
From: Shannon Watson

Sent: Tuesday, 10 September 2019 1:35 PM

To: 'Caroline.vanhalderen@stantec.com' <Caroline.vanhalderen@stantec.com>; Simon Cager (InTouch) <simon.cager@huttcity.govt.nz>; 'jamie.povall@stantec.com' <jamie.povall@stantec.com>

Cc: 'Douglas Fletcher' <Douglas.Fletcher@gw.govt.nz>; 'Jo Frances' <Jo.Frances@gw.govt.nz>; Dan Kellow (InTouch) <dan.kellow@huttcity.govt.nz>

Subject: GWRC comments on avifauna and little penguin matters from Further Information Response (s92 Memorandum 2 received 20 August 2019) - WGN190301 & RM190124

Hi Caroline,

As promised yesterday and further to recent emails with Douglas Fletcher confirming that matters related to Seagrass have been appropriately addressed, I provide comments on your response to the matters outlined in Memorandum 2 (of the s92 letter dated 29 May 2019) received 20 August 2019, relating to avifauna and little blue penguins.

I can confirm Dr Uys is satisfied with the response to question 2(a) as described in the report titled "*Report on response to questions from the Greater Wellington Regional Council regarding the application to conduct works associated with the construction of a 4.4 km shared path along Marine Drive in Hutt City's Eastern Bays*" prepared by Dr John Cockrem dated 28 July 2019. However, Dr Uys requires further consideration of the matters outlined in questions 2(b), 4 and 5 (of the original s92 letter dated 29 May 2019) before GWRC can make an informed assessment of the scale of adverse effects attributed to the proposal.

Shoreline feeding birds

Dr Uys provides the following detailed comments on matters in question 2(b) not yet considered to be appropriately resolved:

The offset at the marina may provide breeding habitat for shoreline birds but will not address the loss of feeding habitat for these species. The loss of available habitat is estimated at 5,836m², while the proposed breeding habitat enhancement on the Seaview breakwater will only create 350 to 400m² of breeding habitat. Breeding will not be possible without adequate food reserves, so there is concern about considering improved breeding habitat as an offset to a loss of feeding opportunities.

- 1. What is the minimum spatial extent (m²) of the new breeding habitat to be created on the Seaview breakwater that the applicant proposes may mitigate the 5,836m² of feeding/foraging habitat that is to be lost?**
- 2. Will works on the breakwater trigger any additional consenting requirements that may not have been included in the current consent application?**

Variable oystercatchers are the shoreline feeding bird species most likely to be impacted by loss of feeding habitat. This species, although only At Risk nationally, is considered to be Vulnerable in the Wellington Region, which makes it a regionally Threatened species. It is unclear how many pairs of oystercatchers currently occupy the coastline area

that will be lost, but it is likely that there are more than the one pair that might adopt the enhanced area on the seawall given the territoriality of this species during breeding season and the extent of the proposed breakwater enhancement. The offset package has also not considered the impacts of disturbance of the oystercatchers' feeding in the habitat that remains by people and dogs using the Shared Pathway. It is therefore likely that the proposed offset measures will not adequately address the impact on this regionally Threatened species.

- 3. When preparing the proposed offset package has Dr Cockrem considered the impact that increasing numbers of people and dogs using the shared pathway will have on the oystercatchers, which will continue feeding in the (limited) remaining feeding habitat post construction?**

Little blue penguins

Dr Uys provides the following detailed comments on matters in questions 4 and 5 (of the s92 letter dated 29 May 2019) not yet considered to be appropriately resolved:

Dr Uys notes that Dr Cockrem's report states that the proposed biodiversity offset will not have adverse effects on biodiversity. However, little blue penguins are currently nesting in the area proposed to be enhanced for shoreline bird breeding (Seaview breakwater) and the current penguin nesting opportunities in this location will likely be lost. The current proposal is to offset this loss of existing penguin nests by improving the nesting habitat for penguins at the start of the breakwater by raising the breakwater in a manner such that the nests do not get inundated by high seas. There is, however, no evidence presented that inundation of nests is currently a problem or any guarantee that either the shoreline birds or the penguins will use these enhanced areas for nesting. It is also noted that the 'new' area available for the penguins is likely to be less than currently available.

