

## Appendix C: Penguin experts meeting minutes

# FURTHER TO AN APPLICATION BY HUTT CITY COUNCIL FOR THE EASTERN BAYS SHARED PATHWAY

## RECORD OF A MEETING TO DISCUSS EFFECTS ON PENGUINS AND SHOREBIRDS

HELD 2 MARCH 2020

**RECORD OF MEETING:** Held 2 March 2020 at 9.00 am in Meeting Room 3, Events Centre,  
30C Laings Road, Lower Hutt

**IN ATTENDANCE:** Sally Bain (Eastbourne Pest Control)  
Amelia Geary (Forest and Bird)  
Mike Rumble (Penguin Specialist, Eastbourne)  
Brent Tandy (Senior Ranger Biodiversity, Department of Conservation)  
Janet Lawson (Parks, Gardens and Reserves, Hutt CC)  
Jonathon Freriks (Ecologist, Hutt CC)  
Simon Cager (Senior Project Engineer, Hutt CC)  
Roger Uys (Senior Terrestrial Ecologist, Greater Wellington Regional Council)  
John Cockrem (Penguin Specialist, Massey University School of Veterinary  
Science, advising the Hutt CC Project Team)  
Christine Foster (Facilitator)

**CIRCULATION:** All above

At the outset of the meeting, it was agreed that discussion would proceed on a 'without prejudice' basis. However, at the conclusion of the meeting, the participants agreed that this meeting record could be released from the 'without prejudice' restriction and can be circulated beyond the parties represented at the meeting.

By agreement, the meeting proceeded on the basis that its focus would be on the long term wellbeing of penguins and shore birds in the vicinity of the proposed shared pathway project. Everyone agreed that, in this respect, success for penguins would mean an increase in fledgling penguin numbers.

John Cockrem and Roger Uys had, prior to the meeting, circulated the discussion document attached to this meeting record which provided a helpful basis for discussion at the meeting. Roger and John expanded on the suggestions in the discussion paper. Roger noted that GWRC will be looking to apply the 'mitigation hierarchy' included in the proposed Natural Resources Plan for the Wellington Region (broadly, that effects should be first avoided, then mitigated or remedied and where they cannot be avoided, remedied or mitigated must be offset). Importantly, John's and Roger's discussion document agrees that the earlier mooted offset of establishing penguin habitat on the Seaview Marina breakwater is not recommended.

In addition to the suggestions recorded in the attached document, discussion at the meeting generated other suggested ways in which adverse effects on penguins and shorebirds could be (1) offset and (2) avoided or mitigated. The collected suggestions are listed below, together with a brief summary of the merits, implications and support for each. The table below also records the agreed next steps for each suggestion (where applicable). The intention is that the below list will inform the

applicant's further thinking about project design, offset and mitigation measures and the content of any Management Plan to address effects on penguins and shorebirds.

**PARTICULAR ISSUES AND CHALLENGES FOR PENGUINS:**

Discussion highlighted the following particular issues and challenges:

- (a) Increased pressure on Whiorau Reserve from dogs (due to limited options for dog exercise elsewhere nearby);
- (b) Exclusion of dogs is imperative for penguin protection and needs to be incorporated into any haven offset proposal and into mitigation for the project generally;
- (c) Rubbish, food waste, discarded bait and dog droppings are problematic (a potential food source for rats) and will need to be specifically managed throughout the shared pathway project because the project will invite more people activity and movement and greater potential for this waste;
- (d) Freedom camping is increasing at Whiorau Reserve – there are mixed views on this: John's view is that penguins can co-exist with humans present even at night; others are concerned about the possibility of freedom campers having dogs at night which could be a risk to penguin safety;
- (e) Feral cats are a problem at Whiorau Reserve and generally along this coastline (Roger would like to see Hutt CC's pest management strategy address feral cats and pointed to Wellington City Council's programme of micro-chipping of pet cats;
- (f) To make penguin nesting viable, vegetative cover needs to be established before the stage of the project commences;
- (g) Any penguin management plan needs to address:
  - i. the design of sea walls – eliminating gaps in these that could invite penguins to cross the road (risking death or injury);
  - ii. the design and materials used in rock walls – to incorporate potential nesting sites;
  - iii. the timing of construction (in relation to nesting);
  - iv. predator control (including all predators – cats, dogs, rats);
  - v. how birds will be managed in the construction area;
  - vi. construction effects including noise.
- (h) Roger noted that there remain information gaps in relation to the number of penguin nests that will be affected and the area of shore bird habitat that will be lost; acknowledged that it is very hard to quantify the impact but that he would be happy with a desk-top assessment based on aerial photograph information on tidal habitat.

