



## 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**

01 March 2024

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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> ? (Current: 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> ? (Current: 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> ? (Current: 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>

Do you support the proposal for <b>HW Shortt Park</b> ?  (Current: 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)	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	
<b>EM.1</b> In order to avoid or minimise adverse effects of the Project on Kororāand Shoreline Foragers, the Consent Holder shall:	<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>	
<b>Dog control measures</b>		
<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>(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 accordance with (b)(ii).</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>		
<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>(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>	
<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>(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>	
<b>EM.6B</b> The Sorrento Bay oystercatcher protection area shall include the following:	<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>	
<b>EM.6C</b> The Whiorau Reserve penguin protection area shall include the following:	<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>	
<b>EM.6D</b> The Bishop Park penguin and shorebird protection area shall include the following:	<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>	
<b>EM.6E</b> The HW Shortt Park penguin and shorebird protection area shall include the following:	<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 Loudon	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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## 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://hccpublicdocs.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.**

### Belinda Moss – Eastbourne Community Board

Q1. Which location/s are you providing feedback on? Sorrento/Lowry Bay, HW Shortt Park, Whiorau, Bishop Park.

Q2. Do you support the proposal for Sorrento/Lowry Bay? No.

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

The Eastbourne Community Board supports the proposal for Sorrento/Lowry Bay in part. - We agree there should be no dog access at any time to the area marked for the BPA and the area just southeast of that by the blue boat house because that is a known nesting area. - Dogs on lead have co-existed with oystercatchers on the Sorrento beach for many years. Notwithstanding that dog prohibition is a consent condition, there appears to be no sound reason to prohibit dogs entirely from this area. (We believe that many years of resident observations is as valid as the research cited in the feedback documentation). The ECB would welcome any relaxation to this condition. - If the prohibition goes ahead, the ECB recommends that it be deferred until the Tupua Horo Nuku path is complete so that dog owners have somewhere to walk their dogs along Sorrento Bay. At present, the only alternative is the road shoulder. - We note that Sorrento Beach is directly exposed to the south and collects significant quantities of rubbish. Dog walkers contribute significantly to rubbish collection from beaches, including this one. - The ECB notes that the proposed BPA doesn't include a well-known oystercatcher nesting site just to the southeast on the rocks off the blue boatshed, despite it being discussed at the consent hearings (and described as the only offshore nesting site in Wellington Harbour), and despite residents' feedback to the Tupua Horo Nuku team. Instead, the area has been designated as a fishing area, allowing fishing people to walk over the rocks where the nest is.

Q4. Do you support the proposal for HW Shortt Park? Yes.

Q5. Please provide commentary about why you do/do not support the proposal for HW Shortt Park  
The ECB supports this proposal. - It is unfortunate that a BPA was placed in the centre of an established off-lead dog exercise area. However, residents appear to be observing the roped-off area and are keeping dogs away from the BPA.

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

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

The ECB does not support this proposal. - Council communications state it is using this process to correct an error and that the Whiorau Reserve should have daylight saving restrictions. This is incorrect. Whiorau Reserve has never been grouped with the Eastern Bay beaches as having daylight-saving restrictions, either by way of signage or on the list of Eastern Bay beaches on the Council website. - Whiorau Reserve is not a beach and it is not used like a beach. There are no other sites in Hutt City with daylight saving restrictions except for beaches and it makes no sense for Whiorau Reserve to be treated as a beach. - Whiorau Reserve is well-used by Eastern Bays and Hutt City dog owners. The BPA will significantly reduce the available area without further proposed daylight saving restrictions. - Prohibiting dogs from Whiorau Reserve is not a consent condition. - Dogs on leads have co-existed with penguins in Whiorau Reserve for years, and there is no sound reason to exclude dogs during daylight saving hours. - If Council, despite these arguments, decides to introduce daylight saving restrictions to Whiorau Reserve, the ECB recommends deferring the change until the Tupua



Horo Nuku path is complete, so Lowry Bay dog owners have somewhere to walk their dogs. At present, the only alternative is the narrow dangerous footpath across from the beach.

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.

