



## HEARINGS SUBCOMMITTEE

19 March 2024

Order Paper for the meeting to be held in the  
Council Chambers, 2nd Floor, 30 Laings Road, Lower Hutt,  
on:

**Monday 25 March 2024 commencing at 10:00 am**

The meeting will be livestreamed on Council's Facebook page.

The purpose of the hearing is to consider submissions on the proposed amendments to the Dog Control Bylaw – Tupua Horo Nuku

### Membership

Cr S Edwards  
Cr N Shaw

Cr C Parkin  
Cr T Stallinger (Alternate)

For the dates and times of Council Meetings please visit [www.huttcity.govt.nz](http://www.huttcity.govt.nz)

**TE KAUNIHERA O TE AWA KAIRANGI | HUTT CITY COUNCIL**

**HEARINGS SUBCOMMITTEE**

Meeting to be held in the Council Chambers, 2nd Floor, 30 Laings Road, Lower Hutt  
on  
Monday 25 March 2024 commencing at 10:00 am.

**ORDER PAPER**

**PUBLIC BUSINESS**

**1. OPENING FORMALITIES - KARAKIA TIMATANGA**

Whakataka te hau ki te uru	<i>Cease the winds from the west</i>
Whakataka te hau ki te tonga	<i>Cease the winds from the south</i>
Kia mākinakina ki uta	<i>Let the breeze blow over the land</i>
Kia mātaratara ki tai	<i>Let the breeze blow over the ocean</i>
E hī ake ana te atakura	<i>Let the red-tipped dawn come with</i>
He tio, he huka, he hau hū	<i>a sharpened air.</i>
Tihei mauri ora.	<i>A touch of frost, a promise of a glorious day.</i>

**2. APOLOGIES**

No apologies have been received.

**3. ELECTION OF CHAIR**

**4. CONFLICT OF INTEREST DECLARATIONS**

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

**5. HEARING OF SUBMISSIONS - PROPOSED CHANGES WITHIN THE DOG CONTROL BYLAW**

Report No. HSC2024/1/32 by the Head of Strategy and Policy

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**6. HEARING OF SUBMISSIONS**

7. CLOSING FORMALITIES - KARAKIA WHAKAMUTUNGA

Unuhia!

Unuhia!

Unuhia i te uru-tapu-nui

Kia wātea, kia māmā

Te ngākau, te tinana,

te wairua i te ara takatū

Koia rā e Rongo

whakairihia ake ki runga

Kia wātea, kia wātea!

Ae rā, kua wātea!

Hau, pai mārire.

Release us from the supreme

sacredness of our tasks

To be clear and free

in heart, body and soul in our

continuing journey

Oh Rongo, raise these words up high

so that we be cleansed and be free,

Yes indeed, we are free!

Good and peaceful

Kathryn Stannard

**HEAD OF DEMOCRATIC SERVICES**

Report no: HSC2024/1/32

## Hearing of submissions - proposed changes within the Dog Control Bylaw

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### Purpose of Report

1. This report provides information to assist the Subcommittee with hearing submissions on proposed amendments to the Dog Control Bylaw 2015 (the bylaw). The amendments aim to restrict dogs near the Tupua Horo Nuku (Eastern Bays Shared Pathway).

### Recommendations

That the Subcommittee:

- (1) notes the resource consent conditions for Tupua Horo Nuku to protect kororā and other birds attached at Appendix 1 to the report;
- (2) notes that if Council does not meet the primary consent conditions by making changes within the Dog Control Bylaw 2015, further physical bird protection measures will be required;
- (3) notes that public consultation took place from 1 February to 1 March 2024;
- (4) notes that the Kōrero mai/Have Your Say page content is attached at Appendix 2 to the report;
- (5) notes that the maps used during public consultation are attached at Appendix 3 to the report;
- (6) notes the criteria for making amendments to dog prohibition areas in clause 8A.4 of the Dog Control Bylaw (as set out in paragraph 8 in the report);
- (7) notes 275 survey submissions and six email submissions were received and were provided to the Subcommittee members on 11 March 2024;
- (8) notes the high-level analysis of submissions included in Table 1 in the report;

- (9) notes the hearings schedule attached at Appendix 4 to the report;
- (10) notes that the written submissions in order of the hearings schedule are attached at Appendix 5; and
- (11) notes that the Policy, Finance and Strategy Committee will consider its recommendations on 7 May 2024.

## **Background**

2. The 2021 resource consent for Tupua Horo Nuku required Council to establish Bird Protection Areas (BPAs), and to initiate potential changes under the bylaw to protect kororā and other birds. The resource consent conditions are attached at Appendix 1 to the report.
3. If changes under the bylaw are not made the consent requires other physical bird protection measures to be made, such as improved fencing and revegetation.
4. On 21 November 2023, Council approved public consultation taking place from 1 February 2024 to 1 March 2024 on the proposed amendments within the bylaw. The amendments include changes to dog restrictions in and around the BPAs.
5. Registered dog owners in Hutt City were all contacted to inform them of the survey.
6. Public submissions were received via the Kōrero mai/Have Your Say web page and the Tupua Horo Nuku Project email. The Kōrero mai page content is attached for the Subcommittee's reference at Appendix 2 to the report.
7. Maps were used during public consultation to assist public understanding. The maps are attached for the Subcommittee's reference at Appendix 3 to the report.

## **Discussion**

8. Under clause 8A.4 of the bylaw, before making a resolution to amend dog prohibition areas within the bylaw, Council must consider the following:
  - a. the need to minimise danger, distress and nuisance to the community generally;
  - b. the need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not the children are accompanied by adults;
  - c. the importance of enabling, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs;
  - d. the exercise and recreational needs of dogs and their owners;
  - e. impact on wildlife areas;
  - f. whether it is necessary to consult with the public to gauge community views on a proposed dog prohibition area; and
  - g. any other information considered by the Council to be relevant.

*Submissions Received*

9. During the one-month consultation period, 275 responses were received via the survey and six were received via email.
10. The results demonstrate majority support for the proposed amendments in three of the four areas (Sorrento Bay, Whiorau and HW Shortt Park), and opposition in the fourth (Bishop Park).
11. To assist the Subcommittee's consideration of the submissions, a high-level analysis is set out in Table 1 below.