- 4. Please quantify the 'new' area that is proposed to be available for nesting little blue penguins**

Note: over and above the loss of breeding habitat associated with the development of the shared path, the proposed creation of breeding habitat for shoreline feeding birds on the breakwater will result in the further loss of breeding habitat for penguins.

- 5. Please outline how the applicant will calculate the number of new penguin nesting sites they will provide compared to the number of penguins that will be affected – what will be the ratio of replacement nesting sites against the number of nesting sites to be lost, taking into account the uptake of replacement nests**

The applicant proposes to undertake the work where there are penguin nests between 1 March and 30 June outside of the main nesting or moulting season. Dr Uys notes that penguins can however be present in nesting sites at any time of the year and may be injured or killed if their presence is not known.

- 6. GWRC propose the addition of a consent condition (or conditions) requiring that penguin survey be undertaken prior to works within 100m of any location confirmed to have penguins present; and, where earthworks are taking place during the breeding season, as far as is reasonably practicable, a 100m buffer should be maintained between physical works and any penguin nesting sites.**

The value of the proposed package to offset residual effects on penguins at the Seaview Marina has been discussed above. In addition to the marina a section of the Whiorau Reserve has also been proposed as an offset for penguins. Penguins are currently nesting around the whole reserve, but only a small section of the Reserve (400-450m² area in the ~14,000m² Reserve) is proposed to be fenced. The "new" breeding habitat referred to will require the addition of nesting boxes, but it is unclear how many nesting boxes will be provided. The fencing to protect penguins from people and dogs to create "safe" breeding habitat will only benefit those birds nesting in the small fenced area while birds using the existing nests across the remainder of the Reserve will come under increased pressure from the increased use of the area.

- 7. Please confirm the minimum number of new nesting boxes that will be provided within Whiorau Reserve**
- 8. Please confirm whether there are any further measures proposed to limit the effects of the project on little blue penguins which will continue to use existing nests that are not within the safe/fenced breeding habitat area?**

Summary

The adverse effects of the loss of habitat and continued disruption of shoreline feeding birds and nesting little blue penguins do not appear to be adequately offset by the measures proposed. The impacts of increased activity within sensitive nesting and breeding locations are not addressed and the offsets do not appear to equate to the loss of habitat. GWRC invite the applicant to contact GWRC, specifically Dr Uys, to further explore opportunities to identify areas that could be enhanced by the exclusion of dogs and implementation of pest control to improve the quality of the habitat for shoreline feeding birds and to investigate the opportunity to create a new penguin reserve or reserves outside of existing nesting areas, to truly offset the impacts that this development will have.

Kind regards

Shannon Watson
Environmental Planner

GHD

Proudly employee owned

T: +64 04 474 7330 | V: 517330 | | F: 04 472 0833 | E: shannon.watson@ghd.com
Level 2, Grant Thornton House, 215 Lambton Quay, Wellington 6011 | www.ghd.com

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From: Van Halderen, Caroline <Caroline.VanHalderen@stantec.com>
Sent: Tuesday, 20 August 2019 2:27 PM
To: Shannon Watson <Shannon.Watson@gw.govt.nz>
Cc: Simon Cager <Simon.Cager@huttcity.govt.nz>; Povall, Jamie <Jamie.Povall@stantec.com>
Subject: Eastern Bays Shared Path project: Further Information Request (s92) - WGN190301 & RM190124 (Memorandum 2)

Hi Shannon

I refer to your letter dated 29 May 2019 requesting further information under section 92(1). Please find the attached memorandum (Memorandum 2) outlining our responses to the requested information under the headings that are set out in your letter. Where necessary we have added more detail under a series of annexures attached to the memorandum. Please note that this memorandum contains further investigations that were undertaken on shoreline foragers, penguins and seagrass.

Ngā Mihi | Kind regards,

Caroline van Halderen

B Town and Regional Planning, MNZPI
Senior Planner

Direct: +64 4 381 5716
Mobile: +64 277742409

Stantec New Zealand
Level 13, 80 The Terrace
Wellington, 6011 New Zealand



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