
Form 13: Submission on application concerning resource consent**Resource Management Act 1991**

To: Buller District Council

Name of submitter: Director-General of Conservation (the **Director-General**)

This is a submission on an application from ACG Properties Limited (the **Applicant**) for a resource consent.

Description of activity: Land use consent is sought to establish and operate a luxury lodge and visitor accommodation development, named 'Punakaiki Wild', at 4663 State Highway 6, Te Miko, Punakaiki. The proposed development involves a luxury lodge (comprising a restaurant, bar and spa facility), 15 self-contained accommodation cabins, a worker accommodation building, a lodge support / utility building, along with associated access, parking, infrastructure, earthworks and vegetation clearance, staged ecological restoration planting (comprising approximately 10.3ha of active regeneration) and areas of passive regeneration throughout the site. The proposal includes works within the SH6 legal road reserve to upgrade access to the site from SH6.

Trade competition: I am not a trade competitor for the purposes of section 308B of the Resource Management Act 1991.

My submission relates to: The whole application.

My submission is: I seek to ensure that: prior to any hearing, surveys of bird and lizard life that may be affected by the proposed activity and an archaeological assessment of the site are undertaken by the Applicant, in order to inform the assessment of effects and approaches to avoid, minimise, remedy, offset or compensate for adverse effects; and, if consent is granted, appropriate and

enforceable conditions are applied to manage effects on indigenous biodiversity, historic and cultural heritage, and natural coastal character and landscape values.

The Director-General's interest in the Application

1. The Director-General of Conservation (the **Director-General**) has all the powers reasonably necessary to enable the Department of Conservation (**DOC**) to perform its functions.¹ The Conservation Act 1987 (the **CA**) sets out DOC's functions which include (amongst other things) management of land and natural and historic resources for conservation purposes, preservation so far as is practicable of all indigenous freshwater fisheries, protection of recreational freshwater fisheries and freshwater fish habitats and advocacy for the conservation of natural resources and historic heritage.² Section 2 of the CA defines 'conservation' to mean *'the preservation and protection of natural and historic resources for the purpose of maintaining their intrinsic values, providing for their appreciation and recreational enjoyment by the public, and safeguarding the options of future generation'*.
2. DOC is also the authority responsible for processing applications under the Wildlife Act 1953. The Wildlife Act 1953 is likely to apply where there is risk of the proposed works disturbing absolutely or partially protected wildlife. This may mean that the Applicant needs to also apply to the Department of Conservation for a Wildlife Authority.

Reasons for the Director-General's submission

3. The Applicant has provided insufficient information, and I am concerned that the proposal does not adequately identify and address the following potential adverse effects on the environment, or how the proposal will avoid, remedy or mitigate potential adverse effects of this kind:
 - a. Effects on indigenous birds, including spotted shags, great-spotted kiwi, sooty shearwater, Westland petrel, little penguin, fernbird, long tailed cuckoo, South Island robin and New Zealand falcon.
 - b. Effects on lizards, including speckled skink, forest gecko and West Coast green gecko.

¹ Refer section 53 Conservation Act 1987

² Conservation Act 1987, section 6.

- c. Effects on an area of significant vegetation or habitat of indigenous fauna (assessed against criteria in Appendix 1 of the West Coast RPS).
 - d. Effects on historic and cultural heritage in the coastal environment, including a site of significance to Māori covering most of the site of the proposed activity, identified in the proposed Te Tai o Poutini District Plan, and an NZAA site close to the proposed activity, identified in the operative Buller District Plan.
4. My concerns have been identified following a review of the information that has been provided to date. My submission relates to the whole Application. Additional and/or more specific concerns with respect to the Application may be identified once more adequate information has been made available. Without being limited to such matters, I note the following with respect to the Application:

Avifauna

5. The Application includes two ecological assessments by RMA Ecology: a “Desktop assessment of values at Te Miko, West Coast” dated 26 August 2023 and an “Ecological Effects Assessment” dated February 2025. The 2023 desktop study states (section 2.7):
- A site-specific bird survey during appropriate seasons (such as spring) for At Risk and Threatened birds is required to determine their presence at the site, and if they use the site for breeding purposes.*
6. However, the 2025 assessment does not refer to a survey of this kind. Some field work was undertaken for this assessment, but it was limited to the following (sections 2.2 and 2.5.2):
- A site visit was undertaken on 9 & 10 September 2024, to identify ecological values at the site. Surveys of terrestrial vegetation, the potential areas of wetland, and streams on the site were undertaken, as were assessments of fauna at the site, including potential fauna habitat. ...*
- Incidental bird observations identified visually and audibly at the site during the site visit, including native and introduced species were recorded. Potential food sources and nesting habitat were noted for the purpose of estimating the potential loss of resources associated with the planned development.*
7. It is important that the site-specific bird survey recommended in the desktop study is undertaken prior to any hearing, to inform the Council’s consideration of the Application.
8. I understand that there is a breeding colony of kawau tikitiki/spotted shag (*Stictocarbo punctatus*, Threatened – Nationally Vulnerable) on the cliff shelves on the northern cliff

directly below the site (around 20m from the site boundary, and 20m down the cliff face).

Plans provided with the application indicate that the main lodge building and six of the cabins are proposed directly adjacent to the northern cliff. The breeding colony is the largest spotted shag colony on the West Coast (c. 600 pairs). It is a national stronghold population and a designated an Important Bird Area by Birdlife International, with the presence of at least 1% of the global population of this species.

9. In addition, tītī/sooty shearwater (*Puffinus griseus*, At risk – Declining) burrows may be present on the site, and it is likely that roroa/great spotted kiwi (*Apteryx haastii*, Threatened – Nationally Vulnerable) are present on the site, which is bordered to the south by the Paparoa National Park.
10. Spotted shags, sooty shearwater and great-spotted kiwi are not discussed in any detail the application (either the desktop study or the fuller ecological effects assessment), and so effects on these species are not specifically assessed or managed. I consider that these are significant omissions.
11. Other bird species that are or may be present on the site are mātātā/fernbird (*Poodytes punctatus*, At risk – Declining), koekoeā/long tailed cuckoo (*Urodynamis taitensis*, Threatened – Nationally Vulnerable), kakaruai/South Island robin (*Petroica australis*, At Risk – Declining), and karearea/New Zealand bush falcon (*Falco novaeseelandiae*, Threatened – Nationally Increasing).
12. The AEE acknowledges potential adverse effects on tāiko/Westland petrel (*Procellaria westlandica* Falla, At Risk – Naturally Uncommon) and kororā/little penguins (*Eudyptula minor*, At Risk – Declining) from lighting associated with the development, and a lighting plan is proposed to minimise artificial light spill and the risk of the development having adverse effects on fledging petrels. I consider that spotted shags may also be adversely affected by lighting. I am particularly concerned about the effects from lighting on tāiko/Westland petrel, given the risk of fledglings grounding themselves and then dying; this species only have one mainland breeding colony, close to the site.
13. I note that the AEE includes an Environmental Lighting Report prepared by 3D Lighting Design Ltd, which discusses potential adverse effects from lighting, including on birdlife, and recommends that an External Lighting Management Plan be required as a condition of consent. If consent is granted, any such plan should, as a minimum, ensure that lighting

follows the Australian Government National Light Pollution Guidelines for Wildlife (2023) to ensure the adverse effects of artificial lighting on tāiko/Westland Petrel are avoided.

14. I am also concerned that there are other potential adverse effects on threatened and at-risk birdlife from increased human activity on the site (aside from lighting), including from construction and operational noise, and from any pets that may be brought to the site.

Lizards

15. In relation to lizards, the 2023 desktop study provided with the AEE, referred to above, acknowledges that “the region is under surveyed and as a result information on lizard species populations and distributions is sparse”.
16. However, the 2025 ecological effects assessment refers only to minimal field assessment during a 2-day site visit on 9-10 September, involving “night arboreal spotlighting, visual search and manual search”. Section 5.5 of the assessment states:
No lizards were detected on site at the time of the site visit; however, it is possible that native lizards are occupying the site.
17. Advice from DOC staff indicates that there may be a small population of speckled skink around Punakaiki township. This species is the newly identified *Oligosoma* aff. *infrapunctatum* Hoki/Foulwind, which occupies open habitat including grasslands and/or coastal areas. As the species was only recognised in the last month, it does not yet have a classification in the NZ Threat Classification System (NZTCS); it will be given a preliminary rank in August this year. In addition, forest gecko *Mokopirirakau granulatus* (At risk – Declining) and West Coast green gecko *Naultinus tuberculatus* (Threatened – Nationally Vulnerable) could also be present in forested areas.
18. I consider that a comprehensive site survey is required, to fully understand lizard presence at the site. This survey should be undertaken by an expert herpetologist, using appropriate techniques and duration, based on the types of habitat that are affected.
19. Presence, or likely presence, of lizards, based on the herpetologist’s expert view, would then inform what lizard management is needed (if any), and whether approvals are required under the Wildlife Act. If management is needed, the details should be outlined in a Lizard Management Plan that could be used as a basis for both resource consent and Wildlife Act authority applications.

