

ACG Properties Ltd

c/ Daniel Thorne

Town Planning Group

By email: daniel@townplanning.co.nz

Dear Daniel,

Punakaiki Wild: further information request regarding ecological effects

ACG Properties Ltd has applied for resource consents (RC240079) from Buller District Council for a development at 4663 State Highway 6, Te Miko, Punakaiki.

Following receipt of submissions on the application, including submissions from the Department of Conservation and the West Coast Penguin Trust, Buller District Council has issued a Request for Further Information (RFI) under Section 92 of the RMA for a number of ecological matters. Council's requests are presented below (in italics), followed by our replies.

Ecology

Submissions received have raised concerns that potential effects on avifauna have not been sufficiently considered, including on a breeding colony of kawau tikitiki/ spotted shag on the cliff shelves of the northern cliff directly below the site, and on other avifauna that may be present on and adjacent to the site such as tītī/ sooty shearwater, roroa/ great spotted kiwi, mā tā tā/ fernbird, koekoeā/ long tailed cuckoo, kakaruai/ South Island robin and karearea/ New Zealand bush falcon. Concerns have also been raised from the Department of Conservation that potential effects on lizards, including speckled skink, forest gecko and West Coast green gecko have not been sufficiently considered.

Request 3

Provide an updated/ additional ecological assessment that:

- i) Includes the data from and results of surveying for the presence of birds and lizards at the project site undertaken within an appropriate season and survey period (noting the lizard survey should be undertaken by an expert herpetologist, using appropriate techniques and duration);*
- ii) Assesses the effects of the activities involved in the proposal, including lighting and noise from construction activities and of the resulting development, on birds and lizards, including on threatened bird species with known habitat adjacent to the site (such as the breeding colony of kawau tikitiki/ spotted shag);*
- iii) Identifies measures to avoid or mitigate those effects, including a draft lizard management plan if the results referred to in subparagraph (i) indicate the presence of lizards;*

Our reply

In response to the RFI, we have undertaken a number of additional surveys at the site for lizards and birds, over five days between 13-17 October 2025. The survey methods and results, along with revisions to the effects assessment and associated proposals for any mitigation required, are provided in the updated Ecological Effects Assessment report that accompanies this letter.

- iv) *Provides comment on the recommendation from the Department of Conservation that lighting should follow the Australian Government National Light Pollution Guideline for Wildlife (2023), including whether the proposed lighting will achieve this;*
- v) *Provides comment on the measures outlined in the Environmental Lighting Report dated 29 April 2025, and whether those measures will be sufficient to ensure that adverse effects on avifauna from lighting, particularly on tāiko/ Westland petrel, will be 'negligible', as indicated in the Ecological Effects Assessment dated February 2025;*

Our reply

We recommend that a comprehensive Condition of Consent be prepared, requiring the preparation of a Lighting Management Plan that will include appropriate measures to ensure the adverse effects on coastal birds, including Westland petrel, are negligible. Measures will be developed following appropriate guidelines, such as the Australian Government *National Light Pollution Guideline for Wildlife*¹. An example of comprehensive Conditions for the management of lighting for coastal birds is provided in Appendix A (Conditions of Consent prepared for an application by TiGa Minerals and Metals Limited for a sand mining operation on the West Coast to the south of the site).

- vi) *Provides comment on the presence of the Punakaiki Marine Reserve adjacent to the site and any potential adverse effects on that reserve;*

Our reply

Potential adverse effects of the development on the Punakaiki Marine Reserve (including the flora and fauna inhabiting the Marine Reserve area), include noise, lighting, and the discharge of sediment and/ or contaminants from the site. The potential effects of noise and lighting are addressed in the updated Ecological Effects Assessment report.

The discharge of sediment and/ or contaminants from the site into the Marine Reserve could have the potential effect of reducing water quality, including clarity, which could have a knock-on effect on marine flora and fauna within this receiving environment.

To manage this potential adverse effect, stormwater will be managed during the construction phase using industry-standard erosion and sediment control measures that are appropriate for the site and the size of the development, with this able to be confirmed by way of a consent condition.

On completion of construction, stormwater arising from roofs will be collected and re-used. Excess stormwater from roof run-off will discharge to soak pits designed in accordance with NZBC E1/ VM1, with an overflow to a nearby gully, with appropriate scour protection applied as necessary. Stormwater arising from other non-permeable surfaces (including access roads and car parking areas) will be collected and discharged to the existing stream network. Scour protection will be installed within streams at discharge points.

¹ DCCEEW 2023. *National Light Pollution Guidelines for Wildlife*. Department of Climate Change, Energy, the Environment and Water. Canberra, May 2023. CC BY 4.0.