The ECB does not support this proposal. - The proposed exclusion at Bishop Park is at odds with dogs being allowed offlead at HW Shortt Park. - Notwithstanding that dog prohibition is a consent condition, there appears to be no sound reason to prohibit dogs entirely from this area. The ECB would welcome any relaxation to this condition. - We would like to see the red prohibition area changed to a dog-on-lead area so that residents can continue to use the beach with their dogs while minimising the likelihood of dogs entering the BPA. - Dog walkers contribute significantly to rubbish collection from beaches, including this one. General comments about this feedback process: - There is no email address to send feedback to. - This consultation refers to bird protection areas (BPAs) along Tupua Horo Nuku. However, two BPAs are south of the Tupua Horo Nuku pathway and project area. The use of inaccurate language like this has been part of the issue in that residents impacted by the BPAs at HW Shortt and Bishop Parks have not engaged earlier because they didn't realise the BPAs would be located away from the project.

**Submission ends.**

### Kava Crosson-Elturan – Individual

Q1. Which location/s are you providing feedback on? Sorrento/Lowry Bay, HW Shortt Park, Whiorau, Bishop Park.

Q2. Do you support the proposal for Sorrento/Lowry Bay? Yes.

Q3. Please provide commentary about why you do/do not support the proposal for Sorrento/Lowry Bay Selfish people have been running their dogs through sensitive dune ecosystems for far too long.

Q4. Do you support the proposal for HW Shortt Park? Yes.

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? Yes.

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? Yes.

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

**Submission ends.**

### George Klingbeil (or wife) – Individual

Q1. Which location/s are you providing feedback on? Sorrento/Lowry Bay.

Q2. Do you support the proposal for Sorrento/Lowry Bay? No.

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

Yes and No I think the informal parking area ion Sorrento id a thing of longstanding and has provided an opportunity for an increased quality of life for many people. It would be a shame to do away with that. I think bird protection is a great thing and I'm for it but I think a better idea than restricted access and unsightly fences would be the sort of rock island mitigation that has been done along the motorway.

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? not answered.

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

**Submission ends.**

### Erin Murphy – 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.

I support banning dogs however do not agree with the proposal to remove the grasses that are integral to holding rona bays ecosystem together.

**Submission ends.**

### Pauline Innes – Individual

Q1. Which location/s are you providing feedback on? Sorrento/Lowry Bay, HW Shortt Park, Whiorau, Bishop Park.

Q2. Do you support the proposal for Sorrento/Lowry Bay? Yes.

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

YES BUT I would like you to consider restrictions on dog and cat movement throughout our city particularly where penguins, dotterels or other endangered species frequent.

Q4. Do you support the proposal for HW Shortt Park? Yes.

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? Yes.

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? Yes.

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

**Submission ends.**

### Peter Smith – Individual

Q1. Which location/s are you providing feedback on? HW Shortt Park, 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? No.

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

The proposed restriction of dogs to the dune areas is ridiculous as the ECB and Mayor advise no Koreru are being located into these areas and none presently exist. The dune area is a wonderful natural undeveloped area along the interface between Eastbourne and the harbour. the public access through this area in well worn tracks to swim and exercised, many being escorted by dogs. Refer submission attached.

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.

