



HOKITIKA SEAWALL EXTENSION – CONSENT APPLICATION

RC2022-0039 and 220053

Submission

From: West Coast Penguin Trust

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The West Coast Penguin Trust

- is neutral towards the application
- wishes to be heard at any hearing
- would consider making a joint case with others making similar submissions
- requests electronic copies of the S.42A Officer's Report and of the Decision once it is released.

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.
3. The Trust was approached to survey the project area for little penguins / kororā (*Eudyptula minor*) and to create protocols that the WCRC and the seawall building contractors could adhere to as and when rock protection is installed.
4. At the time of the survey, May 2021, the beach was cutting with a steep erosion cliff in many places. Emergency rock protection was installed in September 2021 and sand accumulated covering most of it soon after, as a bulge of sand moved north up the beach.
5. As rocks were installed in September 2021, in the middle of the little penguin / kororā breeding season, residents on the beach side of Revell Street immediately alerted the Trust, concerned that penguins would not be able to access their nest sites that night. Contractors understood the situation very quickly and added smaller rocks and sand the same day and subsequently to ensure penguin access was provided where necessary.

Comments

6. We appreciate the inclusion of little penguins / kororā in the consent application and proposed conditions.

7. We continue to see penguin tracks on the town beach.
8. The map below – Figure 1 - shows known penguin activity and nest sites in recent years.



Fig 1: Proposed Hokitika seawall extension area showing penguin sites – penguin reports/tracks and nest sites – blue dots, dead penguin reports – yellow flags.

9. The Trust is concerned that the proposed structure, if built under current conditions, would result in the loss of dune and vegetation, including flax, scrubby vegetation and some trees. The dunes and vegetation provide access and shelter for both humans and penguins as well as weka and occasionally seals. Without any pressing need for rock protection, such disturbance and loss, which would be considerable, is unnecessary.
10. The revised AEE (August 2022) includes, under 5.3.2, fifth paragraph:
“Some voids within the rocks placed on the wall (where exposed) may provide additional habitat and refuge for penguins once constructed.”

This contradicts advice provided by WCPT and noted in the third paragraph of this section, as the rock will be subject to wave action. Nesting in rock walls does occur in other parts of the country, notably Napier Port and Port Taranaki in Golden Bay.

11. For known or newly discovered penguin sites, a condition of consent must be to ensure that penguin access is reinstated before the end of the day when it has been disturbed through excavation or rock placement.
12. The proposed design of the rock protection includes sandy material being placed over the rocks. Storms could remove the loose covering material and it may be that a response is required within hours to reinstate penguin access. Checks could be made of the rock wall following storm events but whether from council or contractor checks or reports from the public, loss of access will need to be remedied before the end of the day. If there are no obvious erosion issues, an annual check during early June to ensure penguin access was not impeded prior to the breeding season would be sensible. It may be that permanent access will need to be provided if loose material will not remain in place. These responses will need to be covered in consent conditions.
13. We note that the use of a trained/approved conservation dog to assess penguin presence on a regular basis would be ideal but we acknowledge that such trained dogs are in very short supply. We suggest that one survey by a trained dog, during the period of breeding or moulting – June to March and prior to any works would be invaluable. In addition, daily pre-construction checks will be essential where any dune vegetation or structures will be disturbed or destroyed as well as where any vehicles or rocks have been left in the area overnight. In addition, we recommend penguin surveys along the beach in the 2-4 weeks prior to disturbance; observers to be familiar with penguin sign.
14. During any excavation, there must be no dumping or stockpiling of materials onto vegetated areas.
15. Seabirds foraging in New Zealand waters are increasingly at risk from plastic waste. Our preference is that rock protection is only installed when absolutely necessary, when erosion reaches an agreed point so that construction and the necessary excavation will not result in the loss of dunes and vegetation. Such erosion or such excavation could release rubbish dumped within the legal road area over past decades. In either scenario, it will be essential to remove any such rubbish to landfill before it can be washed or blown out to sea.

Recommendations

16. If the application is approved and implemented, the following protocols should apply for the proposed rock protection works and should be included in the consent conditions directly or via a Penguin Management Plan.