Table 1: Survey Response Analysis

Survey Questions	Yes/No	Response statistics and frequent reasons for responses
Do you support the proposal for <b>Sorrento/Lowry Bay</b> ?  ( <b>Current:</b> Dogs prohibited between 9am-8pm during daylight saving period, on-lead all other times. <b>Proposed:</b> dogs prohibited at all times)	Yes – 60.99%	<ul style="list-style-type: none"> <li>- Native bird protection;</li> <li>- Dog owners have other options, birds do not;</li> <li>- Irresponsible dog owners.</li> </ul>
	No – 39.01%	<ul style="list-style-type: none"> <li>- Oppose BPA location;</li> <li>- Dogs on leash rather than banned;</li> <li>- Irresponsible people are the problem, not dogs;</li> <li>- Inconsistent restrictions.</li> </ul>
Do you support the proposal for <b>Whiorau</b> ?  ( <b>Current:</b> Dogs prohibited 9am-8pm during daylight saving period, on-lead at all other times. <b>Proposed:</b> dogs prohibited in BPA at all times. No changes proposed outside the BPA)	Yes – 61.72%	<ul style="list-style-type: none"> <li>- Native bird protection;</li> <li>- Dog owners have other options, birds do not;</li> <li>- Irresponsible dog owners.</li> </ul>
	No – 38.28%	<ul style="list-style-type: none"> <li>- Dogs on leash rather than banned (in the BPA);</li> <li>- Oppose changes to current restrictions;</li> <li>- Irresponsible people are the problem, not dogs.</li> </ul>
Do you support the proposal for <b>Bishop Park</b> ?  ( <b>Current:</b> Dogs prohibited between 9am-8pm during daylight saving period, on-lead all other times. <b>Proposed:</b> dogs prohibited at all times)	Yes – 41.15%	<ul style="list-style-type: none"> <li>- Native bird protection;</li> <li>- Dog owners have other options, birds do not;</li> <li>- Irresponsible dog owners.</li> </ul>
	No – 58.85%	<ul style="list-style-type: none"> <li>- Oppose BPA location;</li> <li>- Negative health impacts on people and dogs if dogs are banned;</li> <li>- Dogs on leash rather than banned;</li> <li>- The restrictions are inconsistent;</li> <li>- Fence will impact view.</li> </ul>

<p>Do you support the proposal for <b>HW Shortt Park</b>?</p> <p>(<b>Current:</b> Dogs may be off-lead but you need one with you. Dogs must still be under control at all times. <b>Proposed:</b> BPA (dogs prohibited at all times). No changes proposed outside the BPA)</p>	Yes - 57.58%	<ul style="list-style-type: none"> <li>- Native bird protection;</li> <li>- Irresponsible dog owners;</li> <li>- Dog owners have other options, birds do not.</li> </ul>
	No - 42.42%	<ul style="list-style-type: none"> <li>- Negative health impacts to people and dogs;</li> <li>- Irresponsible people are the problem, not dogs;</li> <li>- Oppose BPA locations ;</li> <li>- Dogs on leash rather than banned (in the BPA).</li> </ul>

#### *Hearing Subcommittee Process*

12. The hearings schedule is attached at Appendix 4 to the report.
13. The written submissions in order of hearings are attached at Appendix 5 to the report.
14. Five minutes have been allocated for individual hearings and 10 minutes for organisations. 18 individuals and two organisations (Forest and Bird and Eastbourne Community Board) are scheduled to speak to their submissions.

#### **Next Steps**

15. Following the hearing, the Subcommittee will make recommendations to the Policy, Finance and Strategy Committee on 7 May 2024.

#### **Legal Considerations**

16. The proposed changes within the bylaw are for the purpose of meeting consent conditions relevant to Tupua Horo Nuku.
17. Section 82 of the Local Government Act 2002 includes consultation requirements. These, combined with the bylaw requirements for consultation, warranted this public engagement process.

#### **Financial Considerations**

18. If the proposed restrictions are not met Council will be required to meet secondary conditions that will have financial implications.



## Appendices

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Head of Strategy and Policy

**Reviewed By:** Bradley Cato  
Chief Legal Officer

**Approved By:** Jarred Griffiths  
Director Strategy and Engagement



## Appendix A: Relevant consent conditions

Main consent condition	Relevant conditions under the main consent condition	
<p><b>EM.1</b> In order to avoid or minimise adverse effects of the Project on Kororāand Shoreline Foragers, the Consent Holder shall:</p>	<p>(a) Seek dog control measures in accordance with Condition <b>EM.2</b>;</p> <p>(b) Prepare a Bird Protection Plan (BPP) in accordance with Conditions <b>EM.3</b> to <b>EM.3C</b>;</p> <p>(c) Undertake Construction Works in accordance with Conditions <b>EM.4</b> to <b>EM.4D</b>;</p> <p>(d) Deliver pest management in accordance with Condition <b>EM.5</b>;</p> <p>(e) Deliver the protection areas in accordance with Conditions <b>EM.6</b> to <b>EM.6E</b>;</p> <p>(f) Deliver rubbish and waste management in accordance with Condition <b>EM.7</b>;</p> <p>(g) Complete reviews of the protection areas (Conditions <b>EM.8</b> to <b>EM.8C</b>);</p> <p>(h) Complete a study of Tōrea Pango / Variable Oystercatchers (Condition <b>EM.8D</b>); and</p> <p>(i) Complete a public education awareness programme for avifauna in accordance with Condition <b>EM.9</b>.</p> <p>In relation to:</p> <p>(j) Pest management, the Consent Holder shall provide up to a maximum of \$60,000 to be used to implement the measures set out in the Pest Management Strategy;</p> <p>(k) The protection areas in Conditions <b>EM.6B</b> to <b>EM.6E</b>, the Consent Holder shall:</p> <p>(i) Provide up to a maximum of \$300,000 to be used to establish the protection areas (including, if required, the potential additional area in Condition <b>EM.2(d)</b>) in accordance with the BPP; and</p> <p>(ii) Provide up to a maximum of \$6,000 per year for the duration of the consents for the ongoing management of the protection areas;</p> <p>(l) The Tōrea Pango / Variable Oystercatcher study in Condition <b>EM.8D</b>, the Consent Holder shall provide up to a maximum of \$30,000; and</p> <p>(m) The public education programme in Condition <b>EM.9</b>, the Consent Holder shall provide up to a maximum of \$15,000.</p> <p>All the sums above include GST.</p> <p>The Consent Holder shall report to the Manager, Environmental Regulation and the Manager, Regulatory Services, Hutt City Council when the monies specified above have been allocated. Any monies not fully spent to the maximum sums above shall be allocated to ongoing management (including pest control) within the protection areas and/or the public educational campaign in Condition <b>EM.9</b>.</p> <p><i>Advice note: The handling of protected wildlife will require permits to be obtained from the Department of Conservation under the Wildlife Act 1953.</i></p>	
<i>Dog control measures</i>		
<p><b>EM.2</b> The Consent Holder shall within 12 months of the Commencement of Consent initiate the required statutory process to exclude dogs from:</p>	<p>(a) The foreshore and beach area of Rona Bay abutting Bishop Park protection area and running for the same length; and</p> <p>(b) The foreshore and beach area of Sorrento Bay from the southern end of the Sorrento Bay oystercatcher protection area and running to the northern end of the oystercatcher managed works zone.</p> <p>Should the dog exclusions over the foreshore and beach areas outlined above not be successfully delivered the Consent Holder shall:</p> <p>(c) Review the fencing options for the Bishop Park and the Sorrento Bay protection areas;</p>	