The proposed restriction of dogs to the dune areas is ridiculous as the ECB and Mayor advise no Koreru are being located into these areas and none presently exist. The dune area is a wonderful natural undeveloped area along the interface between Eastbourne and the harbour. the public access through this area in well worn tracks to swim and exercised, many being escorted by dogs. Refer attached submission. Submission on HCC proposed Dog Management Bylaw Submitted by Peter (address redacted) Eastbourne for 20 years, we wish to make this submission against the use of the foreshore dune area of the Eastbourne coastline for a PPA with dog restrictions, particularly Bishop Park, and request that the Hutt City Council retain a low level of dog control along the Eastbourne waterfront While the Eastbourne coastline may not be appreciated by all, to residents and some of the public, the Eastbourne coastline is a wonderfully natural, largely undeveloped, interface between the Eastbourne community and Wellington Harbour. The coastal area has changed significantly since the 1855 Wairarapa Earthquake due to a buildup of gravel sourced largely from the lifting of the Orongorongo river. The buildup of gravel has provided an extended foreshore area, enhancing protection of the Eastbourne foreshore and areas for birds to breed. The foreshore along the coastline to Bishop Park is typically vegetated in marram and other grasses; the area receiving no maintenance beyond being subjected to the relatively harsh environment along the Harbour edge. The coastline provides wonderful recreational facilities for relaxation and exercise; activities varying from swimming, walking, wind surfing, fishing, sunbathing and other forms of relaxation with the adjoining park areas servicing a wide range of sporting codes. The foreshore to Bishop Park provides safe swimming and is second only to Days Bay beach for providing picnic and recreational facilities. The attached photos were taken of some of the activities which took place in Bishop Park over the weekend 18-19 February 2024. The coastal fringe is exposed to extremes of weather ranging from being a sun-drenched beach on calm days, to experiencing persistent northwesterly winds on most

days and on occasional days; is subjected to driving southerly winds and rain. Tidal variations within the harbour are moderate. At low tide a wide accessible strip exists between the tideline and the gravel edge to the vegetated foreshore while at high tide the accessible strip is narrow, frequently limited to a narrow loose gravel strip. During unfavourable weather conditions, the surf inundates the dunes and during periods of tidal surge the surf is severe enough to uplift logs into the vegetated foreshore dune strip. We have a 14-year-old toy poodle which is a much-loved pet. Typically, we walk the dog in the morning and again in the evening, irrespective of the weather. In the morning my wife walks through Bishop Park to the foreshore and then along the foreshore to mid-way along the esplanade south of H W Shortt Park. At the same time, I walk the length of the coastline to the south end of the esplanade or climb the hills behind Eastbourne. It is a wonderful natural environment. When the tide is in and there is an inadequate width of unwetted foreshore or when the wind is unpleasantly high, we will walk along the well-worn pathways within the dune zone. During periods of unpleasant weather, we walk along the well-worn tracks at the inland edge of the dunes. There is a significantly different wind environment between the exposed wetted foreshore, the mildly protected outer fringe of the dunes and the more protected inland tracks through the dunes. In the evenings we typically walk the dog along the foreshore to south of H W Shortt Park, returning along the well-formed tracks within the dunes. During the time that we have lived in Eastbourne we have been impressed by the responsibility of other dog walkers who control their dogs and remove any dog excretion left by their dogs or inadvertently left by others. Our experience is that the dogs are maintained in control and rarely if ever provide a nuisance to other beach users, other dogs, or bird life. Another observation of dog owners' behavior is that they collect plastic rubbish, broken glass, tins and other debris left by the public or the surf during their walks. Likely unbeknown to HCC, we and other residents frequently collect and remove waste left behind by picnic groups along the shoreline over the weekends. The foreshore to Eastbourne is a socially active and well used space essential to the wellbeing and health of residents and the public that visit Eastbourne. Grassed picnic and sports grounds along the Eastbourne coastline are very limited and the establishment of a PPA adjoining a park used for sport and recreation is inappropriate. Until the council initiated the shared pathway, the coastal interface had been left untouched and largely ignored and neglected by the Council. The existing fences along the interface between Marine Parade and Bishop Park and between H W Shortt Park and the dune area are in a derelict condition with some sections completely missing. History is sure to repeat itself. The concept of HCC constructing fences around an unused and overgrown PPA is of concern and will inevitably create a fire hazard and an undesirable area on what is a valued community resource. The fence will likely be a target for graffiti and vandalism and create an area where rubbish and waste is placed by those using the picnic areas along the foreshore. The area, if ever inhabited by Korero, will create an offensive odour. The proposed conversion of this well used public space to a Korero protection area is poorly considered as during the 15 years that we have lived opposite Bishop Park; we have never noticed the presence of Korero within the dune area to the Eastbourne foreshore. The current consultation over the dog regulation has arisen through a hastily, ill-considered resource consenting process for the shared pathway that:

1. Heard the expert advice re Korero and the formation of PPA's in nonpublic hearings.
2. Failed to consult residents south of windy point when including works along the Eastbourne foreshore which is outside the consent area.
3. Included works and restrictions on public access to the dune areas along the foreshore of Bishop Park and H W Shortt Parks without consultation.
4. Proposed changes in the vegetation to the foreshore dunes area without consultation and adequate assessment of the public use of the foreshore.
5. Proposed changes in the vegetation to the foreshore dunes area without adequate consideration of the frequent inundation of the area under storm conditions.
6. Proposed establishing a penguin protection area in an area of foreshore with no known history of Korero habitation.
7. Proposed establishing a PPA adjoining a sports and recreation ground

where children will inevitably explore and disturb any Koreru and the Koreru will be unprotected from uncontrolled stray dogs and local cats. We therefore request HCC to reconsider the inappropriate resource consent conditions for the Tapua Horo Nuku shared pathway and relocate the Koreru protection zones away from the Eastbourne foreshore, allowing the Eastbourne foreshore, in particular the foreshore to Bishop Park and H W Shortt Park to be utilized for recreation and relaxation, including dog walking in the interests of health and wellbeing of those that utilize this valued and respected natural environment. The concept of excluding dogs from these areas to create a PPA when the areas proposed have not and are unlikely to be used for Koreru is unacceptable. We request that the Eastbourne Community Board, Hutt City Council and Greater Wellington Regional Council relocate the proposed PPAs away from the Eastbourne foreshore, and in particular away from the foreshore of Bishop and H W Shortt Parks and allow unrestricted access for the public and dog owners for the exercise of dogs under control, but not necessarily on leads to the entire length of the Eastbourne foreshore, inclusive of the dunes. There is a scarcity of public recreational and sporting facilities along the Eastbourne foreshore. 26 February 2024.

**Submission ends.**



### Margaret Murphy – 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.

I strongly feel encouraging blue penguins to nest in a sandy and residential area inappropriate for the needs of the blue penguins and putting them in a high trafficked area by people, cats and vehicles. Banning dogs from this area does very little to keep these birds safe given other threats to their wellbeing. I believe fencing the nesting area would create a type of lobster trap making them vulnerable to predators once entering the area via the same access point created for the penguins. Dogs on a lead will not harm nesting birds and also deter other predators in the area if the BPA is to be located in Rona bay. However, a better location would surely be further south past burdens gate ( a location already prohibited to dogs) where the disturbance caused by humans , their pets and vehicles would be minimised and the birds could truly thrive.

**Submission ends.**

### Kevin Biggins – 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 I do not support the proposal for Bishops Park for the following reasons: 1. Many families, for generations have been walking their dogs along the beach. They will have to walk further up the beach to south of the Rona Bay Wharf to exercise their dogs. This part of the beach is more difficult to walk along due to the gravel beach and steeper slope. this will be particularly difficult for older people. Their mental health and welfare seems to be placed second to the welfare of birds. 2. The fencing project runs through the park splitting the dunes from the pitch areas and removes the use and enjoyment of our children who, again have enjoyed playing in the dunes with their friends and family. 3. No fence or protection will stop cats roaming and killing birds in the dunes so it is a silly place to put a bird protection area. Cats are regularly seen roaming in the dunes hunting for birds, mice and skinks. 4. The placing of a bird protection area in Bishops Park is silly in light of the planned intensification of dwellings in the Eastbourne Village with more children, cats and dogs needing exercise. 5. Having measured the amount of land where penguins and other birds currently nest and feed that is being affected by the shared path project we have calculated it to be 3500 square metres. Why then is more four times that being set aside for the bird protection area? It seems unconscionable that we are putting our citizens' welfare and right of access to the dunes at risk to for a bird protection area. How much space do the birds actually need? A compromise would be to use the 4500 square metres of dunes that is largely unused just to the north of the playing fields and beach access path as a bird protection area and make that area of the beach off limits to dogs as the pebbles along there make it difficult to walk on by most pedestrians. 5. I note that the poisoning of the marram grass which currently stabilises the dunes as part of this project to encourage birds increases the risk to properties along Marine Parade in the event of a tsunami or storm. This removal of a natural protection could be argued that the council and GWRC has put our homes and families at increased risk during an earthquakes. I hereby give notice of this increased hazard by the council.

