RC240079 – ACG Properties Ltd – resource consent application for 'Punakaiki Wild' at 4663 State Highway 6, Te Miko – Perpendicular Point.

Neutral Submission to Buller District Council

From the West Coast Penguin Trust

10 June 2025

We do not wish to speak in support of our submission.

Submitted by Inger Perkins

[redacted]

Introduction

1. The West Coast Penguin Trust (the Trust) exists to conserve penguins, other seabirds and the coastal environment.
2. The Trust has a role as advocate for penguins, other threatened seabirds and their habitat.

Background – little penguins / kororā

1. The little penguin or kororā (*Eudyptula minor)* is the world's smallest penguin at just 35-43cm tall and weighing a little over 1kg. It is found in many places around New Zealand and is both a taonga species and a protected native species.
2. The little penguin population is declining throughout New Zealand and the species is listed as 'at risk, declining' by the Department of Conservation.
3. Little penguins commonly nest in dunes, coastal forest and scrub, farmland and rocky areas up to 200m inland and up to 500m upstream from river mouths. They nest in burrows, caves, rocky crevices, tree roots, and nesting boxes. It is common to see penguins nesting under buildings close to the sea.
4. Little penguins can be found on West Coast beaches for much of the year, whether they are breeding, moulting or resting between breeding seasons.
5. Little penguins on the West Coast will usually depart nest sites for the sea before dawn and return any time after dark, generally avoiding crossing land between sea and nest during the hours of daylight.
6. Little penguins are known to nest along the rocky coastline in the area of the consent application, sometimes in caves, between Truman Track beach and Perpendicular Point and more generally between Punakaiki river mouth area and White Horse Creek. They are also reported to be present in the small bay at the western edge of the property.

7. 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.
8. It would be helpful if any records of penguins seen/found could be kept and shared with the Trust.

Background – Westland petrels / tāiko

9. The Westland petrel or tāiko (*Procellaria westlandica*) is an endemic seabird that breeds during winter/spring in broadleaf/podocarp rainforest in the Paparoa foothills between the Punakaiki River and Waiwhero Creek.
10. The species is listed as 'endangered' by Birdlife International and as 'at risk, naturally uncommon' by the Department of Conservation.
11. The Westland petrel is the 10th most threatened seabird by fisheries bycatch in New Zealand waters. The level of bycatch while in South American waters remains unknown.
12. The species faces numerous threats both on land and at sea.
13. The attraction to artificial lights is rated as a relatively low threat but with high uncertainty around the numbers of individuals affected each year. Most petrels disorientated by lights will be fledglings on their maiden flight and most have been found between 16 November and 15 January. However, a few birds are found downed by lights between March and early November and these will be adults or pre-breeding birds.
14. Westland petrels are disorientated and downed by the lights of Punakaiki and to a lesser extent Westport, Greymouth and Hokitika.
15. Fledglings leave the colony throughout the night; adults generally leave before dawn.
16. Adult petrels are occasionally disorientated by lights; this is more likely on wet, still and/or foggy nights.
17. When disoriented by lights, petrels land beside lights or where the lights have disoriented them (e.g., vehicle headlights) in places where they are generally unable to take flight again leading to death due to vehicles, starvation or attacks by other wildlife or dogs.

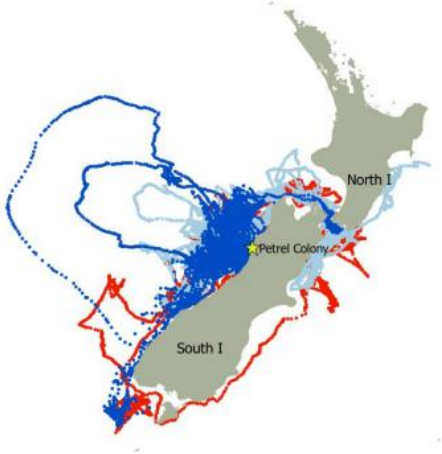

Figure 4. Tracking data from breeding Westland petrels fitted with GPS units during pre-breeding and incubation periods in 2011 (red); incubation and chick rearing in 2012 (light blue) and incubation and chick rearing in 2015 (dark blue). Susan Waugh and John Arnould unpublished data. Figure copyright Te Papa.