Main consent condition	Relevant conditions under the main consent condition	
	<p>(d) Develop and implement, in consultation with the Manager, Environmental Regulation and the Eastbourne Dunes Restoration Group, a revegetation plan (with the purpose to support the enhancement of the area for shorebirds through appropriate replacement of exotic plants (in particular marram grass) and planting for screening), install signage in accordance with Condition <b>LV.7(k)</b> and <b>(l)</b> and pest management in accordance with Condition <b>EM.5</b> at the potential revegetation area which covers the areas of existing vegetation between the Rona Bay pier and the HW Shortt Park protection area; and</p> <p>(e) Investigate alternative dog control measures that may be available and the details of any enforcement or compliance measures that may be implemented, and report back to the Manager, Environmental Regulation and the Manager, Regulatory Services, Hutt City Council.</p>	
<i>Bird Protection Plan</i>		
<b>EM.3</b>	The Consent Holder shall prepare a BPP and submit this to the Manager, Environmental Regulation for certification in accordance with the requirements of Condition <b>GC.5</b> .	
<b>EM.3A</b>	<p>The purpose of the BPP shall be to as far as reasonably practicable avoid, but otherwise minimise, adverse effects on Kororā and Shoreline Foragers in the Project area and adjacent areas (including existing revetment, the coastal edge running along the length of the Project area and the bird protection areas set out in Conditions <b>EM.6</b> to <b>EM.6E</b>).</p> <p>The objectives of the BPP shall be to:</p> <p>(a) Maintain or enhance the level of habitat and species diversity post-construction of the Project comparative to that existing pre-construction.</p> <p>(b) Maintain or enhance habitat for Kororā and Shoreline Foragers along the Eastern Bays coast comparative to pre-construction of the Project.</p>	
<b>EM.3B</b>	The BPP shall be prepared by a suitably qualified and experienced ecologist in consultation with the Little Penguin Interest Group, Eastbourne Dunes Restoration Group, and the Mana Whenua Steering Group.	
<b>EM.3C</b> The BPP shall include:	<p>(a) Nesting and construction measures (Conditions <b>EM.4</b> to <b>EM.4C</b>);</p> <p>(b) Staff and contractor training requirements (as necessary and reasonable);</p> <p>(c) Suggested signage locations and content to be incorporated as appropriate within the BSUDPs under Condition <b>LV.7</b>;</p> <p>(d) Opportunities to avoid or further minimise effects on kororā and enhance kororā habitat through detailed design (through linkage to the CEMP in Condition <b>GC.8</b>), including:</p> <p>(i) Potential seawall design opportunities to restrict road access for kororās; and</p> <p>(ii) Potential rock rip rap design opportunities to include key holes for kororā nests;</p> <p>(e) A Pest Management Strategy (Condition <b>EM.5</b>);</p> <p>(f) A plan for works within 100m of a Shoreline Forager nest (Condition <b>EM.4D</b>);</p> <p>(g) The final boundary, fence design and details of the four bird protection areas to be established (Conditions <b>EM.6</b> to <b>EM.6E</b>);</p> <p>(h) Rubbish and waste management (Condition <b>EM.7</b>);</p> <p>(i) A framework for a public education programme for avifauna (Condition <b>EM.9</b>);</p> <p>(j) Identification of important habitat for Shoreline Foragers including opportunities for screening or barriers at these areas as provided through Condition <b>LV.7</b>;</p> <p>(k) A description of measures to ensure the protection areas are appropriately managed and maintained to maximise opportunities for habitation by kororā and Shoreline Foragers for the duration of the consents; and</p>	





Main consent condition	Relevant conditions under the main consent condition	
	(l) A summary of consultation in Condition <b>EM.3B</b> including a response to matters raised during consultation that have not been adopted and the reasons why.	
<i>Bird Protection Plan – nesting and construction measures</i>		
<b>EM.4</b>	Construction Works between 1 July and 31 January (the kororā breeding period) shall not occur within 10 m of any active nesting or moulting sites identified in Condition <b>EM.4A</b> .	
<b>EM.4A</b> The BPP shall contain measures to avoid or minimise adverse effects on kororā during construction, including:	<p>(a) A staged process developed by a suitably qualified and experienced independent kororā expert for Construction Works in each bay to locate and protect active kororā within the construction area prior to the Commencement of Construction.</p> <p>(b) The staged process in (a) shall be detailed in the BPP but, unless (c) or (d) applies, shall include:</p> <p>(i) Identification of areas within the bay and within the construction area that provide suitable kororā nesting habitat;</p> <p>(ii) Undertaking, within 5 working days of the Commencement of Construction in each bay, a penguin dog detection survey of any identified area in (i) to identify active nesting and moulting sites;</p> <p>(iii) Either complete Construction Works within the surveyed area in (ii) within 10 working days or ensure the surveyed area is secured from penguin access as soon as reasonably practicable and no later than 2 working days from the completion of the survey (unless an active nesting or moulting site is located, in which case access to that site shall be enabled and Condition <b>EM.4</b> applies) until Construction Works within the area are completed;</p> <p>(iv) Twice weekly inspection of any kororā exclusion measures in (iii) and if any are found to be damaged, they shall be reinstated within 24 hours of the inspection unless it is unreasonable given weather conditions in which case they must be reinstated as soon as reasonably practicable; and</p> <p>(v) If repairs under (iv) are not completed within 24 hours, then the Consent Holder shall consult the penguin expert on the need for a new kororā Commencement of Construction. If the penguin expert determines that a Kororā ion survey shall be undertaken in accorevant)</p> <p>(c) Where the penguin expert considers that the process in (b) would not result in the best outcome for kororā in a particular area or bay an alternative process may be provided which shall include an explanation as to why the process in (b) is not recommended to be followed.</p> <p>(d) A detailed description of any alternative process (or processes) available should a kororā detection dog not be reasonably available to undertake a survey in accordance with (b)(ii).</p> <p>(e) A detailed description outlining how any kororā encountered during survey or Construction Works will be managed (if required) in accordance with best practice.</p> <p>(f) A description of measures to ensure that formerly active nesting and moulting sites cannot be reoccupied during construction.</p> <p>(g) The GPS coordinates for all active nesting or moulting sites identified by the survey in (b)(ii) must be recorded and a picture taken and annotated with the location of the nest and the co-ordinates. This information must be provided to the Manager, Environmental Regulation within 5 working days.</p>	
<b>EM.4AA</b>	An exclusion zone with a minimum 10 m radius must be established around any active nesting or moulting sites identified in Condition <b>EM.4A</b> while ensuring access to the ocean is maintained.	
<b>EM.4B</b>	The BPP shall contain a programme for monitoring kororā within or adjacent to the construction area during the Construction Works proportionate to the scale of the works in that area and the number of active nesting or moulting sites to determine	