**Submission ends.**

### Jonny Fletcher – Individual

Q1. Which location/s are you providing feedback on? Sorrento/Lowry Bay.

Q2. Do you support the proposal for Sorrento/Lowry Bay? No.

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

Hi there, has anyone actually observed the Oystercatcher behavior in this area? The proposed protection area is in the wrong place. This should be around the historical boat shed and island. An area that is proposed to have a 1.2-1.8m bird screen protecting it. Can we not just restrict this area? Why does it need to be the entire Point Howard and Sorrento Bay foreshore (hesitant to call it beach, as there will be no beach for 80% of the time at Sorrento Bay). I have seen more bird activity on the Lowry Bay side that does not have any restrictions, currently or proposed. These measures seem to be to satisfy a consent condition and have not actually considered the ramifications for local residence let alone the bird population. The beach currently has dog restrictions including on lead at all other times (when not completely restricted) This suggests dogs are under strict control... on a lead. I'm just struggling to understand the extent of this restriction without proper understanding of the bird behaviors. I 100% support this resilience project despite losing almost 3m of the local beach, Sorrento Bay. However, I do not support the restriction proposed on dogs in this area. There is a proposed double curved seawall with balustrade beginning at the beach access point in Sorrento Bay. To make it safer for the residence of 6 houses directly opposite, would HCC consider installing a convex mirror on this balustrade to assist with joining the traffic from private concealed existing driveways? This would only need to be installed on the balustrade so wouldn't detract from any view, and would greatly reduce the risk of crossing the road for pedestrians as well as cars and bikes etc.

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? not answered.

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

**Submission ends.**

### Suzanne Willis – Individual

I am providing feedback on Bishop Park/Rona Bay and H W Shortt Park areas.

I do not support the proposal for H W Shortt Park.

The reasons for this are:

The BPA has been placed in the middle of the Eastbourne designated dog exercise area. This is the only off-leash area in Eastbourne itself. (There is another on Days Bay beach).

To encourage colonies of ground nesting, flightless birds to flourish in an area designated for off-leash dog walking appears non-sensical.

It unfairly places both Korora and dog owners in a potential conflict.

With the proposal tabled to change the bylaw to ban dogs from the beach adjacent to the Bishop Park BPA what happens to the off-leash designation of the beach at HW Shortt Park BPA if penguin numbers increase there in future? Will dogs then be banned from this area also?

The regulations re dogs near the two proposed BPAs at Bishop Park and H W Shortt Park are inconsistent and contradictory.

The roped off BPA by H W Shortt Park was previously heavily used by walkers with the sheltered track especially suitable in high tides when the beach is virtually impassible or when strong winds make the shoreline exposed. The seating provided sheltered and welcome rest spaces. These are now blocked off to dog owners.

I do not support the proposal for Bishop Park.

The reasons for this are:

The Dog Bylaw currently requires that dogs be leashed at all times on the Rona Bay beach adjacent to the proposed BPA. There are also access restrictions for dogs during the period of Daylight Saving.

Surely then the current bylaw provides sufficient protections for Korora in this area without the need for a total ban.

The Council proposes a dog ban adjacent to one BPA but has placed the other BPA in the middle of an off-leash dog walking area. As stated above this is both inconsistent, contradictory and nonsensical.

The proposed solid fencing at Bishop Park will block views of the beach for park users and residents and block a number of access ways to the beach. It will cut right through the heart of one of our communities greatest assets. An asset which is heavily used by both locals and visitors alike, every day, all year round, in all weathers.

It ropes off the frequently used picnic and rigging area beside Muritai Yacht Club and blocks access to the dunes behind the children's playground. You only need to look at all the existing tracks through the dunes to see how well used and popular they are.

The fence will provide a canvas for graffiti and if it follows the example of current beach fences in Eastbourne, will be damaged by storms, vandalism and age and fall into disrepair through lack of maintenance.

