

Auckland Unitary Plan

# Standard Conditions Manual

## Lizards

### Disclaimer

*The information in this Standard Conditions Manual is, according to Auckland Council's best efforts, accurate at the time of publication. Auckland Council makes every reasonable effort to keep it current and accurate. However, users of the Conditions Manual are advised that:*

- *Although the conditions are "standardised", in the sense that they should be applied consistently where they are required, this does not mean that they should all be applied in every instance. Applicants need to consider the nature of the activity, and the characteristics of the site and its surroundings in considering whether to apply each and every condition.*
- *The standard conditions should be used with caution as a starting point from which appropriate conditions for the individual consent should be drafted to align with the requirements of ss108, 108AA and 220 of the Resource Management Act 1991.*
- *Further guidance as to whether to apply the conditions are included in the guidance notes that accompanies each condition.*
- *Users should take specific advice from qualified professional people before undertaking any action as a result of information obtained in this Standard Conditions Manual.*
- *Auckland Council does not accept any responsibility for, or liability whatsoever whether in contract, tort, equity or otherwise (including negligence) arising from the use of, or reliance on, this Standard Conditions Manual. This includes, without limitation, any liability arising from any error, or inadequacy, deficiency, flaw in or omission from the information provided.*

# Overview

## Introduction

These conditions relate to the management of native lizards, this includes both geckos and skinks.

Applications should also be aware of the Wildlife Act 1953 and the controls placed upon any person working with protected wildlife species under the Act. See advice note below.

## Which conditions should I use?

There are two main sets of lizard (Herpetological) conditions set out below:

- Scouting and rescue conditions; and
- Lizard Management Plan conditions.

## Explanation of scouting and rescue conditions

The Scouting and Rescue Conditions relate to consents where minor or small scale vegetation clearance (habitat removal) is being consented. In these cases we should only impose conditions which are commensurate with the scale of the development proposed. We can therefore choose to impose conditions which aim to look for and relocate native geckos and skinks during a scouting/surveying stage and/or rescue native skinks and terrestrial geckos (ground foliage dwelling) and any native arboreal geckos (tree dwelling) while the vegetation removal is actually happening.

Your expert ecologist will be able to give you good advice as to the likelihood of presence of lizards (once we build up better understanding of lizard location based on Amphibian/Reptile Distribution Scheme (ARDS) card information (gathered as a result of these conditions) we can present better evidence of the presence of lizards in the Auckland Region). The applicant should also have addressed the presence of lizards as part of their AEE.

Should the expert ecological advice be challenged by the applicant i.e. the expert evidence from council's expert and the applicant's expert is contradictory and you cannot be sure, you can impose Condition 1. This condition provides that if no lizards are found during scouting/surveying (Part A), then they do not need to carry out any rescue (Part B). Applicants may prefer this condition if they are adamant that there are no lizards present and they would like to prove this.

However, your applicant may wish to agree that there is the potential for lizards to be present on site and simply go straight to Condition 2 without having to go to the expense of applying Condition 1 to confirm whether lizards are present. You should discuss this with the applicant at the time you are sharing conditions with them prior to issuing the decision.

Costs associated with the scouting/surveying may be larger than the costs associated with rescue during vegetation removal. Use your discretion.

Conditions 1 or 2 are to be used in those cases where relocation will be to another habitat on the same site as the development works will occur on. This method is designed to be a low cost way to ensure that many of the native lizards on site are removed from the development area and placed safely in a similar habitat elsewhere on the site. The work needs to be done by a Council approved ecologist/herpetologist.

### **Explanation of lizard management plan conditions**

The Lizard Management Plan conditions relate to works of a larger scale where a significant amount of vegetation is being cleared (habitat destroyed) or for small scale developments when native lizards will need to be transferred off site. In these cases a Lizard Management Plan will need to be tailor-made to each situation and show the method by which the native lizards will be surveyed, captured and relocated. This is a more costly condition, but in complex circumstances, it provides more certainty that the council is meeting its duties to achieve the objective of maintenance of biological diversity which is required by the RMA (s31(1)(b)(iii)) while also ensuring that the council is not being overly onerous on consent holders.

Please check with your ecologist to decide which of the above sets of conditions are appropriate for the consent you are dealing with. Also see the Practice Note on Lizard Management on the council intranet.

Any native lizard rescue/relocation should have a condition requiring the reporting to the council of the presence (or absence) of native lizards. An ARDS Card condition should always therefore be imposed. This helps the council keep a track of native lizard populations. We are imposing conditions under the RMA therefore our condition should only relate to council rather than DOC who operate under the Wildlife Act and also require ARDS card information.

Various miscellaneous lizard management conditions have also been included in this section, please check with your specialist ecologist before imposing any of these conditions.

Monitoring officers should check with the Team Manager Ecological Advice with regard to certifying conditions in this section.

### **Advice notes**

Advice Note 1 should be included in all consents where native lizards may be present.

Advice Note 2 should be included in all consents that require native lizard management conditions.