Main consent condition	Relevant conditions under the main consent condition	
	whether any reasonably practicable steps can be undertaken by the Consent Holder during Construction Works to further reduce adverse effects.	
<b>EM.4C</b>	Any outcomes from monitoring under Condition <b>EM.4B</b> shall be applied, as appropriate, to future Construction Works by revising the BPP so that over time processes and responses to minimise effects on kororā are refined and improved. The results of the monitoring shall be provided to the Little Penguin Interest Group and the Manager, Environmental Regulation within 1 month of completion.	
<b>EM.4D</b>	<p>(a) During the nesting season of any Shoreline Forager and no more than 10 working days prior to the Commencement of Construction, the Consent Holder shall engage a suitably qualified and experienced ecologist to undertake a Shoreline Forager nesting survey within the relevant construction area.</p> <p>(b) If any active Shoreline Forager nest in the relevant construction area is identified under (a), the Consent Holder shall engage a Project Ecologist to:</p> <p>(i) GIS locate and implement an exclusion zone around the nest location using rope or similar material;</p> <p>(ii) Advise whether or not the nest of the Shoreline Forager contains eggs or chicks;</p> <p>(iii) If it does contain eggs or chicks, advise on the management of Construction Works within 100 m of the nest, including:</p> <p>A. The use of specific machinery; and</p> <p>B. The use of specific minimisation measures and/or working practices; and</p> <p>(iv) Prepare a plan for works incorporating the matters in (iii) which the Consent Holder shall include in the CEMP under Condition <b>GC.7</b>.</p> <p>(c) If the oystercatcher nest located off the point between Sorrento Bay and Lowry Bay is confirmed by a Project Ecologist to be occupied by a breeding pair or the presence of eggs or chicks, then during November no Construction Works shall occur within 100 m of the nest while it is so occupied. If the nest is so occupied at other times of the year, Construction Works within 100 m shall occur under the advice of a suitably qualified and experienced ecologist as to the use of specific machinery and specific minimisation measures and/or working practices.</p> <p>(d) If the oystercatcher nest located off the point between Sorrento Bay and Lowry Bay in (c) has resulted in chicks being hatched, then no Construction Works within the oystercatcher managed works zone shall occur within the months of December and January unless a Project Ecologist has determined that the chicks have not survived or can fly. If non-flying oystercatcher chicks are present within the oystercatcher managed works zone during February, then Construction Works within the oystercatcher managed works zone shall occur only if a suitably qualified and experienced ecologist determines that work with specific machinery and specific minimisation measures and/or working practices can proceed without endangering the chicks.</p>	
<i>Bird Protection Plan – pest management strategy</i>		
<b>EM.5</b> The Consent Holder shall prepare a Pest Management Strategy, to form part of the BPP, aimed at providing pest management in:	<p>(a) Primarily, the four bird protection areas specified in Conditions <b>EM.6</b> to <b>EM.6E</b> (and, if utilised, the potential revegetation area (Condition <b>EM.2(d)</b>) south of Bishop Park; and</p> <p>(b) Secondly, the adjacent Eastern Bays coastal environment affected by the Construction Works.</p> <p>The purpose of the Pest Management Strategy is to identify appropriate locations and types of pest management measures and opportunities to utilise the \$60,000 allocated in Condition <b>EM.1</b>, including working with existing pest management programmes in the adjacent Eastern Bay communities.</p> <p>The Pest Management Strategy shall as a minimum:</p> <p>(c) Identify times of year and locations where litter and pests may be an issue and link with Conditions <b>EM.7</b> and <b>LV.7</b>, and (d) below;</p>	





Main consent condition	Relevant conditions under the main consent condition	
	<p>(d) Cover the full length of the Shared Path, with more intensive actions for the protection areas and any identified areas in (c);</p> <p>(e) Identify times of year to focus pest management (e.g., when chicks are hatching);</p> <p>(f) Include strategies describing how the applicant will engage and educate the community on the presence of birds and the impact of pests on these birds through signage and community outreach programs in Condition <b>EM.9</b>; and</p> <p>(g) Establish mechanisms to report annually during the period of pest management to the community and the Manager, Environmental Regulation on the success of the Pest Management Strategy.</p> <p>Any outcomes from reporting on the success of the Pest Management Strategy under (g) above shall be applied, as appropriate, to future pest management by revising the Pest Management Strategy so that over time processes and responses to minimise effects on coastal avifauna as a result of pest animals are refined and improved.</p>	
<i>Bird Protection Plan – bird protection areas</i>		
<p><b>EM.6</b> The Consent Holder shall establish, utilising the up to \$300,000 allocated in Condition <b>EM.1</b>, protection areas at the following indicative locations:</p>	<p>(a) An oystercatcher protection area at Sorrento Bay (Condition <b>EM.6B</b>);</p> <p>(b) A penguin protection area at Whiorau Reserve (Condition <b>EM.6C</b>); and</p> <p>(c) Penguin and shorebird protection areas at:</p> <p>(i) Bishop Park (Condition <b>EM.6D</b>); and</p> <p>(ii) HW Shortt Park (Condition <b>EM.6E</b>).</p>	
<p><b>EM.6A</b> The bird protection areas set out in Conditions <b>EM.6C</b>, <b>EM.6D</b> and <b>EM.6E</b> shall include:</p>	<p>(a) Opportunities to enhance kororā habitat within the protection areas, including providing and maintaining a minimum of 100 nesting opportunities across the three protection areas; and</p> <p>(b) Opportunities for Shoreline Forager nesting where suitable.</p>	
<p><b>EM.6B</b> The Sorrento Bay oystercatcher protection area shall include the following:</p>	<p>(a) Fencing of the boundaries as specified in the BPP with a minimum standard to keep dogs out on the landward (road) side;</p> <p>(b) Screening, as appropriate, including through planting measures;</p> <p>(c) Pest management measures in accordance with the Pest Management Strategy provided under Condition <b>EM.5</b>;</p> <p>(d) A Planting Plan to outline areas of planting surrounding nesting opportunities, or the maintenance of vegetation-free areas as appropriate. The Planting Plan shall include as a minimum:</p> <p>(i) The species that are proposed to be planted, the size of the plants and the density of planting;</p> <p>(ii) A timeline for the completion of the proposed planting; and</p> <p>(iii) Details of the maintenance and management of the planting and management of pest plants;</p> <p>(e) Signage identifying the protection area and its values; and</p> <p>(f) Provisions as appropriate to respond to, and provide ecological resilience to, sea level rise.</p> <p>The following timeframes shall apply to the Sorrento Bay oystercatcher protection area:</p>	





