

Ainslee Brown

From: Ainslee Brown
Sent: Thursday, 24 October 2019 6:56 PM
To: Ainslee Brown
Subject: DOC Comments - Eastern Bays Shared Path

From: Shannon Watson
Sent: Wednesday, 15 May 2019 9:32 AM
To: Angus Gray <agray@doc.govt.nz>
Cc: Jack Mace <jmace@doc.govt.nz>
Subject: RE: DOC Comments - Eastern Bays Shared Path

Hi Angus

Thanks for your comments – if DoC wanted to undertake a more comprehensive review this could occur concurrent to the notification process at which point DoC could make a formal submission if desired. We have agreed with the applicant that we will not be notifying the application until any further information requests are resolved to ensure all information as at hand and avoid confusion for submitters.

Many of the concerns outlined in your email have also been raised by GW's experts and I am in the process of compiling these review comments into a formal s92 request. **Would you like to see a copy of this s92 before it is finalised and sent to the applicant?**

In regard to the duckbill outlet valves; I picked up concern over the location of the duckbill outlets when I first reviewed draft reports for this Project early last year. Surveys undertaken by Frances Forsyth during the consent for the Wellington Water outlets identified that there were no fish present in some of the streams Dr Alex James later identified are likely to contain fish. I contacted Wellington Water and their contractor GHD in relation to this and was able to prevent duckbill outlets being installed at those locations which were likely to have fish present (email confirmation of this attached).

Kind regards

Shannon Watson | Environmental Regulation

GREATER WELLINGTON REGIONAL COUNCIL
Te Pane Matua Taiao

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From: Angus Gray <agray@doc.govt.nz>
Sent: Wednesday, 15 May 2019 8:52 AM
To: Shannon Watson <Shannon.Watson@gw.govt.nz>
Cc: Jack Mace <jmace@doc.govt.nz>
Subject: DOC Comments - Eastern Bays Shared Path

Kia ora Shannon,

Thank you for providing the Department with an opportunity to review the application documents for completeness to assist with your resource consenting process. Due to time constraints we have undertaken a high level review of the application, and have not been able to cover the entire documentation. We were unable to secure any marine technical advisors and have therefore not reviewed the subtidal/intertidal ecological assessments. Our review primarily focuses on threatened species and habitats, and sufficiency of mitigation, and we propose additional mitigation measures.

Appendix C-1 An assessment of ecological effects of the proposed Eastern Bays Shared Path Project on coastal vegetation and avifauna

This report has been reviewed and it is considered to be thorough in respect of the assessments of effects on shags, variable oystercatcher, red-billed gulls, southern black-backed gulls, reef heron and little penguin. Most of the birds listed in the Overmars appendix are seabirds feeding offshore and are unlikely to be significantly affected by the shared path development, but may potentially be subject to effects from sediment and noise during construction. Most of these birds will be subject to a minor loss of habitat as a result of the proposal, but alternative habitat is available.

In terms of little blue penguins, the shape of the curved walls would largely prevent and exclude penguins from accessing the potential nesting habitats behind the beaches. This is not a major concern at this site, as the landward side of the shared path is generally road bordered by residential developments. The restriction of access to these areas may be positive as it can reduce the risk of penguins being killed by vehicles or dogs.

Potential Mitigation

DOC supports the development of a Little Penguin Management Plan, and I have identified some general good practice for managing effects on these species below.

A penguin survey should be undertaken annually prior to works commencing to identify nests. If nests are detected works should not occur within the nesting and moulting period.

Where there are safer sites for penguins including the rocky headlands, these areas should be fenced off from the public so they become penguin refugia that are safe from people and dogs. The public access steps and ramps along the wall should be designed to exclude penguins. DOC is supportive of the use of mixed size rocks, loosely packed to create lots of caves and crevices under the larger rocks. Wooden nest boxes amongst rocks and vegetation would encourage more prospecting and breeding on the seaward side of the road, and reduce the risks of penguins coming into contact with dogs and traffic. There is work being done locally on 'keyholes' in seawalls which could be considered in this design. This may be in the form of a passage underneath the road to provide safe access from the beaches to nesting habitat and refugia.