**OFFSET AND MITIGATION SUGGESTIONS:**

	<b>Suggested Offset or Mitigation:</b>	<b>Merits, Implications, Next Steps:</b>
1.	<p><b>New Penguin Haven at Base of Hill on Landward Side of Road (potential offset):</b>            Establish a penguin haven at the base of the hillside on the landward side of the road approximately opposite Whiorau Reserve; supported by the construction of a 'penguin subway' achieved by placing a suitably sized pipe (minimum 500mm) above (not below) the road and creating a hump in the road; also involving protective fencing. All agreed</p>	<p>The preliminary view is that implementation of this would be challenging and that the benefit/cost of the work is likely to stack up poorly compared to other options. Hutt CC is unlikely to progress this suggestion in the design.</p>

	<b>Suggested Offset or Mitigation:</b>	<b>Merits, Implications, Next Steps:</b>
	that any culvert below the road would likely suffer tidal and stormwater issues that interfere with the intended penguin access function.	
2.	<p><b>Consolidate a Penguin Haven Based on Existing Nesting Sites Within Whiorau Reserve (potential offset):</b> Establish at Whiorau Reserve a fenced-off penguin haven (as an offset) perhaps involving part of the reserve, acknowledging its recreational and boat launching uses. This would require:</p> <ol style="list-style-type: none"> <li>i. fencing,</li> <li>ii. establishment of suitable vegetative cover,</li> <li>iii. pest control,</li> <li>iv. management of human behaviour (signage and information circulated to the community to achieve behaviour change),</li> <li>v. closure of the entry gate at night and control of dogs (and prevention of access by dogs at night).</li> </ol>	<p>All broadly agreed that this has merit, although not without its challenges in relation to dog control. Roger confirmed that he would consider this favourably as part of an offset package in his advice to the GWRC reporting officer. It would require a management plan. Roger would accept a management plan developed post-consent (required as a condition of consent). Others would prefer that a management plan is presented to the hearing so that they can see and be satisfied that it addresses all relevant issues. Roger advised that he would expect any management plan to address all shore birds in the vicinity of the shared pathway.</p> <p><b>Simon confirmed that Hutt CC will consider this option and will investigate further with its team of consultants.</b> <b>Simon and Janet will investigate the status of Whiorau Reserve</b> (Roger recalls that it may have been vested as mitigation when the oil storage tanks were installed and it would be prudent to check whether there are any constraints on its use as a penguin haven).</p>
3.	<p><b>Pre-Development Monitoring of Whiorau Reserve (towards creation of potential offset):</b> Set up monitoring at Whiorau Reserve to properly characterise the activity of penguins, humans, dogs and predator pests; perhaps including installation of a camera to record activity.</p>	<p><b>Simon will investigate this option and will report back to the workshop participants by the end of March 2020.</b></p>
4.	<p><b>Pest Control (mitigation):</b> On-going funding for pest control as a means of mitigating the on-going potential adverse effects of human activity along the shared pathway.</p>	<p>All agreed this is essential and is a practicable form of mitigation. All agreed that this needs to be established well ahead of the establishment of any new haven at Whiorau Reserve and before commencement of the project. Roger and Amelia consider this needs to also address feral cats. However, it was acknowledged that any feral cat initiative</p>