Main consent condition	Relevant conditions under the main consent condition	
	<p>(g) Fencing and screening (as appropriate) must be completed within 3 months following the Commencement of Construction (see (a) and (b) above);</p> <p>(h) Pest management measures must be installed and be operational within 3 months following the Commencement of Construction (see (c) above);</p> <p>(i) Planting shall commence and be undertaken and completed in accordance with the timeframes specified in the Planting Plan (see (d) above); and</p> <p>(j) Signage must be installed within 3 months following the Commencement of Construction (see (e) above).</p>	
<p><b>EM.6C</b> The Whiorau Reserve penguin protection area shall include the following:</p>	<p>(a) Fencing of the boundaries as specified in the BPP with a minimum standard to control dogs from accessing the protection area from the landward (road) side and a suspended rope barrier (or similar) allowing kororā to safely pass underneath on the seaward side;</p> <p>(b) Pest management measures, in accordance with the Pest Management Strategy provided under Condition <b>EM.5</b>;</p> <p>(c) A Planting Plan to outline areas of planting surrounding nesting opportunities or the maintenance of vegetation-free areas as appropriate. The Planting Plan shall include as a minimum:</p> <p>(i) The species that are proposed to be planted, the size of the plants and the density of planting;</p> <p>(ii) A timeline for the completion of the proposed planting; and</p> <p>(iii) Details of the maintenance and management of the planting and management of pest plants;</p> <p>(d) Signage identifying the protection area and its values;</p> <p>(e) Opportunities to enhance kororā habitat within the protection area in accordance with Condition <b>EM.6A</b>; and</p> <p>(f) Provisions as appropriate to respond to, and provide ecological resilience to, sea level rise.</p> <p>The following timeframes shall apply to the Whiorau Reserve penguin protection area:</p> <p>(g) Fencing must be completed as soon as reasonably practicable but no later than 18 months following the Commencement of Construction (see (a) above);</p> <p>(h) Pest management measures must be installed and be operational as soon as reasonably practicable but no later than 18 months following the Commencement of Construction (see (b) above);</p> <p>(i) Planting shall be undertaken and completed in accordance with the timeframes specified in the Planting Plan (see (c) above);</p> <p>(j) Signage must be installed as soon as reasonably practicable but no later than 18 months following the Commencement of Construction (see (d) above); and</p> <p>(k) Detailed design of habitat enhancement for the kororā must be finalised, and nesting boxes must be installed, within 9 months following the Commencement of Construction (see (e) above).</p>	
<p><b>EM.6D</b> The Bishop Park penguin and shorebird protection area shall include the following:</p>	<p>(a) Fencing of the boundaries as specified in the BPP with a minimum standard to control dogs from accessing the protection area from the landward (road) side (unless through a gated public access strip) and a suspended rope barrier (or similar) allowing penguins to safely pass underneath on the seaward side;</p> <p>(b) Pest management measures, in accordance with the Pest Management Strategy provided under Condition <b>EM.5</b>;</p> <p>(c) A Planting Plan to outline areas of planting surrounding nesting opportunities or the maintenance of vegetation-free areas as appropriate. The Planting Plan shall include as a minimum:</p>	





Main consent condition	Relevant conditions under the main consent condition	
	<p>(i) The species that are proposed to be planted, the size of the plants and the density of planting;</p> <p>(ii) A timeline for the completion of the proposed planting; and</p> <p>(iii) Details of the maintenance and management of the planting and management of pest plants;</p> <p>(d) Signage identifying the protection area and its values;</p> <p>(e) Retention of area(s) of marram grass located within the protection area;</p> <p>(f) Pedestrian accessways through the protection area at selected points;</p> <p>(g) Consideration of the presence of herpetofauna and maintaining areas of skink habitat within the protection area;</p> <p>(h) Opportunities to enhance kororā habitat within the protection area in accordance with Condition <b>EM.6A</b>;</p> <p>(i) Opportunities to enhance Shoreline Forager habitat, including wooden poles providing further safe roosting habitats; and</p> <p>(j) Provisions as appropriate to respond to, and provide ecological resilience to, sea level rise.</p> <p>In relation to the above matters, all plans for, and works undertaken within, the Bishop Park protection area shall ensure that erosion and wind-blown sand effects are avoided or minimised.</p> <p>The following timeframes shall apply to the Bishop Park penguin and shorebird protection area:</p> <p>(k) Fencing (including rope demarcation) must be completed as soon as reasonably practicable but no later than 18 months following the Commencement of Construction (see (a) above);</p> <p>(l) Pest management measures must be installed and be operational as soon as reasonably practicable but no later than 18 months following Commencement of Construction (see (b) above);</p> <p>(m) Planting shall be undertaken and completed in accordance with the timeframes specified in the Planting Plan (see (c) above);</p> <p>(n) Signage must be installed as soon as reasonably practicable but no later than 18 months following the Commencement of Construction (see (d) above); and</p> <p>(o) Detailed design of habitat enhancement for the kororā and Shoreline Foragers must be finalised and roosting measures must be installed as soon as reasonably practicable but no later than 18 months following the Commencement of Construction (see (h) and (i) above).</p>	
<p><b>EM.6E</b> The HW Shortt Park penguin and shorebird protection area shall include the following:</p>	<p>(a) Fencing of the boundaries as specified in the BPP with a minimum standard to control dogs from accessing the protection area from the landward side and a suspended rope barrier (or similar) allowing penguins to safely pass underneath on the seaward side;</p> <p>(b) Pest management measures in accordance with the Pest Management Strategy provided under Condition <b>EM.5</b>;</p> <p>(c) A Planting Plan to outline areas of planting surrounding nesting opportunities or the maintenance of vegetation-free areas as appropriate. The Planting Plan shall include as a minimum:</p> <p>(i) The species that are proposed to be planted, the size of the plants and the density of planting;</p> <p>(ii) A timeline for the completion of the proposed planting; and</p> <p>(iii) Details of the maintenance and management of the planting and management of pest plants;</p>	







Main consent condition	Relevant conditions under the main consent condition	
	<p>(d) Signage identifying the protection area and its values;</p> <p>(e) Opportunities to enhance kororā habitat within the protection area in accordance with Condition <b>EM.6A</b>;</p> <p>(f) Opportunities to enhance Shoreline Forager habitat, including wooden poles providing further safe roosting habitats; and</p> <p>(g) Provisions as appropriate to respond to, and provide ecological resilience to, sea level rise.</p> <p>In relation to the above matters all plans for, and works undertaken within, the HW Shortt Park protection area shall ensure that erosion and wind-blown sand effects are avoided or minimised.</p> <p>The following timeframes shall apply to the HW Shortt Park penguin and shorebird protection area:</p> <p>(h) Fencing must be completed as soon as reasonably practicable but no later than 18 months following the Commencement of Construction (see (a) above);</p> <p>(i) Pest management measures must be installed and be operational as soon as reasonably practicable but no later than 18 months following the Commencement of Construction (see (b) above);</p> <p>(j) Planting shall be undertaken and completed in accordance with the timeframes specified in the Planting Plan (see (c) above);</p> <p>(k) Signage must be installed as soon as reasonably practicable but no later than 18 months following the Commencement of Construction (see (d) above); and</p> <p>(l) Detailed design of habitat enhancement for the kororā and Shoreline Foragers must be finalised and roosting measures must be installed as soon as reasonably practicable but no later than 18 months following the Commencement of Construction (see (e) and (f) and above).</p>	
	<i>Rubbish and waste management</i>	
<b>EM.7</b>	The Consent Holder shall undertake a six-monthly rubbish clean up along the shared path and its adjacent beaches which will involve two staff and a vehicle proceeding along the Project area collecting litter for 1 working day for the duration of this consent.	
	<i>Protection area review and reporting</i>	
<b>EM.8</b>	<p>The Consent Holder shall engage a suitably qualified and experienced ecologist to undertake reviews of the establishment of each protection area in Conditions <b>EM.6B</b> to <b>EM.6E</b> within the timeframe set out in Condition <b>EM.8A</b>.</p> <p>The purpose of the reviews is to identify if there are reasonably practicable measures the Consent Holder could implement to optimise the intended habitat in each protection area for kororā and/or Shoreline Foragers (as relevant for the specific area) and if such measures are identified a timeframe for them to be implemented.</p> <p>Reasonably practicable in this condition relates to measures such as operational matters (including pest management timing/location within Condition <b>EM.1(i)</b>), design matters (such as improved signage or litter bin locations) and/or maintenance issues (such as replacement of damaged items or plantings) that can be implemented without additional consents). Reasonably practicable does not include the redesign and/or redevelopment of a protection area or the addition of new protection areas.</p>	
<b>EM.8A</b> The reviews in Condition EM.8 shall be undertaken, and a report provided to the Manager,	<p>(a) 2 years from Commencement of Construction for the Sorrento Bay oystercatcher protection area (Condition <b>EM.6B</b>);</p> <p>(b) 2 years from the establishment of the Bishop Park and HW Shortt protection areas with regard to Shoreline Forager habitat (Conditions <b>EM.6D</b> and <b>EM.6E</b>); and</p> <p>(c) 5 years from the establishment of the Whiorau Reserve, Bishop Park and HW Shortt Park protection areas with regard to kororā (Conditions <b>EM.6C</b> to <b>EM.6E</b>).</p>	