Please note, protocols have been updated since they were supplied with our survey report in June 2021.

1. PROTOCOL – survey, checks and timing

- i. A survey of the entire project area for penguin nests to be undertaken during the breeding or moulting season (mid-June to March) using an appropriately trained conservation dog, prior to work commencing.

- ii. Seawall work would ideally occur between March 16 and June 15 during daylight hours. We have a high degree of confidence that this is outside the penguin breeding and moulting seasons. However, penguins may still be present, so daily inspection with a torch (to look into holes) of the work area and any stockpiled rock to be performed to confirm the presence / absence of penguin. If penguins are detected, the West Coast Penguin Trust (WCPT) or a DOC Ranger to be contacted to assess the situation.
- iii. For seawall construction work outside the recommended period, daily checks of the beach along the area to be disturbed must be checked for penguin tracks on consecutive mornings for at least seven days in the 2-4 weeks prior to confirm or identify any new areas where penguins are active. Checks will be scheduled for days with low tide between approximately 4.30 and 9.30am and avoiding heavy rain that could wash out tracks if possible, skipping such days if appropriate. Early morning monitoring requires tide to be low to be able to see penguin tracks in the freshly washed sand and for observer safety.
- iv. In addition, a daily person search, with a torch, of the work zone for the day would need to be performed to confirm penguins are not present.
- v. The 'searcher' for points (ii) to (iv) above should be trained by the WCPT or DOC to identify penguin sign and have weekly contact with WCPT and DOC to discuss the penguin / project situation along Hokitika Beach.
- vi. Where penguins are found, they should not be disturbed.
- vii. Where penguins are present, access to nests in the foreshore habitat must be maintained overnight, every night. This could be in a temporary fashion if required, and the WCPT and/or DOC should be involved in this process.
- viii. Priority will always to be avoid disturbing penguins, in particular breeding penguins, and removal would only ever occur as a last resort where penguin lives are at risk, with the input of both DOC and WCPT.
- ix. Rock piles to be avoided, if possible, but if necessary, they are to be fenced with temporary small mesh fence to stop penguins seeking refuge amongst the boulders.

2. PROTOCOL – where little penguin refuge habitat exists, access ways to be maintained

- i. At the known existing penguin access sites, if lasting access cannot be created with natural materials, shotcreted paths to be created for penguin access into the foreshore environment. Paths to be between 1-2m in width with the lower third of the rock wall path to widen to 4m. No holes to deep cavities on path edges. If steps are required, they are to be no higher than 20cm, though ideally avoided, and the path angle to be against the prevailing sea and wind conditions from the south west.
- ii. In addition, at two or three sites where suitable foreshore habitat is present as well as if penguin sign is seen at other locations leading up to and during the construction project, similar paths to be created in conversation with WCPT and/or DOC Rangers. These angled paths will allow continued safe penguin access to refuge within the foreshore area.

3. PROTOCOL – where penguin refuge sites are compromised, additional artificial refuge sites to be put in place

- i. Locate nest boxes within the foreshore habitat associated with each of the existing and additional landing sites/shotcrete paths. Nest boxes to be located with the aid of the WCPT or DOC. Plantings may be necessary to shade the nest box sites. Nest boxes not to be located under buildings and to be weka proof (using WCPT design that has longer entrance than standard DOC design) and dog proof (largely buried with roof nailed on and weighted down).

4. PROTOCOL – where seawall construction exacerbates adjacent erosion and compromises breeding penguins, discussion on possible mitigation to occur

- i. If water movement and associated erosion off the end of the seawall compromises any known penguin access to the north, mitigation options to be discussed with WCPT and DOC.

5. PROTOCOL – no dogs

- i. No dogs on construction site

6. PROTOCOL – areas beneath buildings to be made safe from refuging little penguins for their safety and for building health

- i. To discourage nesting and moulting under adjacent buildings, it is recommended that the adjacent house owners mesh or board up the understorey of their buildings
- ii. However, where an existing nesting site beneath a building is known, allowing that to continue would be preferable with the support of the owners.

7. PROTOCOL – record keeping

- i. A check sheet to be developed and completed for all required checks.



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