	<b>Suggested Offset or Mitigation:</b>	<b>Merits, Implications, Next Steps:</b>
		<p>would need political support as part of a wider campaign and that community resistance could be expected.</p> <p><b>Simon will make contact with Myfanway at Wellington City Council who manages a cat micro-chipping programme and will investigate the implications and report back to the workshop participants by the end of March 2020.</b></p>
5.	<p><b>New Penguin Haven at Northern End of Bishop's Park (potential offset):</b>  There are known to be penguins nesting in the area. This would require:</p> <ul style="list-style-type: none"> <li>i. fencing off a dog exercise area separate from the penguin nesting area;</li> <li>ii. controlling access to the beach with a gate;</li> <li>iii. establishing appropriate vegetative cover (which would also achieve dune restoration).</li> </ul>	<p>All agreed this has merit. Roger advised that he would consider this favourably as part of an offset package. Simon confirmed that Hutt CC will investigate the potential for dune restoration re-vegetation and the potential for creation of penguin habitat.</p> <p><b>Simon will report back to the workshop participants by the end of March 2020.</b></p> <p>The suggestion of a dog exercise park will require more extensive investigation, consultation and political support and is unlikely to be able to be reported back by the end of March.</p>
6.	<p><b>New Penguin Haven at Windy Point (potential offset):</b>  There is already thick marram grass cover that is effective in keeping dogs out. Although the marram grass does not provide suitable habitat for penguins, it could be enhanced by dune re-vegetation with suitable species. Also requires fencing to keep people (and dogs) out.</p>	<p>All agreed this has merit. Roger advised that he would consider it favourably as part of an offset package. Roger also suggested that this site could provide an offset for shorebirds if dogs could be excluded from the stretch of beach from Rona Bay Wharf to Marine Drive. Simon confirmed that Hutt CC will investigate the potential for dune restoration re-vegetation and the potential for creation of penguin habitat.</p> <p><b>Simon will report back to the workshop participants by the end of March 2020.</b></p>
7.	<p><b>New Penguin Haven at HW Short Park (potential offset):</b>  This is a rocky coastal habitat potentially suitable for penguins.</p>	<p><b>Simon will arrange for a site visit and invite Janet, Mike, Brent. After the site visit, Simon will report back to the workshop participants by the end of March on the prospects for this site as part of an offset package.</b></p>

	<b>Suggested Offset or Mitigation:</b>	<b>Merits, Implications, Next Steps:</b>
8.	<p><b>New Penguin Haven on the Esplanade (further south than HW Short Park – potential offset):</b> This area includes a wetland.</p>	<p>As above - Simon will arrange for a site visit and invite Janet, Mike, Brent. After the site visit, Simon will report back to the workshop participants by the end of March on the prospects for this site as part of an offset package.</p>
9.	<p><b>Artificial Near-Shore Reef (potential offset):</b> Sally suggested establishment of an artificial reef in Sorrento or Mahina Bay to protect the road from wave inundation and erosion and as a new predator-free penguin haven.</p>	<p>There was no support from the wider group for this option, given its likely resource consent, cost and construction challenges.</p>
10.	<p><b>Seawall Design (mitigation):</b> The design should minimise ‘holes’ in any seawall (e.g. ramps and steps must have penguin stops or self-locking gates). Mike suggests they should also incorporate concrete penguin boxes on the outer edge of the wall to facilitate penguin nesting. Roger advised that Megan Olliver at GWRC is currently investigating options for improved seawall texturing design to promote the recovery of intertidal communities.</p>	<p>Simon will set up a meeting to discuss the finer detail of seawall design; will invite Mike, Brent, Amelia, John and Roger; and will send them a meeting invitation in the 3<sup>rd</sup> week of March.</p>
11.	<p><b>Rock Rip-Rap Design (mitigation):</b> This must incorporate key holes for penguin nesting of an appropriate depth (&lt;300mm) to allow penguins to enter and exit between the rip-rap and including flat-bottomed areas below the rip-rap to allow penguins to build nests.</p>	<p>Simon will get the designers to design a concept to achieve this and will circulate to Mike, Brent, John and Roger by the end of March, inviting their feedback.</p>
12.	<p><b>Prevent Penguins Crossing the Road (mitigation):</b> This requires penguin stops (similar to cattle stops) at any holes in the seawall. Another suggestion is a low barrier (not necessarily a fence – just something at least 400mm high that penguins can’t jump over – and particularly in the vicinity of known nest sites. These barriers will not be required along the entire project length – only where penguin access is still available (noting that only 22% of the coastline would be accessible for penguins after construction).</p>	<p>Simon will get the designers to design a concept to achieve this and will circulate to Mike, Brent, John and Roger by the end of March, inviting their feedback.</p>
13.	<p><b>Dog Control (mitigation):</b> Suggestions include:</p>	<p>Simon will discuss the issues with Hutt CC’s Animal Services and report back to the</p>

	<b>Suggested Offset or Mitigation:</b>	<b>Merits, Implications, Next Steps:</b>
	<ul style="list-style-type: none"> <li>i. Enhanced dog control (dog exclusion or active enforcement of leash-only dog access) at all beaches, at Whiorau Reserve, at Bishops Park and at any new haven proposed as part of an offset package; and</li> <li>ii. Establishment of a dedicated off-leash dog exercise area somewhere nearby that is accessible to the community.</li> </ul>	<p><b>workshop participants by the end of March.</b></p>

The meeting closed at 12.30 pm.