Main consent condition	Relevant conditions under the main consent condition	
Environmental Regulation within 3 months of:		
<b>EM.8B</b>	Any reasonably practicable measures identified in the report under Condition <b>EM.8</b> shall be implemented by the Consent Holder. The Consent Holder shall inform the Manager, Environmental Regulation when the measures have been completed.	
<b>EM.8C</b>	The review for the Sorrento Bay oystercatcher protection area (Condition <b>EM.6B</b> ) shall include any relevant information obtained up until that date from the Tōrea Pango / Variable Oystercatcher study under Condition <b>EM.8D</b> .	
<i>Tōrea Pango / Variable Oystercatcher study</i>		
<b>EM.8D</b>	<p>The Consent Holder shall commission, utilising the up to \$30,000 allocated in Condition <b>EM.1</b>, a Project Ecologist to lead a before and after study of Tōrea Pango / Variable Oystercatchers in the Project area (the Eastern Bays from Point Howard to Sunshine Bay and including Windy Point) including the influence of the Project on Tōrea Pango / Variable Oystercatchers and their behaviours.</p> <p>The study shall include recommendations (if any) in accordance with Condition <b>EM.8C</b>.</p> <p>The study shall be completed, and the results provided to the Manager, Environmental Regulation and made publicly available within 5 years of the Completion of Construction of the Project.</p>	
<i>Bird Protection Plan - Education</i>		
<b>EM.9</b> The Consent Holder shall carry out, utilising the up to \$15,000 allocated in Condition <b>EM.1</b> , a public educational campaign aimed at recognising, protecting, and raising public awareness of avifauna in the Project area, including Tōrea Pango / Variable Oystercatchers.	<p>The campaign shall:</p> <ul style="list-style-type: none"> <li>(a) Commence within 9 months of the Commencement of Consents;</li> <li>(b) Continue for a minimum of 5 years; and</li> <li>(c) Provide current information on Tōrea Pango / Variable Oystercatchers within the Project area and how to minimise or prevent risks and threats to oystercatchers in the Project area.</li> </ul>	



### Have Your Say Consultation Page - Dog Restrictions and Bird Protection Areas along Tupua Horo Nuku

Hutt City Council is seeking community feedback until 5pm, 1 March 2024, on proposed changes to dog access in parts of the Eastern Bays to safeguard seabirds from potential harm.

Four new Bird Protection Areas (BPAs) in the Eastern Bays are required under consent conditions for Tupua Horo Nuku (Eastern Bays Shared Path), to protect native seabirds that may be displaced during and following construction of the seawall and shared path.

To protect the birds effectively, changes are being proposed within Hutt City Council's Dog Control Bylaw to restrict dog access in and around these areas.

As part of the consent conditions of the project, we must propose to exclude dogs at all times from defined foreshore and beach areas in Sorrento Bay, and the beach and foreshore alongside the Bishop Park BPA. In the case of Bishop Park there are additional consent conditions that are triggered if dogs are not excluded (see FAQs).

To enhance the protection for these native bird species, we are also proposing to exclude dogs at all times from the BPAs at Bishop Park, Whiorau Reserve and HW Shortt Park and want to hear your suggestions relating to dog access in these areas. The four Bird Protection Areas (see Maps) are:

- The rocky seashore along Sorrento Bay;
- Whiorau Reserve;
- The dune area next to CL Bishop Park; and
- The dune area next to HW Shortt Park.

You can find all relevant information on this page. We will update our FAQs as we receive new questions. You can provide your feedback by completing the submission form below (**between 1 February and 1 March 2024**) or by posting a submission to Hutt City Council, Private Bag 31-912, Lower Hutt 5040.

#### **Consultation closes at 5pm, 1 March 2024.**

There will be an opportunity to speak on your submission at a Hearings Subcommittee meeting Monday 25 March 2024, 10am. When you complete your written submission, please indicate whether you'd like to speak at the meeting and we will be in touch.

Decisions will be made at the Policy, Finance and Strategy Committee in May. An update will be posted here following the Committee's decision.




# Proposed dog restriction and bird protection areas Whiorau Reserve



### Key

#### Current:

-  Dogs prohibited 9am-8pm during daylight saving period, on-lead at all other times

#### Proposed:

-  Bird protection area (dogs prohibited at all times)


No change proposed outside the bird protection area.

# Proposed dog restriction and bird protection areas Sorrento Bay



## Key

### Current:

-  Dogs prohibited between 9am - 8pm during daylight saving period, on-lead all other times.

### Proposed:

-  Bird protection area - Oystercatchers (dogs prohibited at all times)
-  Dogs prohibited at all times




# Proposed dog restriction and bird protection areas CL Bishop Park





## Key

### Current:

-  Dogs prohibited between 9am-8pm during daylight saving period, on-lead all other times.

### Proposed:

-  Bird protection area (dogs prohibited at all times)
-  Dogs prohibited at all times




# Proposed dog restriction and bird protection areas HW Shortt Park



## Key

### Current:

-  Dogs may be off-lead but you need one with you. Dogs must still be under control at all times.

### Proposed:

-  Bird protection area (dogs prohibited at all times).

No change proposed outside the bird protection area.