With these measures in place, it is likely that the level of discharge of sediment into the Marine Reserve will be no higher from the completed development (and likely much less) than levels discharged over the many decades of use of the site for farming activities.

vii) *Provides an opinion, and reasons, on whether a predator control programme is necessary for the site;*

Our reply

Whilst we would recommend that predator control is undertaken for the overall benefit of biodiversity on the site, we do not consider it to be a requirement as mitigation for managing an adverse effect. The applicant has agreed to consider the establishment of an agreement (such as a Memorandum of Understanding) with submitters, including the West Coast Penguin Trust and the Westland Petrel Conservation Trust. Under this agreement, a commitment to predator control may be considered. We consider this matter to be outside of the scope of this consenting process.

Notwithstanding this, we understand the Applicant is volunteering a condition requiring the preparation of a vegetation and pest management, with this providing a means to identify and implement appropriate pest management and control measures moving forward

viii) *Provides an opinion, and reasons, on whether the following specific measures identified in the submission from the West Coast Penguin Trust are necessary (where those measures are not agreed/ volunteered by the applicant):*

Kororā (little penguins)

a. *Disturbance of penguin nesting sites should be avoided, especially during the breeding season June to January, and could be achieved by not providing access down to any beaches and not allowing dogs on the property.*

b. *It would be helpful if any records of penguins seen/ found could be kept and shared with the Trust.*
Tāiko (Westland petrels)

c. *Lighting for the site will need to comply with the National Light Pollution Guidelines for Wildlife, published by the Australian Department of Biodiversity, Conservation and Attractions.*

d. *Minimise light spill and reflection from all construction and operation activities, avoiding most sensitive times, i.e. dusk to dawn, mid-November to mid-January.*

e. *Seek solutions to minimise light spill from windows especially dusk to dawn, mid-November to mid-January.*

f. *Prepare and implement a plan for rescuing any downed petrels in conjunction with the Department of Conservation.*

Parekareka (spotted or blue shag)

g. *Establish regular monitoring of shags present and nesting on the cliffs, ideally monthly.*

h. *Drones may disturb nesting birds and their use should be avoided by guests and, if essential for management purposes, avoided wherever sea birds may fly or nest.*

Other coastal birds

i. *Establish a record of all birds seen by staff and guests.*

j. *Provide predator control on the property to extend the efforts of the community predator control projects in the Punakaiki/ Barrytown area.*

Our reply

a. Evidence of penguin nesting was not observed on the site during our two site visits, including on the rocky platform beyond the south west corner of the site. The beach to the north of the site is not accessible from the property. The beach to the west of the site can be accessed, but with difficulty – there is a steep, rough track leading to the beach. The vegetation and slope along this track were surveyed visually as far as possible during our site visit in September 2024. No evidence of penguin burrows was observed.

However, as it is well-established that little penguins are present and nest along the coastline in the wider area, the applicant has agreed that access to the shoreline will not be established, and guests will be encouraged to keep back from the cliff edges.

The applicant has also agreed that guests will not be permitted to bring their dogs (or cats) onto the property, however we consider that it is reasonable to provide an opportunity for resident staff to have dogs, subject to the completion of kiwi aversion training.

- b. This point has been noted by the applicant, and is an issue that can be discussed with submitters outside of this consenting process.
- c. A comprehensive Condition of Consent will be prepared, which will include the requirement for a Lighting Management Plan (LMP). The LMP will take into account appropriate guidelines, including the Australian Department of Biodiversity, Conservation and Attractions *National Light Pollution Guidelines for Wildlife*. As an example, the Conditions of Consent for lighting for a mining operation just south of the site, at Barrytown, are provided in Appendix A.
- d. As above – these matters will be considered in a Lighting Management Plan, that will be required as a Condition of Consent.
- e. As above – see points (c) and (d).
- f. The point has been noted by the Applicant, and we consider the management of downed petrels is best managed outside of the consenting process. However, we understand consultation with key stakeholders will form part of the preparation of the Lighting Management Plan, with this enabling an opportunity to consider the appropriate outcomes and actions to address downed petrels. We consider this matter is best managed outside of this consenting process.
- g. The activity on the site during construction and operation of the facility is not expected to have an adverse effect on the spotted shag colony. The colony is located along ridges on the cliff, beneath an overhang, as illustrated by our drone imagery in Plates 1 to 3. From our observations, the shags access the cliff ledges from the air over the sea, rather than from over the land (or on foot from the site). During our site visits we observed shags from near the edge of the northern cliffs, when individuals were flying over the sea fishing, or flying to or from the colony. We did not observe any shags on the ground on the site or flying over the site.