Dogs owners are facing increasing limitations in this City. While on paper off-leash areas are available on Petone Beach and the Hutt River banks, the former is crowded and the latter dangerous for dogs because of algae counts in the river and riverbanks for much of the year. Both are a significant distance from Eastbourne.

I am 68. I have a young dog that I exercise twice a day. We both need accessible, safe and flat areas within walking distance of where we live. The BPAs are further restricting these options. Banning beach access at Rona Bay will concentrate dogs and their owners in parks, streets and in the off-leash area by H W Shortt Park BPA. Is this really the outcome the HCC wants?

Korora have always been free to nest on Eastbourne beaches but have not chosen to do so in great numbers on Rona Bay beach or near H W Shortt Park. What statistics can HCC provide on the penguin numbers in these areas, the reasons behind the choice of sites so close to an urban area, and on the success of artificially created nest sites for Korora?

It is an understatement to say that I am dismayed that the plans to create three BPA within our community at the sites chosen, have proceeded without due consultation with affected parties.

Thank you for the opportunity to provide feedback.

**Submission ends.**

### Wal Louden – 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.

The current restrictions are working well. ie Dogs Prohibited between 9-00am -8pm during daylight saving period on -lead all other times. We along with many others walk our dogs on the beach adjacent to Bishop Park daily and have done so for many years we have never sighted little blue penguins in this area and as stated by Jamie Roe penguins will not be relocated to Bishop Park there is absolutely no valid reason other than an absurd condition of consent placed without public consultation during the lead up to the Tupua Horo Nuku project. During our dog waling in this area we have on several occasions seen Oyster catchers sheltering from storms on the playing fields in bishop park and dogs are already prohibited from this area. We feel as pointed out in other submissions creating a bird and dog prohibition area on the northern side of the existing accessway from Marine Parade to the Beach ie North of the Playing fields to the start of the now completed walkway to Days Bay would be a sensible solution marine Parade to the beach.

**Submission ends.**

### Phil Della Barca – 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.

I have lived in this area all my life and never seen a penguin in the area. Those advocating such disruption to a significant and well used civil amenity should be made to produce scientific evidence to support their personal desires to spend ratepayer money on such low priority project that can/should be accommodated elsewhere. No fence will protect any animal living in the sand dunes when you have morons (as occurred on Friday night when they drove a 4x4 up the beach from the yacht club over all the dunes and then got stuck. No fence will stop that. You can't fence the lot and it makes no sense to try. All you will achieve is ill will from law abiding residents and people who will become resentful of the selfish few advocating such expensive disruption without proof of its effectiveness. In my time the only penguin I have seen are those coming ashore has been early in the morning (in the dark) at the windy point boat ramp. A better (more sensible) solution would be to use only the dunes just south of windy point - an area rarely frequented by people and dogs, plant protective trees if locals consent to lost views and provide a safer place near where there is evidence penguins prefer. I am sure York Bay penguins will be no different to Seaview Marina penguins and find the rocky reclamation and surrounds more attractive than 1. attempting to climb up the new wall and walk across the road and/or 2. swimming to Eastbourne. Where is the common sense?

**Submission ends.**

### Justin Travers – 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? Yes.

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

Support the proposal: suggest a small modification. I'm submitting on behalf of the Muritai Yacht Club. We are generally in support of conservation efforts in the area. We wish to propose a small modification to the BPA to retain an important recreational amenity. There is a small lawn and picnic table at the southern end of the proposed Bishop Park BPA. We use this lawn to lay our sails on to help rig our boats. We would like the lawn to stay and to continue to be able to use it to rig our boats and sail. We can also see that the picnic table is a nice place for people to come and eat their fish and chips and be at the beach. We wish to retain the small lawn and retain pedestrian access to it, perhaps by moving the southern end of the proposed "rope and post" fence about 10 metres further north. Regards Justin Travers Vice Commodore Muritai Yacht Club.

**Submission ends.**



### Jules Bailey-Rotman – Individual

Q1. Which location/s are you providing feedback on? HW Shortt Park, 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? No.