Time	Name	Capacity	PowerPoint
10:00-10:10	Richard Hardie	Council Officer's Report	
10:10-10:20	Amelia Geary	Forest and Bird	
10:20-10:25	Matthew Mallett	Individual	
10:25-10:30	Belinda Moss	Individual	
10:30-10:40	Belinda Moss	Eastbourne Community Board	
10:40-10:45	Kava Crosson-Elturan	Individual	
10:45-10:50	George Klingbeil (or wife)	Individual	
10:50-10:55	Erin Murphy	Individual	
10:55-11:00	Pauline Innes	Individual	
11:00-11:05	Peter Smith	Individual	
11:05-11:10	Margaret Murphy	Individual	
11:10-11:15	Kevin Biggins	Individual	
11:15-11:20	Jonny Fletcher	Individual	
11:20-11:25	Suzanne Willis	Individual	
11:25-11:30	Wal Louden	Individual	
11:30-11:35	Phil Della Barca	Individual	
11:35-11:40	Justin Travers	Individual	Yes
11:40-11:45	Jules Bailey-Rotman	Individual	
11:45-11:50	Arthur Jacobson	Individual	
11:50-11:55	Gillian Watt	Individual	
11:55-12:00	Nicola Talbott	Individual	
<b>12:00</b>	<b>Deliberations</b>		



### Written Submissions in Order of Appearance in the Hearings Schedule

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Peter Smith – Individual ..... 14

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Gillian Watt - Individual ..... 27

## Amelia Geary - Forest and Bird

Hi folks,

Please find Forest & Bird's submission attached.

Regards,

Amelia

1 March 2024

### Submission on Dog Restrictions and Bird Protection Areas along Tupua Horo Nuku

To: Hutt City Council

Submitted via email to [haveyoursay@huttcity.govt.nz](mailto:haveyoursay@huttcity.govt.nz)

From: Royal Forest & Bird Protection Society Inc (Forest & Bird) Amelia Geary – Regional Conservation Manager- contact information removed

#### Introduction

1. Forest & Bird is New Zealand's largest independent conservation organisation. Our mission is to protect New Zealand's unique flora and fauna and its habitat.
2. Lower Hutt Branch of Forest & Bird has been active in advocacy to protect the environment for many decades. The Branch led the reforestation of Matiu/Somes Island and has been vocal in its advocacy for ecological corridors through the Hutt Valley as well as actively restoring sites at Manor Park and Waiū in Wainuiomata.
3. Forest & Bird submitted on Hutt City Council's Eastern Bays Shared Path (hereon referred to as Tupua Horo Nuku) consent application back in December 2019. We presented at the hearing in 2020 and have been engaged with the project via the Little Penguin Interest Group and as a stakeholder since consent was granted in March 2021.

#### Submission

4. Eastbourne residents lobbied Hutt City Council for decades for a safer way for pedestrians and cyclists to use the road around the bays. Results of a community survey undertaken by the Eastbourne Community Board in 2014 revealed 'Completion of the Eastern Bays walk/cycle way' as the most important issue in Eastbourne and the Bays, with 51% of respondents ranking it in their top three.<sup>1</sup> The consent hearing was full of advocates for the shared path wanting to be able to cycle safely with their kids and to work without fear of being hit by a car.
5. During the hearing there was extensive evidence heard by experts regarding the ecological impacts of the shared path on the biodiversity within the footprint of the proposed project, these were principally kororā/little penguins, shoreline foragers such as tōrea/variable oystercatchers and the regionally significant seagrass meadow at Lowry Bay.

6. Construction of Tupua Horo Nuku was assessed as having adverse effects on the environment, particularly on kororā. Hutt City Council's Assessment of Environmental Effects for the consent application was clear:

Overall, potential construction impacts include removal or displacement of a nest, moulting or other occupational sites, disturbance and destruction of adults, chicks, and eggs, and penguin injury or mortality through interaction with machinery. The magnitude of potential effect is assessed as high.<sup>2</sup>

7. If Tupua Horo Nuku was to proceed, then avoidance of effects on biodiversity, particularly little penguins and shoreline foragers, was not possible. Habitat needed to be destroyed to make way for the path. To mitigate the effects on the loss of penguin habitat caused by the construction of the shared path, expert ecologists and the consenting authority determined that replacement habitat needed to be established.

8. The more than minor impact that Tupua Horo Nuku was going to have on the little penguin population was proposed to be offset by providing equivalent, appropriate habitat along the coastline for little penguins to nest and roost safe from humans, dogs, cars, pest animals and sea level rise.

9. This habitat would replace the loss of existing habitat, particularly nesting sites, but would also mitigate the effects of construction i.e. while the path was under construction, the new habitat would be available to those birds displaced by the project. This new habitat was called Bird Protection Areas (BPAs). They were identified in Hutt City Council's resource consent<sup>3</sup> and were required by the Independent Hearing Panel in order for the shared path project to proceed.

10. The point of the BPAs was to maintain and enhance habitat for little penguins and shoreline foragers along the Eastern Bays coast and to ensure that any bird displaced by the project had somewhere else to go. Anything less than the mitigation proposed wouldn't have allowed Tupua Horo Nuku to be consented.

11. One little penguin has already been killed at Sunshine Bay as a result of Tupua Horo Nuku.<sup>4</sup> This demonstrates the critical need for safe, appropriate mitigation for displaced birds as a result of the project.

Footnotes:

1 Page 8: Eastbourne Community Survey 2014. [02e73c1322440ef1475aba2c5f8419cac8b1](https://publicdocs.azurewebsites.net/02e73c1322440ef1475aba2c5f8419cac8b1) (hccpublicdocs.azurewebsites.net)

2 Page 64: Eastern Bays Shared Path. Resource Consent Applications and Assessment of Effects on the Environment. Prepared for: Hutt City Council. April 2019.

3 Appendix 1 of Decision Report of Independent Hearing Panel

4 Email from the Alliance, dated 18 August 2023.

12. As part of the mitigation package to offset effects on penguins, Hutt City Council proposed a number of measures to protect penguins as conditions of consent including:

- Seeking dog control measures (EM.2)
- Forming a pest management strategy (EM.5)
- Undertaking rubbish and waste management (EM.7)
- Undertaking a public education awareness programme for avifauna (EM.9).5

13. As already stated, the BPAs are a requirement of consent and are intended to maintain and enhance habitat for little penguins and shoreline foragers along the Eastern Bays coast. The anticipated consequence of this will be that displaced little penguins will move into the new habitat where previously there was none, or it was unsuitable. This is particularly the case for the BPAs designated at Whiorau Reserve and Bishop Park. Therefore, dog control is part and parcel of this mitigation due to penguins becoming present in areas where they once were not.

14. Penguins are incredibly vulnerable to attack from dogs. Dogs are one of the biggest threats to little penguins on land.<sup>6</sup> Even if dogs don't maul a penguin, they can create trauma from bites which can become infected and lead to death later.<sup>7</sup> Forest & Bird absolutely supports dog prohibition areas to provide protection for displaced kororā/little penguins resulting from the habitat loss they will experience as a result of Tupua Horo Nuku.

