

## Anna McLellan

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**From:** Esther Bennett <Esther.Bennett@buddlefindlay.com>  
**Sent:** Friday, November 13, 2020 3:34 PM  
**To:** Anna McLellan  
**Cc:** David Allen; Simon Cager; Caroline Van Halderen,; Shannon Watson  
**Subject:** Eastern Bays Shared Path - follow-up actions to meeting of 9 November 2020 [BUD-LIVE.FID762079]  
**Attachments:** Whiorau Reserve\_update.pdf; North of Bishops Park\_update.pdf; HW Shortt Park\_update.pdf; Overview\_update.pdf  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Anna

Please find below a response to the matters discussed on Monday.

The confirmed matters are:

- HCC's team has further considered the pest management provision. The lump sum approach that was suggested by Stephen as a means to avoid further arguments over time etc has been adopted. HCC has also recognised, despite its position that the original amount was sufficient, GWRC's desire to see the \$ increased. Part of the discussion at the meeting is what more would HCC be willing to do over and above the strict effects of the project. Condition EM.1B(a) will be changed to read *"provide up to a maximum of \$60,000 for pest management ... "*.
- In relation to litter HCC proposes adding a new (c) to Condition EM.1B (an alternative option is to place it within Condition GC.7(j) but that is construction focussed) that reads *"Will undertake a 6-monthly rubbish clean up along the shared path and adjacent beaches."* Condition EM.1(e) requires a consequential change to read at the end *"and Condition EM.1B(c)."*
- Condition EM.9 will be changed to read *"The HEP must address and/or include the following within the protection areas... (e) opportunities to enhance Little Penguin habitat including providing and maintaining at least 100 permanent nesting opportunities, including the provision of nest boxes, within the protection areas".*
- Roger mentioned having dog signage should also be educational. HCC has no issue with that and such outcomes were intended through the design process. Signs are presently contained within condition LV.7 (k) with very broad parameters. HCC does not consider that specific wording changes are required and any detail provided should not reduce the effectiveness of the signs (often tied to simplicity and legibility) and the need for different signs in different places. Therefore care is required. But if GWRC requires actual specific reference then an advice note could be added to LV.7 that says *"Any dog control signage developed under this condition should, as appropriate in the circumstances, include an explanation as to the ecological benefits of keeping dogs on lead. This may be in written or pictorial form."*

The above matters will be changed in HCC's evidence. Alternatively, if the reporting officer wishes, they could be incorporated into the s 42A report version.

In relation to oystercatchers this is the subject of ongoing discussions between John and Roger. We understand that Roger is getting into the detail and he and John have discussed a joint site visit. HCC is happy for that to occur and we understand that John and Roger are organising it now. Presently (and subject to further discussions) HCC's position is:

- John Cockrem has completed an oystercatcher nesting survey and found one oystercatcher nest on the offshore rocks (outside the project footprint) between Sorrento Bay and Lowry Bay.
- HCC's position (relying on John) is:
  - The protection area plans previously provided were poorly explained. **Attached** are new versions which do not differentiate between the areas (penguin/shorebirds) as these were, following John's site visit, not accurate of the current, nor intended state of those areas.
  - The protection areas provide 21,900 m<sup>2</sup> of fenced off habitat for foreshore birds, including oystercatchers. That reduces the effect of the project (in John's opinion) on oystercatchers to no more than minor.
  - But John is very keen to also have part of the beach alongside the Bishops Park protection area dog excluded for 6 months (August – January inclusive). Part of the discussion at the meeting is what more would HCC be willing to do over and above the strict effects of the project. While dog exclusion

requires a bylaw to be implemented which is a separate statutory process HCC is willing to commit - through a condition - to seeking such an outcome BUT it cannot guarantee the outcome of that process.

- Therefore, in relation to oystercatchers (and seabirds more generally) HCC presently proposes (but will update you next week if there are developments from discussions):
  - That the **attached** protection area plans replace those provided on 22 October 2020.
  - That condition EM.9(c) be tweaked to read after revegetation *"or maintenance of vegetation free areas in accordance with (f)"*. This is needed to ensure that areas are identified and kept appropriately open for foreshore birds (including oystercatchers).
  - To add a new provision EM.1B(d) that the Consent Holder must *"within six months of the commencement of consent initiate the required statutory process to exclude dogs for the months of August to January inclusive each year from the foreshore and beach area of Robinson Bay abutting the North of Bishop Park protection area and running for the same length, as shown in Appendix 1."*
  - A new condition EM.1C(c) that reads *"If the oystercatcher nest located off the point between Sorrento Bay and Lowry Bay has resulted in oystercatcher chicks being raised no Construction Works shall be undertaken between the southern end of Howard Road to the northern Lowry Bay Boatshed in the months of December and January."*

We hope the above address GWRC's outstanding concerns and we look forward to hearing back from you.

Have a great weekend.

Ngā mihi

Esther

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