We did not hear any calls or other vocal noises from the shags whilst we were on site. For users of the site, it is likely that the sound of the surf will generally be louder than any noises produced by the shags, especially as the shags are beneath an overhang. It is therefore likely that noises generated on the site during construction and operation of the facility will be similarly dampened by the sound of surf and the cliff overhang, and will therefore not disturb the shag colony. Weather conditions, notably wind and rain, both of which regularly occur in this area, will also add to noise dampening effects.

We are of the opinion that regular monitoring of the spotted shag colony will not be required, as there will be no adverse effect on the colony caused by the construction and operation of the proposed development.

- h. We used a drone to capture imagery of the spotted shag colony during our October 2025 site visit. The drone was flown approximately 75 m (horizontally) away from the colony, and above the height of the cliff top (Plate 3). We did not observe any reaction to the drone by the shags that were in flight or at rest on the cliff ledges. When testing reaction to the drone by flying it slowly towards the colony, there was no response from the shags. However, two oystercatchers and one black backed gull reacted defensively, so we moved the drone further away again (horizontally and vertically).

We recommend that as a Condition of Consent, the use of drones by guests on the site should not be permitted. We also recommend that the use of drones by site staff, or contracted professionals, should be restricted to areas that are not used by coastal birds, or that sufficient distance e.g. at least 100 m, is maintained between any birds and the drone.

- i. As for point (f), we consider that this matter is best managed outside of this consenting process.
- j. As for question (vii) above, we consider that this matter is best managed outside of this consenting process, albeit note our understanding that predator control measures can form part of the vegetation and pest management plan, as/if appropriate.

We trust that this provides the information that Council has requested.



Emily Roper
Senior Ecologist

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Plate 1: The spotted shag colony on a ledge beneath an overhang on the northern cliffs. Source – drone imagery from 75 m distance on high-powered camera zoom.

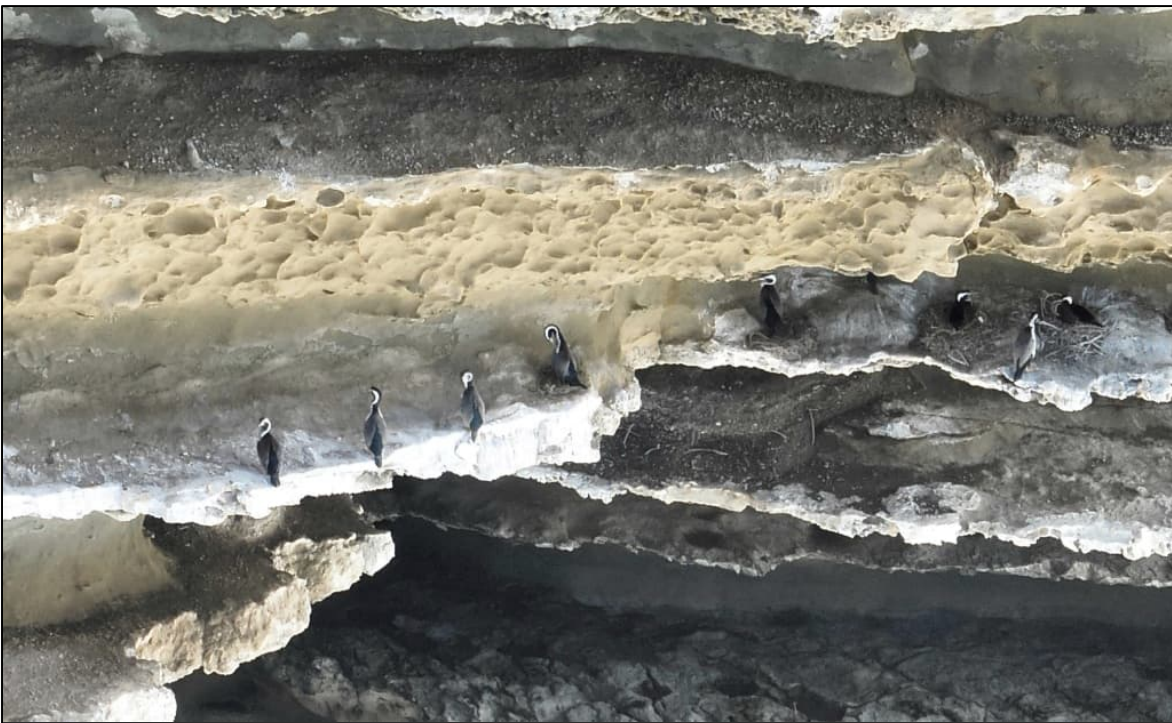


Plate 2: Close up of part of the spotted shag colony – nests are clearly visible on the right-hand side. Source – drone imagery from 75 m distance on high-powered camera zoom.