15. It is obvious however, that kororā are equally as vulnerable to dog attack in each BPA and that no BPA is safer than the other. Hutt City's consultation admits that rope fences will not keep out roaming dogs. It also assumes a high level of compliance with the rules, which we know full well does not happen, particularly at Whiorau Reserve.<sup>8</sup>

16. Therefore, Forest & Bird requests consistent rules for every BPA. That is, dog prohibition from the dashed yellow areas for each site, all year round.

17. To reiterate, the anticipated consequence of habitat enhancement is that displaced little penguins will move into the new habitat where previously there was none, or it was unsuitable. At Whiorau, penguins currently nest in the rip rap surrounding the car park. Rip rap is regularly used by penguins for nesting due to the availability of cavities, its proximity to the sea and the safety it provides from large predators like dogs. However, when the BPA is established, it is expected that penguins will start to cross the carpark and take up nesting opportunities in the BPA. It therefore makes sense to protect the Whiorau BPA with the same rules as those for Bishop Park and Sorrento Bay.

18. Forest & Bird supports the current level of prohibition proposed for Bishop Park and Sorrento. However, if dogs are prohibited from Bishop Park, then the likely scenario will be that dog walkers simply move further south to HW Shortt, thereby totally compromising the value of the BPA. This further reiterates the need for consistent rules for all four sites to achieve the best outcome for penguins and shoreline foragers in the face of habitat destruction resulting from Tupua Horo Nuku.

Footnotes:

5 Paragraph 10.2.6 of Decision Report of Independent Hearing Panel

6 [little-pengiun-korora-deaths-factsheet \(doc.govt.nz\)](#)

7 [Dogs on holiday causing penguin nightmare: media release 1 February 2021 \(doc.govt.nz\)](#)

8 For example: [Recently we've received reports of...- Hutt City Council | Facebook](#) If prohibition is not achieved, then the effects will be more than minor and Tupua Horo Nuku cannot proceed without an equivalent protection.

19. For the avoidance of doubt:

- Forest & Bird supports the proposed prohibition areas of the BPAs and the foreshore at Bishop Park and Sorrento Bay.
- Forest & Bird does not support the proposed prohibition of the BPAs only at HW Shortt and Whiorau Reserve.
- Forest & Bird requests the prohibition extend to the entire Whiorau Reserve and to the foreshore surrounding HW Shortt as well. This is the only way to ensure the BPAs are fit for purpose.

20. Furthermore, given the narrow nature of this consultation, Forest & Bird suggests there's a lot of follow up that needs to happen. This includes:

- Working with the community to find alternative dog exercise areas and come up with solutions c.f. Hutt City Council's current arrangement with Hutt Intermediate School;
- Enactment of the consent conditions that require council to proactively engage with the community regarding Tupua Horo Nuku and the wildlife it affects c.f. condition EM.9 mentioned above but there are others including specific clauses to install signage identifying the BPAs and their values (conditions EM.6B-6E);
- Commitment from Hutt City Council to proactively raise awareness about the changes, and to monitor and enforce the rules at each BPA for the foreseeable future.

21. Finally, the residents of Eastbourne would like to be able to bike and walk safely around the Bays. Hutt City Council has had years to anticipate the need for bird protection and dog control as a result of its consent. We acknowledge that Council is making changes within the Dog Control Bylaw rather than making changes to the Dog Control Bylaw. Section 8A of the Bylaw outlines that Council may make amendments to dog prohibition areas. However, we suggest that this is an overly procedural way of addressing such an important issue for residents of Eastbourne and that Hutt City Council would have done well to have undertaken a more holistic approach to this Bylaw review.

22. We would like to be heard in support of our submission.

**Submission ends.**

### Matthew Mallett- Individual

Q1. Which location/s are you providing feedback on? Bishop Park.

Q2. Do you support the proposal for Sorrento/Lowry Bay? not answered.

Q3. Please provide commentary about why you do/do not support the proposal for Sorrento/Lowry Bay.

not answered.

Q4. Do you support the proposal for HW Shortt Park? not answered.

Q5. Please provide commentary about why you do/do not support the proposal for HW Shortt Park.  
not answered.

Q6. Do you support the proposal for Whiorau? not answered.

Q7. Please provide commentary about why you do/do not support the proposal for Whiorau.

not answered.

Q8. Do you support the proposal for Bishop Park? No.

Q9. Please provide commentary about why you do/do not support the proposal for Bishop Park.

Bishop Park and Rona Bay beach are popular dog walking areas with local residents and visitors. We have regularly walked our dog on the park and beach for over ten years now. Our dog loves the beach and spends all summer swimming with our family. It is extraordinary to suggest that dogs should be banned from the area as a consequence of an ill-advised decision to create a BPA at Bishop Park. Dog walking is an incredibly valuable activity for residents, both physically and mentally. It is very disappointing that the use and enjoyment of our local area is proposed to be so materially affected as a consequence of development occurring elsewhere in the Eastern Bays. There are alternative areas much better suited for BPAs that would be far more appropriate both for birds and the local residents alike. To suggest that a BPA should be established in a busy residential area, and on such a popular and well used beach, is misguided at best. I strongly oppose both the establishment of the BPA and the proposal to implement further dog restrictions in the area.

**Submission ends.**

## Belinda Moss- Individual

Q1. Which location/s are you providing feedback on? Whiorau.

Q2. Do you support the proposal for Sorrento/Lowry Bay? not answered.

Q3. Please provide commentary about why you do/do not support the proposal for Sorrento/Lowry Bay.

not answered.

Q4. Do you support the proposal for HW Shortt Park? not answered.

Q5. Please provide commentary about why you do/do not support the proposal for HW Shortt Park.  
not answered.

Q6. Do you support the proposal for Whiorau? No.

Q7. Please provide commentary about why you do/do not support the proposal for Whiorau.

Dog owners at the south end of Lowry Bay have limited places to walk dogs during daylight saving. The only option (until 2026, when the shared path is completed) is to use the narrow, dangerous footpath along Marine Drive or to walk south on the (slightly less dangerous) shoulder to Whiorau Reserve, as many do. It makes no sense that Council is proposing to change access to the Reserve during daylight saving. The only other places in Hutt City that have daylight-saving restrictions are beaches. Whiorau Reserve is not a beach and isn't used like a beach; for example, people don't tend to lie on the grass or picnic there - activities which presumably the dog restrictions are in place for. Most visitors to Whiorau Reserve sit in their cars or go fishing. Whiorau Reserve is a popular place for dog walkers from throughout the region. Changing the access rule seems to be an unnecessary, inconsistent and unfair change that has nothing to do with the BPA. (The dog access rule for Lowry Bay beach should also be reviewed - for some reason, it wasn't part of the 2015 consultation that included other Eastbourne beaches. Council animal services officers have agreed in subsequent communications that the restrictions on Lowry Bay beach should be reviewed but this has never happened. The situation will improve in 2026, but until then it would be helpful if restrictions were lifted so dog walkers aren't forced to use the narrow footpath on the other side of the road).

Q8. Do you support the proposal for Bishop Park? not answered.

Q9. Please provide commentary about why you do/do not support the proposal for Bishop Park. not answered.

**Submission ends.**

















