The single *Meliccytus orarius* plant at Point Howard (mentioned in the threatened plant section) died a number of years ago. It would be a good species to include in mitigation plantings and local seed from Matiu or Miramar should be used as a source.

Seagrass at Lowry Bay

I have reviewed the proposed mitigation to address potential adverse effects on seagrass. The report titled "*Seagrass (Zostera muelleri subsp. novazelandica) survey, Point Howard, Lowry Bay, York Bay and Hutt River Estuary, December 2018*" identifies seagrass is present in Lowry Bay. The report also concludes that this occurrence of seagrass is now the only known one remaining in Wellington Harbour (Section 4, page 12).

The Assessment of Environmental Effects (Stanton 2019, page 60, Section 13.3.1) suggests that the area of seagrass will be isolated from the construction zone. There is little information presented on the method of isolation and the proximity of the demarcated area to the seagrass and whether this includes any buffer.

Figure 3 of the seagrass report identifies a seagrass area at the southern end of Lowry Bay near chainages 1770 – 1820 where a double curved seawall is proposed. Comparing Figure 3 with preliminary design plans (C226, Lowry Bay Station 1600-1780) indicates that some of the seagrass is directly within the seawall footprint. The AEE states that "*seagrass beds will be avoided by the physical location of the Shared Path and beach nourishment*".

There are likely to be significant adverse effects on the seagrass directly within the footprint of the seawall and within the wider construction site. The mitigation measures proposed are unlikely to avoid or mitigate adverse effects on this seagrass area, including proposed condition 40. There is minimal information included in the documents which detail how they intend to reduce the risk to seagrass at South Lowry Bay and how adverse effects can be avoided. "demarcating the site" is vague, and provides no assurance that effects will be managed. The sufficiency and frequency of the proposed seagrass monitoring has not been reviewed.

Herpetofauna

It is noted that there is no assessment of effects on lizards in the application documents. It's quite likely they've been discounted due to a lack of habitat for them on the seaward side of the road. The applicant should clarify whether the omission was deliberate or an oversight.

Fish Passage

A fish survey has not been undertaken to assess the fish species present. The report identifies three species that the confirmed, or are likely to be present via a desktop survey and a visual assessment however records on the freshwater fish data base suggest that the streams do support quite a diversity of species (9 species in total).

It is acknowledged that there are only limited records on the data base (only 10 surveys in total, only 4 of which have been undertaken since 2010) however fish predictive models also indicate that most streams should have fairly diverse communities. The streams that feed into the works area are forested along much of their length, so despite the fact that many of the streams are small, they provide high quality habitat.

I would like to see further information about fish species present (to be determine via a fish survey) in order to assess the effects if the activity on freshwater fish and to ensure that the proposed mitigation is appropriate for the species present. I am concerned about the installation of duckbill valves, particularly in catchments where fish are known to be upstream as the valve will not permit fish passage.

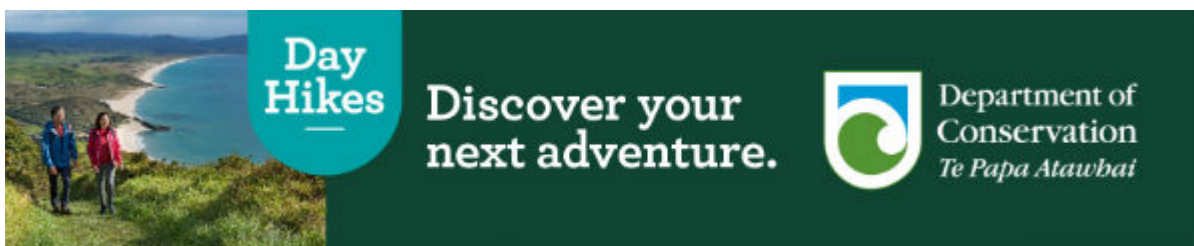
All in stream works should comply with the fish passage guidelines.

Thank you again for the opportunity to provide comments on this application, please get in touch if you wish to discuss any of the above.

Angus Gray

Kaiwhakamahere penapenarawa | *Resource Management Planner*
Te Papa Atawhai | *Department of Conservation*

Kia piki te oranga o te ao tūroa, i roto i te ngātahitanga, ki Aotearoa
To work with others to increase the value of conservation for New Zealanders



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