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

This is an extremely popular area and highly used given the proximity to the local sports club, field and promenade walk. Many people walk their dogs on this stretch of beach and on the park and children like to play in the trees and hunt for lizards etc under the logs in the sand dunes in this area. There are already nesting boxes in place, have any of these been used? I suspect it is unlikely as penguins seem to like rocky areas where there are natural caves and areas that are less busy with people. Ultimately the penguins will decide where they wish to live and I feel these dunes and also the dunes along Bishop Park are very unlikely choices as it is not their natural habitat.

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.

We live very near to hear and have used this stretch of beach almost daily for the last 10 years. I love nature and have a keen eye for spotting wildlife and have never once seen or smelt a penguin in the area. It is not well suited to them as they like rocky areas. I think the proposal of closing this off to dogs will inconvenience many people for nothing. I believe no penguins currently use this area and think if it was well suited to them, that they would already be there. They will ultimately choose where they wish to settle but do not believe it will be this area.

**Submission ends.**

### Arthur Jacobson – 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.

I went to Muritai school 55 years ago and am now 70. I have watched as Lower Hutt annexed Eastbourne against the wishes of the Eastbourne (EB) community; took over EB's surplus cash, sold off EB's social housing and then equalised rates to ensure that EB paid for Lower Hutt's accumulated debt. But at least, apart from this financial appropriation, Lower Hutt didn't overly interfere in EB's day to day life. They were happy if we paid up and shut up! This now seems to not be enough. It is now necessary, in the interests of a cycleway that EB doesn't want,, that every trip into and out of EB is delayed by 10 or so minutes and will continue to be for years. To ensure that there is no chance of making up time between road blocks the speed limit was cut by 20kph at the same time. Having now inflicted the cycleway delays on EB, Lower Hutt is now stating that it is going to be the reason that we can't walk our dogs on the most convenient beach. There will obviously be objections to my submission on the grounds that it is too general and "backgroundy" for the specific issue on which submissions were requested. However, like all great bureaucracies, Lower Hutt has mastered the technique of "death by a 1,000 cuts" where objections to individual actions look petty until they are looked at as part of a whole exquisitely imposed over the long term. This is not to suggest that there is some grand conspiracy; just that bureaucracies generate their own momentum and become unconsciously self-sustaining for their own benefit rather than for the benefit of those they are supposed to serve!

**Submission ends.**

### Gillian Watt- Individual

Q1. Which location/s are you providing feedback on? Sorrento/Lowry Bay.

Q2. Do you support the proposal for Sorrento/Lowry Bay? No.

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

I am a resident of Sorrento Bay and am not too worried about dogs on the rock as this is an unusual occurrence. People are more of a problem especially those who fish off the island which I understood was to be a an area protected for the resident oyster catchers. To protect the penguins and all bird life in the area fishing should be banned.

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? not answered.

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

**Submission ends.**

## Nicola Talbott – 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.

Dog Restrictions and Bird Protection Areas along Tupua Horo Nuku I wish to make a submission regarding the proposed changes to dog access around the bird protection areas (BPAs) resulting from the construction of the shared pathway specifically the proposals around CL Bishop Park. There are three elements to my submission: 1. Why was this area deemed appropriate as a BPA? I understand that this call for submissions is for dog access, however the poor planning of the “proposed” BPA site is an inherent part of the argument for why dog walkers should be able to continue to walk their dogs on Rona Bay beach. Firstly, as opposed to some of the other designated BPAs, there is no evidence of penguin activity in this area. It is in the middle of a residential area and in the summer the beach is packed with people – both residents and visitors - swimming, sunbathing, barbequing / picnicking - often late into the night. Many people leave food waste and other rubbish both in and around bins and generally strewn over the grass. Apart from the obvious disturbance human activity would cause to nesting birds, this rubbish attracts rats. And in the winter it is just as busy, particularly with many sporting activities taking place in CL Bishop Park, often lasting well into evening. The grounds are floodlit and there is a lot of noise and music. I live four streets up from the beach and I am often disturbed in the evening by both the lights and the noise imagine how worrisome this would be for penguins and other nesting birds. All in all, definitely not an area conducive to attracting nesting birds. Whoever decided this site was appropriate has obviously made little effort to understand activity or resident expectations in the area. Shame on Hutt City Council for allowing this. Do the mayor and councillors have such little knowledge of their local environment and what parts of it their residents value? Or are they happy to sign off on anything no matter how inappropriate – to accommodate the consent conditions for the shared pathway? This appears to be the case. This is even more pertinent now a decision has been made by the council NOT to relocate little blue penguins to the Bishop Park BPA, but rather to “hope” that the birds would nest there over time. Because the scope of the BPA has changed dramatically, is a restriction for dogs on Rona Beach still justified and necessary? Why is the council continuing to push forward with banning dogs? It is extremely dictatorial of the mayor and council – with a whiff of panic - to forge ahead and enforce these proposed changes even though the underlying reason for the changes has changed considerably. Although this BPA appears to be a fait accompli - with council workers already spraying the grass along the dunes in preparation to erect the fence (no warning signage provided on the