Fig 1: Copy of Figure 4 taken from: https://www.westcoastpenguintrust.org.nz/wp-content/uploads/2018/09/Westland-petrel-threats-report-June-2016-Kerry-Jayne-Wilson.pdf

18. The threat of any bright lights will be additional to the many threats already faced by these birds. 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[1].
19. 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.
20. Seek solutions to minimise light spill from windows especially dusk to dawn, mid-November to mid-January.
21. Prepare and implement a plan for rescuing any downed petrels in conjunction with the Department of Conservation.

Background – Spotted (or blue) shag / parekareka

22. The spotted shag (*Stictocarbo punctatus*) nests on the cliffs of the northern edge of the property. The species is classified as Threatened – Nationally Vulnerable.
23. Spotted shags build nest platforms on coastal cliff ledges and sea stacks, generally laying eggs during March/April and August/October in this region. They feed in coastal waters out to 16km.
24. They are reliant on plentiful food supplies, which can be negatively affected by marine conditions such as marine heatwaves. They are known to be susceptible to bycatch by commercial fishing operations.
25. This colony and site appears to be included in Birdlife International's list of Important Bird Areas and linked to Punakaiki and the marine reserve.

[1] https://www.dcceew.gov.au/sites/default/files/documents/national-light-pollution-guidelines-wildlife.pdf

26. It is not known whether and if so how development at the site might impact birds nesting on the cliff. It seems likely to be a low risk but it would be helpful to explore this risk and ensure any risk of disturbance is avoided.
27. Establishing regular monitoring of shags present and nesting on the cliffs, ideally monthly, would be invaluable and would contribute to understanding of the species here and then to better conservation outcomes.
28. Drones may disturb nesting birds and their use should be avoided by guests and, if essential for management purposes, avoided wherever seabirds may fly or nest.

Other coastal birds

29. We understand that little pied shags (At Risk – Relict, *Microcarbo melanoleucos*) also nest on the north facing cliffs, perhaps more commonly than the spotted shag in this location.
30. A pair of reef herons (Threatened – Nationally Endangered, *Egretta sacra*) have been reported in the area.
31. It would be helpful to establish a record of all birds seen by staff and guests. It would be of interest to guests and useful information gathering.
32. There are community predator control projects in the Punakaiki/Barrytown area and adding predator control on the property would extend that effort and be beneficial for all native species.

Comment

33. We appreciate the intention of ACG Properties Ltd to put appropriate safeguards in place for all indigenous biodiversity and to improve ecological values on the property.
34. We value recent engagement with the West Coast Penguin Trust by owners and agents.
35. We acknowledge the need to gain resource consent before investing further resources in this development project and we expect that the protection of seabirds and their habitat will be a key consideration as the project progresses, assuming consent is granted.
36. We acknowledge that the proposed development should not adversely affect little penguins or spotted or little pied shags if appropriate precautions are taken – no dogs and no drones on site for example. Future monitoring, of the shags with monthly monitoring using binoculars and encouraging visitors to record birds seen on and from the site and compiling a database, will be invaluable.
37. We take this opportunity to highlight the importance of including consent conditions that adequately prevent disturbance of and ensure protection of native wildlife, from the outset and during all construction and then operation of 'Punakaiki Wild'.
38. We expect the highest environmental standards to be met through the site restoration and construction and operation of 'Punakaiki Wild'. We will be pleased to continue to liaise with the owners and project managers to offer any guidance based on our knowledge and experience, and we recommend seeking local seabird ecological advice to advance the project.

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Inger Perkins, Manager, West Coast Penguin Trust

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