Area of significant vegetation or habitat of indigenous fauna

20. The 2025 ecological effects assessment states (section 3.5.1):

The operative Buller District Plan does not identify the site as a Significant Natural Area (SNA), however it does identify the site as a Paparoa Character Area³. The process of identifying SNAs on private land in the West Coast region is relatively recent and therefore the vegetation and habitats at the site which could be impacted by the proposed development were assessed against the ecological significance criteria in Appendix 1 of the West Coast RPS.

21. The assessment indicates that the site is considered to meet ecological significance criteria in the RPS.

22. In addition, as indicated in the discussion of birdlife and lizards above, I consider that there may be further at-risk and threatened bird and lizard species present at or in the immediate vicinity of the site, which have not yet been identified by the Applicant. If these species are present, this will be relevant to an assessment of the site's ecological significance. Therefore, the surveys requested in the sections above are necessary to fully assess and manage potential effects from the proposed activity on areas of significant indigenous vegetation and significant habitat of indigenous fauna.

23. Although the proposal does not involve the clearance of large areas of vegetation, effects from increased human activity, noise, lighting and pets may still result in adverse effects on significant ecological values at the site.

Historic and cultural heritage

24. The Application acknowledges that:

The site is located within SASM 30 [a Site of Significance to Māori, recognised in the proposed Te Tai o Poutini District Plan], identified as ara tāwhito, representing the traditional travel routes whereby the coastline between Mawhera/Greymouth and Kawatiri/Westport was traditionally a key pathway for pounamu trading and mahinga kai, especially inshore fishing.

...

³ Paparoa Character Area is identified in the Buller District Plan as an area where "Protection is given to indigenous vegetation and to water quality, coastal character, historical and cultural resources." (BDP, section 5.4.1.2)

The site is also subject to an overlay under the BDP [operative Buller District Plan] identifying the sea caves in the cliff-face on the northern boundary of the site, whilst these are not within the site as such, the proposed development must be carefully considered within their context.

25. The sea caves referred to here are also recognised by the New Zealand Archaeological Association as site K30/7: “Cave/rock shelter; Recorded as large cave with four oven sites. Stone artefacts found and the ground was strewn with burnt mussel shell.”
26. The presence of the SASM highlights the fact that further archaeological sites may exist within the site, in addition to the sea caves to the west. However, no archaeological assessment is provided with the application. Therefore, I consider that the AEE does not adequately identify potential effects on historic and cultural heritage values in the coastal environment.
27. To inform the Council’s consideration of the consent application, the applicant should undertake an archaeological assessment of the whole site, taking into account both the Site of Significance to Māori and the NZAA site. I note that the SASM overlies the bulk of the site.

Natural character and landscape values in the coastal environment

28. In addition, I am concerned that the proposal, which involves multiple new buildings with a total floor area of around 1855m², along with earthworks of approx. 3365m³ cut and 2469m³ fill, will have adverse effects on the natural character and landscape values of the site. I note that, in the Proposed Te Tai o Poutini District Plan, the site is located within both an Outstanding Natural Landscape in the coastal environment, and a High Coastal Natural Character overlay.
29. The site is also identified in the operative Buller District Plan as part of the Paparoa Character Area, which “encompasses the area of the Paparoa coast where the scenic values of the coastal landscape are particularly high.”