spraying by the way...), surely a better site could still be found to accommodate the bird's habitat loss? For example, around Burton Gate or on Rona beach north of the stormwater drain? Both areas have been suggested by residents as alternatives and make more sense as they are not greatly used by walkers, dog walkers, swimmers, picnickers, etc. 2. Why are there such discrepancies in the proposals for the four BPAs on dog access? In the proposals for HW Shortt Park and Whiorau Reserve, "away from the BPAs dogs are prohibited between 9am-8pm during daylight saving period but are allowed on-lead at all other times". Why can this not be the same for CL Bishop Park? (Particularly now that we are just "hoping" that the little blue penguins will be attracted to the sand dunes.) Why does the beach along the Bishop Park BPA carry a proposed total ban on dog-walking? Why should this area be treated differently from others? If this proposal does go ahead - why can't dogs be allowed on-lead on Rona Beach as permitted in the areas adjacent to the other BPAs? Why can't the area just be roped off (as per Shortt Park) and residents walk along the beach with their dogs "under control" (as per Shortt Park) or leashed? Will the pathways currently used to access the beach be cut off? And if not, and the fence does not go along the entire dune section, what is the point of a fence anyway? Also, why is dog walking prohibited between 9am-8pm? Surely that is the time little blue penguins will be at their most active, and instead dogs should be allowed BETWEEN 9am-8pm? This timing doesn't make sense and should be reviewed. 3. Has the council considered the impact this will have on the local community? It appears that little regard to the rights of rate payers has been considered. Hutt City Council have stated that "there has been public consultation about the shared pathway going back to 2020". But can councillors honestly say that frank and fair communication on the effect the BPAs would have on dog walking was shared in an appropriate manner from the beginning? For example – if you take this current call for submissions regarding changes to dog access, rate payers have been presented with notices at all four affected areas, they have been advertised in the Eastbourne Herald and the Hutt News and promoted on Facebook. What was done to advise rate payers and residents of this change from 2020 to 2023? Very little I expect. Eastbourne is a special place and residents greatly appreciate the natural environment they enjoy at their doorstep. It is wonderful to be able to walk dogs along our local beach, meeting and chatting with neighbours and friends along the way. These walks are an important part of many people's routine, exercise, mental health and wellbeing, and general appreciation of being a resident in Eastbourne. And what about the effects on residents of a fence along the dunes? It will cut off the views of the sea for both pedestrians and residents of Marine Parade and generally be an eyesore. As per above - why can't a roped off section be installed as at HW Shortt Park? I would hope that the council is aware of the number of dog attacks both in Eastbourne and on Petone beach. Reducing the number of sites residents can walk their dogs will force them into letting their dogs off-leash in what will become over-crowded areas and in turn will naturally result in an increase of such attacks. How is the council going to take responsibility for dogs injured in such attacks? And going forward – should these restrictions go ahead - what monitoring does the council intend? If no little blue penguin activity is evident in one year, will dogs be allowed back in these areas? Or two years? Or five years? Does the council have any plans at all to review the success of such far-reaching changes that will detrimentally affect the lives of so many residents?