
Form 13: Submission on application concerning resource consent

Resource Management Act 1991

To: West Coast Regional Council

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

This is a submission on an application from West Coast Regional Council (the **Applicant**) for a resource consent.

Description of activity: The proposed activity involves the replacement of temporary rock protection and the extension of the existing seawall for a further 1,100m primarily on Legal Road reserve fronting the beach, between Stafford Street and Richards Drive, Hokitika.

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 am neutral on the application.

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'*.

¹ Refer section 53 Conservation Act 1987

² Conservation Act 1987, section 6.

2. DOC is also the authority responsible for processing applications under the Wildlife Act 1953. I understand that approvals under that Act may be required for the Proposal prior to construction commencing.

Reasons for the Director-General's submission

3. The area of the proposed works provides habitat for Blue Penguin/Kororā. It is important that the construction and long-term operation and maintenance of the rock protection works consider and mitigate potential adverse effects on this species.
4. It is noted that the existing erosion of the dune areas has created barriers for Kororā accessing refuge and nesting habitats at the back of the beach, so the installation of rock protection works will need to ensure access for penguins to this area of the beach is restored and maintained.
5. The timing of works, both during the day and for the duration of the project, is important to ensure adverse effects on penguins are avoided.
6. We appreciate the input to the application by the West Coast Penguin Trust (WCPT) regarding penguin. The Department fully supports the recommendations of WCPT and the mitigation proposed, as set out at page 35 of the application Assessment of Environmental Effects.
7. The Department expects that the proposed mitigation is translated into conditions of consent for the construction activities in particular, as they do not feature currently in the conditions proposed in the application.
8. The Department also supports minimising indigenous vegetation removal and restoration of vegetated areas for the purpose of maintaining the value of the area as a habitat.
9. It is noted that there is no consideration of the potential for lizard species and their habitat to be disturbed as part of the proposed works. Hokitika skinks are likely to be present in this area. The Department recommends the applicant survey the works site and manage the works to minimise disturbance of the habitat. An authorisation under the Wildlife Act will be required if any capture and relocation of lizards or to otherwise cause them harm is required as part of the works.

Decision sought:

10. I seek that suitable conditions are imposed on these consents to implement the mitigation and protocols for minimising adverse effects on Korora as recommended by the WCPT.
11. I also seek that further consideration be given to addressing potential effects on lizard species in the conditions of consent.

I do not wish to be heard in support of my submission.

Owen Kilgour

Manager Operations, Hokitika District.

Acting pursuant to delegated authority on behalf of Penny Nelson, Director-General of Conservation

Date: 7/7/2023

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: Amelia Ching, Planner, Department of Conservation

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