

13 November 2024

File Ref: OIAPR-1274023063-31868

By email: [REDACTED]

Tēnā koe [REDACTED]

Request for information 2024-266

I refer to your request for information dated 14 October, which was received by Greater Wellington Regional Council (Greater Wellington) on 14 October. You have requested the following:

- *Details of rules/policies/objectives in your regional plan/regional coastal plan designed to avoid adverse effects of dog attacks and vehicle strike on penguins (specifically kororā)*
- *Decision making materials that underpin the making of the regional/coastal plan (including any plan changes) where the need to give effect to the New Zealand Coastal Policy Statement (NZCPS) was considered*
- *Details of any bylaws or other local measures that protect penguins from dog attacks or vehicle strike*
- *Details of council monitoring of penguin populations and documents that contain monitoring results (including published reports under s35(2A) RMA).*
- *Details of any other actions taken by the Council to protect penguins*
- *Reports received by the Council on dog attacks and vehicle strikes on penguins in the last 3 years*

Greater Wellington's response follows:

Details of rules/policies/objectives in your regional plan/regional coastal plan designed to avoid adverse effects of dog attacks and vehicle strike on penguins (specifically kororā)

The Greater Wellington Natural Resources Plan Operative Version 2023 (the NRP) does not have provisions that specifically manage adverse effects of dog attacks and vehicle strikes on

penguins. However, the NRP has the following policies and rules that manage the use of motor vehicles on beaches to manage the adverse effects on indigenous birds:

- Policy P154: Motor vehicles on foreshore
- Policy P155: Motor vehicles in sites with significant value
- Policy P156: Protection of the Titahi Bay fossil forest
- Rule R215: Motor vehicles for launching, retrieving or temporary mooring of vessels – Permitted Activity
- Rule R216: Motor vehicles – permitted activity
- Rule R217: Motor vehicles for certain purposes – permitted activity
- Rule R218: Motor vehicles inside Schedule C, Schedule E4, Schedule F2c, Schedule F4, Schedule F5 or Schedule J sites – non-complying activity
- Rule R219: Motor vehicles on the exposed (Titahi Bay fossil forest) – prohibited activity

Some sites are included in Schedule F2c, because of their values for penguins. For example, Kapiti Island foreshore, Makaro/Ward Island foreshore and a few other sites are listed in the Schedule and are mapped because of critical periods for little penguin breeding or when the threatened or at-risk species are known to be residents or regular visitors to those scheduled sites.

Please refer to the NRP (<https://www.gw.govt.nz/your-region/plans-policies-and-bylaws/plans-and-reports/environmental-plans/natural-resources-plan/in-depth-on-the-natural-resources-plan/>) for the content of the above policies, rules and schedules.

Decision making materials that underpin the making of the regional/coastal plan (including any plan changes) where the need to give effect to the New Zealand Coastal Policy Statement (NZCPS) was considered

In terms of the decision-making materials that underpin the making of the regional/coastal plan (including any plan changes) that give effect to NZCPS, please refer to the section 32A report (<https://www.gw.govt.nz/assets/Plans-policies-bylaws/PNRP/Section-32-reports-and-objectives/Section-32-report-Aquatic-ecosystems.pdf>) that outlines the reasoning for provisions related to aquatic ecosystems in the NRP.

Details of any bylaws or other local measures that protect penguins from dog attacks or vehicle strike

Greater Wellington has not developed any bylaws or undertaken any other measures that protect penguins from dog attacks or vehicle strikes. We are therefore refusing this part of your request under section 17(g) of the Local Government Official Information and Meetings Act 1987 as the information requested is not held by Greater Wellington. Greater Wellington has no grounds for believing that the information is either held by another local authority or organisation or connected more closely with the functions of another local authority or organisation .

The relevant territorial authorities and Department of Conservation (DoC) may have created their own bylaws or other measures for this.

Details of council monitoring of penguin populations and documents that contain monitoring results (including published reports under s35(2A) RMA).

Greater Wellington has not done any monitoring of penguin populations. We are therefore refusing this part of your request under section 17(g) of the Local Government Official Information and Meetings Act 1987 as the information requested is not held by Greater Wellington. Greater Wellington has no grounds for believing that the information is either held by another local authority or organisation or connected more closely with the functions of another local authority or organisation.

Details of any other actions taken by the Council to protect penguins

Council put conditions for coastal consents where the works may affect penguin habitat. Some consents require Avifauna Management Plans to ensure that burrows are not disturbed during breeding and moulting of kororā and that setbacks are put in place. Avifauna plans are mostly subject to Wildlife Permits issued by Department of Conservation (DoC).

Consent conditions and Avifauna Management Plan requirements can also include providing habitat for displaced seabirds, including but not limited to kororā, putting kororā exclusion in place so that kororā cannot enter construction areas for their safety and so there is a safe buffer zone for kororā nests.

Some consents require full bird protection areas to be established which, in one consent, has resulted in the district council as the consent holder to put in a new bylaw to introduce dog exclusion zones so the offset habitat is protected from dog attacks.

Greater Wellington manage through resource consents the changes to the environment that may affect habitat, whereas DoC protects the animals and therefore, incidents are enforced by

DoC under the Wildlife Act. We are limited to what we can require in a consent that either Greater Wellington has processed or consents Greater Wellington have consulted or notified on as well as fast track consents.

Reports received by the Council on dog attacks and vehicle strikes on penguins in the last 3 years

Greater Wellington over the last 3 years have received 2 individual reports of dog attacks which confirmed 4 dead Korora and 1 missing and 5 instances of vehicle strikes (including but not limited to rail strikes). The reports we receive are usually only related to where we monitor consents and whether a bird has been found within or close to the footprint of the consented works.

The requirement is to report to DoC any dead or injured wildlife. Greater Wellington often learn of dog attacks or vehicle strikes via media stories or by referring to iNaturalistNZ via the link Observations · iNaturalist NZ

(https://inaturalist.nz/observations?d1=2020&d2=2024&order_by=observed_on&place_id=6803&project_id=dead-penguins&subview=map)

Reports received by Greater Wellington are attached as per documents *Attachment 1* to *Attachment 18*. Please be aware that some of the images included in the reports are of dead kororā.

We have withheld information in the attachments under section 7(2)(a) of the Local Government Official Information and Meetings Act 1987 in order to protect the privacy of natural persons.

When withholding under section 7(2)(a) of the Local Government Official Information and Meetings Act 1987, Greater Wellington is required to consider if public interest outweighs the decision to withhold the information and have concluded that in this case public interest does not outweigh the need to withhold the information.

We have also deleted information that is considered out of scope of your request.

If you have any concerns with the decision(s) referred to in this letter, you have the right to request an investigation and review by the Ombudsman under section 27(3) of the Local Government Official Information and Meetings Act 1987.

Please note that it is our policy to proactively release our responses to official information requests where appropriate. Our response to your request will be published shortly on Greater Wellington's website with your personal information removed.

Nāku iti noa, nā



Lian Butcher

Kaiwhakahaere Matua Taiao | Group Manager, Environment

PROACTIVE RELEASE