we will continue to ensure that it remains this way.