
Form 13: Submission on application concerning resource consent

Resource Management Act 1991

To: Central Otago District Council

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

This is a submission on an application from Te Ao Marama (the **Applicant**) for a resource consent.

Description of activity: The applicant proposes to subdivide Lot 1, DP 590633 containing 209.6570 hectares (ha) into eight allotments creating 7 additional Records of Title and 7 building platforms. It is also proposed to undertake a boundary adjustment with an adjacent property, and to upgrade access to Lots 5 - 8 from Hawley Road.

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

My submission relates to: Effects on ecological values that may be present on site.

My submission is: I seek to ensure that if consent is granted appropriate measures are in place to adequately address effects on threatened and at-risk flora and fauna that may be present on site, as required by relevant planning provisions.

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

¹ Refer section 53 Conservation Act 1987

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. It is an offence under the Wildlife Act 1953 to handle, capture, relocate, injure, or kill protected species without lawful authority. The Wildlife Act 1953 will apply to activities around any protected species identified on site.

Reasons for the Director-General's submission

3. I acknowledge the extensive work undertaken by the applicant to manage wilding pines on site and support the proposal to place 180 ha of the site into a QEII covenant to protect the majority of the site from further building development or subdivision and to facilitate the ongoing control of wilding pines and restoration of indigenous vegetation.
4. However, I consider that the that the Application does not contain adequate information to determine the extent and significant of ecological values present within the site and subsequently does not sufficiently address how these values could be affected by the proposal and how any adverse effects may be managed.
5. The decisions sought in my submission are required to ensure that, the decision-maker:
 - a. recognises and provides for the matters of national importance listed in Section 6 of the Resource Management Act 1991 (the **Act**); and
 - b. has particular regard to the intrinsic values of ecosystems as required in Section 7(d) of the Act.
 - c. has particular regard to relevant provisions in the National Policy Statement for Indigenous Biodiversity 2023 (NPS-IB) and the Otago Regional Policy Statement 2021 (ORPS).
6. Without being limited to such matters, the Director-General notes the following with respect to the Application:

² Conservation Act 1987, section 6.

Terrestrial indigenous biodiversity

7. I am concerned that the Application does not adequately identify threatened or at-risk species that may be present on site as no formal ecological assessment has been undertaken for the site. Areas of concern include building platforms, any curtilage and associated infrastructure and proposed native planting areas.
8. The Application includes email correspondence with a Regional Representative of the QEII National Trust regarding a walk-through assessment of the 182 ha area of site to be placed under a QEII covenant. The assessment was undertaken in September 2024 and confirmed that the area supported 7 At-Risk vascular plant and lichen species, though the location of these plants has not been provided.
9. DOC notes that similar habitat around Alexandra supports numerous rare species, with several records of threatened and at-risk species (*Colobanthus brevisepalus* (Pin cushion), *Myosurus minimus subsp. novaezealandiae* (New Zealand mousetail), *Puccinellia raroflorens* (Saltgrass), *Ceratocephala pungens* (Ranunculaceae), and *Myosotis brevis*) identified within Blackmans Conservation Area, located less than 1.5 km from the site.
10. Given the above, I consider that there is potential for threatened and at-risk plant species to be present on site, including within areas outside of the proposed covenant area.
11. I also consider that lizards may be present on site due to records showing gecko and skink have been identified within 10km of the site.
12. Section 6(c) of the Act requires that all persons exercising functions and powers under it shall recognise and provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. As the Application does not provide sufficient information to assess the ecological values of the site, it fails to give effect to Section 6(c) of the Act.
13. Section 7(d) of the Act requires that all persons exercising functions and powers under it shall have particular regard to the intrinsic value of ecosystems. The failure of the Application to assess potential effects on terrestrial indigenous biodiversity means that the applicant is not giving effect to Section 7.
14. Policy 8 of the NPS-IB directs that the importance of maintaining indigenous biodiversity outside Significant Natural Areas is recognised and provided for.

15. ECO Policy 3 of the ORPS directs that Significant Natural Areas (SNA) be protected by first avoiding specified adverse effects and protecting indigenous species and ecosystems that are toaka, then applying the effects management hierarchy.
16. ECO Policy 6 of the ORPS directs that in areas outside of SNAs Otago's significant adverse effects on indigenous biodiversity are to be managed by applying the effects management hierarchy and that for all other adverse effects the maintenance of indigenous biodiversity is required.
17. To ensure consistency with the above planning provisions, it is recommended that a suitably qualified and experienced botanist with expertise in Central Otago drylands and 'spring annuals' undertake a survey of the site to identify any indigenous vegetation present. Surveys should be undertaken in October or November when 'spring annuals' are most conspicuous.
18. It is also recommended that a survey be undertaken to assess the presence of lizards and lizard habitat on site.
19. Once indigenous biodiversity values have been identified, the Applicant should assess whether any areas of the site meet the criteria for a significant natural area detailed in Appendix 2 of the ORPS. For areas that meet the criteria for SNAs, the Applicant should demonstrate how SNAs will be protected in accordance with ORPS ECO-P3, noting the applicant proposes a QEII covenant over much of the land. For any areas outside of SNAs, the Applicant should demonstrate how any adverse effects on indigenous biodiversity will be managed in accordance with ORPS ECO-P6 by applying the effects management hierarchy to any significant adverse effects and by managing all other adverse effects to maintain indigenous biodiversity.

Decision sought

20. I seek the following decision from the Council:
 - a) If the consent authority is minded to grant the application, that it imposes the following requirements:
 - i. ecological assessments be undertaken to accurately identify species present on site and their ecological significance, to ensure adverse effects on ecological values are adequately avoided, minimised, or remedied as appropriate, and to inform and quantify any necessary offsets or compensation, and

- ii. suitable conditions and compensation to address my concerns.
- 21. I also seek such alternative and/or additional relief as may be necessary and appropriate to address my concerns.
- 22. I support the Applicant's proposal to register a QEII covenant on 182 ha of land to facilitate the ongoing restoration of indigenous vegetation within the site.
- 23. DOC would be happy to discuss this submission and the relief sought with the Applicant at a suitable time.

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.



Charlie Sklenar

Manager Operations

Central Otago Region | Pou Matarautaki

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

Date: 4 May 2026

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: Leah McEnhill, Planner

lmcenhill@doc.govt.nz and cc to: RMA@doc.govt.nz

+64 27 379 0020

Department of Conservation

Private Bag 4715

Christchurch Mail Centre

Christchurch 8140