Plate 3: View of the northern cliff illustrating the distance between the drone and the cliffs. The location of the spotted shag colony is circled in red.

Appendix A

Example Conditions of Consent for managing lighting and coastal birds, from an application by TiGa Minerals and Metals Limited for resource consents. Reference WCRC: RC-2023-0046 and GDC: LUN-3154/23.

16.0 Lighting	
16.1	Lighting must not exceed 2.0 lux spill (horizontal and vertical) of light onto any adjoining property, measured at any point more than 2m inside the boundary of the adjoining property or the closest window on the adjoining property whichever is the closest.
16.2	Without limiting Condition 16.3, lighting must be designed, installed, and operated in a manner which adheres to the Australian Government's National Light Pollution Guidelines for Wildlife January 2023 (or subsequent revision); including but not limited to: <ol style="list-style-type: none"> Utilising the Seabird Light Mitigation Toolbox in Appendix G – Seabirds (Schedule 4). All fixed lighting must be directed downward, shielded to avoid light spill, with a lighting temperature of no more than 2000K, and be filtered to reduce blue and violet wavelengths. Lights must only illuminate the object or area intended. Fixed lights must be mounted as close to the ground as practicable. External lighting must be minimised on the seaward side of buildings to minimise light spill toward the coast. External lighting must use the lowest intensity lighting possible, while ensuring compliance with workplace health and safety requirements. External lighting must be equipped with light minimising technology, including motion sensors or timers. Any windows must have blackout blinds fitted and those blinds must be closed during the hours of darkness to avoid any light spill from internal lighting within buildings; and The consent holder must ensure mobile lighting within the mine site adheres to the above principles, including dipping headlights of vehicles operating on site.
16.3	The consent holder must manage lighting on the site in accordance with a Lighting Management Plan (LMP), which has been prepared by a suitably qualified ecologist in consultation with a suitably qualified lighting professional and provided to the Department of Conservation for comment prior to certification by the Consent Authority. The objectives of the LMP are: <ol style="list-style-type: none"> To ensure adverse effects of artificial lighting on wildlife (specifically the Westland Petrel) are avoided. To ensure fixed and mobile artificial lighting is managed in accordance with best-practice guidelines.¹ To enable ongoing use of the site and its environs by the birds which currently occur in the area. <p><i>Advice Note: All Management Plans are required to adhere to the requirements of Condition 6.0.</i></p>
16.4	As a minimum, the LMP must include: <ol style="list-style-type: none"> A description of the wildlife that may be present on or around the site that may be sensitive to lighting. A description of the potential lighting effects on identified wildlife. Specific lighting management actions to protect identified wildlife. Reporting requirements to enable the Consent Authority to confirm compliance with associated consent conditions. Best practice lighting design principles to avoid lighting effects on wildlife. A description of the proposed exterior and mobile lighting associated with the activity (including vehicle movements to and from the site); and

¹ National Light Pollution Guidelines for Wildlife (Australian Government, 2023).

	g. Auditing requirements to ensure that lighting is installed and operated appropriately.
16.5	<p>a. The Consent Holder must provide a detailed lighting plan to the Consent Authority and the Department of Conservation at least 20 working days prior to the commissioning of the processing plant, with an accompanying design statement, prepared by a suitably qualified lighting professional, confirming compliance with conditions 16.1 and 16.2.</p> <p>b. If the Department of Conservation considers that the detailed lighting plan does not comply with Condition 16.2, the Consent Holder must consider any reasons and recommendations provided by the Department of Conservation, amend the detailed lighting plan accordingly, and resubmit the plan to the Consent Authority and the Department of Conservation.</p>
16.6	<p>a. Within 10 working days of the heavy minerals concentration processing plant being commissioned, the Consent Holder must engage a suitably qualified lighting professional to carry out a lighting audit, to confirm that the lighting has been installed in accordance with the detailed lighting plan required by Condition 16.3.</p> <p>b. If the audit concludes that compliance with Conditions 16.1 and 16.2 is not achieved, the Consent Holder must instruct the auditor to determine what alterations are required to the external lighting to achieve compliance.</p> <p>c. The Consent Holder must undertake any alterations recommended by the auditor within 5 working days of the receipt of those recommendations.</p> <p>d. The audit report and the details of any lighting alterations intended or undertaken must be submitted to the Consent Authority and the Department of Conservation within 10 working days of receipt of the audit.</p>