Conclusion

30. Overall, as currently configured, I consider that the application is contrary to the provisions of the Operative Buller District Plan, Proposed Te Tai o Poutini Plan, and relevant higher order documents, including but not limited to:
 - a. New Zealand Coastal Policy Statement 2010:
 - i. Policy 2 in relation to the identification, assessment, protection and management of sites of significance or special value to Māori, including by historic analysis and archaeological survey;

- ii. Policy 3 in relation to adopting a precautionary approach to activities whose effects are uncertain but potentially significantly adverse;
 - iii. Policy 6 in relation to activities in the coastal environment, including the use of methods such as setbacks and buffer areas to protect natural character, indigenous biological diversity and historic heritage values;
 - iv. Policy 11 in relation to indigenous biological diversity in the coastal environment, including the need to avoid adverse effects of activities on indigenous taxa that are listed as threatened or at risk in the NZTCS;
 - v. Policy 13 in relation to the natural character of the coastal environment;
 - vi. Policy 15 in relation to outstanding natural landscapes in the coastal environment; and
 - vii. Policy 17 in relation to historic heritage in the coastal environment.
- b. National Policy Statement for Indigenous Biodiversity 2023:
- i. Policy 8 in relation to maintenance of indigenous biodiversity outside SNAs (noting that, although the site has been assessed as meeting the RPS ecological significance criteria, it does not qualify as an SNA under the NPSIB definition, as it is not yet scheduled);
- c. West Coast Regional Policy Statement 2020:
- i. Objectives 4 and 5 of Section 4, in relation to historic heritage and cultural landscapes, and associated policies;
 - ii. Objectives 2 and 4 of Section 7, in relation to ecosystems and indigenous biological diversity, and associated policies;
 - iii. Objective 1 of Section 7B, in relation to natural features and landscapes, and associated policies; and
 - iv. Objective 1 of Section 9, in relation to indigenous biological diversity, natural character and natural features and landscapes in the coastal environment, and associated policies;
- d. Operative Buller District Plan:
- i. Objective 4.6.7.1 regarding protection of places and sites of historical and cultural value, and associated Policy 4.6.8.4 regarding assessments of impact on places of historical and cultural value;
 - ii. Objective 4.7.5.1 regarding maintenance of the natural character of the coastal environment, and associated Policy 4.7.6.1 regarding tight control of development within the Paparoa Character Area;

- iii. Objective 4.8.6.1 and associated policies regarding protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;
 - iv. Objective 4.9.3.1 regarding protection of outstanding landscapes, and associated Policy 4.9.4.1 regarding discouragement of activities that would significantly alter the character of outstanding landscapes.
- e. Proposed Te Tai o Poutini Plan:
- i. Objective CE-O1 and associated policies regarding preservation of the natural character, landscapes and biodiversity of the coastal environment;
 - ii. Objectives ECO-O2 and ECO-O4 and associated policies regarding maintenance and enhancement of areas of significant indigenous vegetation and significant habitats of indigenous fauna, and maintenance of the range and diversity of ecosystems and indigenous species found on the West Coast/Te Tai o Poutini;
 - iii. Objective SASM-O3 and associated policies regarding protection of the values of sites and areas of significance to Māori;
 - iv. Objective HH-O1 and associated policies regarding protection of the historic heritage of the West Coast/Te Tai o Poutini; and
 - v. Objective NFL-O1 and associated policies regarding protection of the values of outstanding natural landscapes.

31. The application is contrary to the provisions of the RMA, particularly sections 5, 6(a), 6(b), 6(c), 6(e) and 6(f).

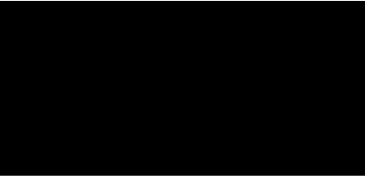
Decision sought

32. I seek the following decision from the Council:

- a) Prior to any hearing, surveys of bird and lizard life that may be affected by the proposed activity and an archaeological assessment of the site must be undertaken by the Applicant, in order to inform the assessment of effects and approaches to avoid, minimise, remedy, offset or compensate for adverse effects; and
- b) If the consent authority is minded to grant the application, that it imposes appropriate and enforceable conditions to manage effects on indigenous biodiversity, historic and cultural heritage, and natural coastal character and landscape values.
- c) I also seek such alternative and/or additional relief as may be necessary and appropriate to address my concerns.

I do wish to be heard in support of my submission.

If others make a similar submission, I will consider presenting a joint case with them at a hearing.



Suvi van Smit

Operations Manager, Buller District

Western South Island Region

Acting pursuant to delegated authority on behalf of the Director-General of Conservation.

Date: 10 June 2025

Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011.

Address for service:

Attn: Jane Macleod, Senior Resource Management Planner



Department of Conservation

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