# Scouting & Rescue Conditions

## Overview

These conditions can be imposed for small scale vegetation clearance. The purpose of these conditions is to allow for the capture and relocation of native lizards on site in a way which is commensurate with the amount of development being consented. These conditions should be imposed on small scale vegetation clearance e.g. single dwelling or two lot subdivision where there is suitable habitat on site to which native lizards can be relocated. For larger scale clearance and habitat destruction or when no suitable on site location is available for lizard relocation please refer to the conditions below requiring a Lizard Management Plan (LMP) (see your ecologist specialist for more information about whether to impose the more restrictive conditions below). For any consent that requires potential relocation of lizards off site to another location please use the LMP conditions below. This is because translocations are inherently more risky in terms of potential for extinction of sub populations of lizards and caution must be taken. The identification of a suitable location for lizard release, either on or off site, should be specified in the consent application and/or AEE. This should not be left to a condition. If a suitable release habitat is not located on site then the inclusion of a condition requiring a full LMP should be considered.

The capture and relocation of lizards is also controlled by the Wildlife Act 1953 and any person undertaking such work must be certified by the Department of Conservation. Generally people certified by DOC will be acceptable to the council; however we have included a section in the condition to ensure that the council is happy with the person carrying out the works.

Lizards can be both nocturnal and diurnal, so it is important that spotlighting is done at night so that the nocturnal tree geckos can be captured and released. Skinks and occasionally some geckos live in ground foliage and will be captured during daytime habitat removal and using ACO's and/or pitfall trapping and physical searching etc.

## Condition 1: Scouting / surveying and rescue condition

- A.** The consent holder must employ a suitably qualified and experienced ecologist/herpetologist acceptable to the council, who must carry out the following actions prior to the commencement of removal of vegetation from the site:

### Skinks

- i. Place Artificial Cover Objects or Live Capture Traps (e.g. pitfall traps or funnel traps\_which need to be checked daily by a suitably qualified and experienced ecologist/herpetologist) on site for a continuous period of **at least five days and nights (check with your expert ecologist)**, or
- ii. undertake any other scouting/surveying method agreed with Council.

All native skinks captured must be relocated to a suitable location on site.

### Geckos

- i. spotlight for **a minimum of three (check with your expert ecologist) night(s)** in climatic weather conditions that the expert considers are appropriate; or
- ii. undertake any other scouting/surveying method agreed with the Team Leader Compliance Monitoring [specify area].

Geckos able to be removed must be relocated to a suitable location on site.

- B.** Following the scouting/surveying required above, if any native lizards are found to be present on site, a suitably qualified and experienced ecologist/herpetologist acceptable to the council, must be onsite to supervise any vegetation removal in order to search for and rescue any native lizards found and to relocate them to the alternative location(s) on the site.

### *Guidance Note:*

*This condition can be applied on small scale development where there is a dispute concerning the presence of lizards on the site. Ideally the presence of lizards should have been raised in the Applicants AEE and peer reviewed by Council's ecologists.*

*Part A of this condition establishes whether there are lizards present and if not Part B would not apply. Please ensure that both parts (A and B) are imposed in case lizards are found on the site. Relocation of lizards found while scouting and surveying will not be sufficient to ensure that as many lizards as possible are safely relocated from the development area, a rescue component (Part B) must also be ensured, see RMA (s31(1)(b)(iii)).*

*When imposing Condition 1, above, please check with the Council expert ecologist as to what length of time is appropriate for the surveying/scouting. The*

*number of nights of survey that may be required beyond the minimum will depend on the quantity of vegetation clearance.*

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### **Condition 2: Search and rescue during vegetation removal**

A suitably qualified and experienced ecologist/ herpetologist acceptable to the council, must be onsite to supervise all and any habitat removal in order to search for and rescue any native lizards found and relocate them to a suitable alternative location on the site.

#### *Guidance Note:*

*This condition can be applied on small scale development where the applicant has conceded that there could be lizards present on site and does not want to go through the surveying/scouting (Part A) of Condition 1 above. Ideally the presence of lizards should have been raised in the Applicants AEE and peer reviewed by Council's ecologists. There should be a discussion with the applicant and Council at the time of condition sharing prior to the release of the decision whether you are going to impose a surveying/scouting component or just a rescue approach.*

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### **Condition 3: Reporting to Council**

Upon completion of works, all findings resulting from the **scouting and (delete as appropriate) search and rescue during vegetation removal** condition must be recorded by a suitably qualified and experienced ecologist/herpetologist approved by Council on an Amphibian/Reptile Distribution Scheme (ARDS) Card (or similar form that provides the same information) and sent to Council.

#### *Guidance Note:*

*This condition should be applied on all consents where either Condition 1 or 2 above has been imposed. This condition requires that a record be kept of lizards found (or not found). It is a Department of Conservation requirement imposed under the Wildlife Act that ARDS Cards are completed, so it is something that consent holders will be doing anyway, if they are complying with obligations imposed on them by DOC. Provision of the information to the council will improve the council's records of lizard locations.*

# Lizard Management Plan Conditions

## Overview

These conditions can be imposed for large scale vegetation clearance or when lizards need to be trans located off site. Use Version A where there is dispute as to the presence of lizards. Ideally the presence of lizards should have been raised in the Applicant's AEE and peer reviewed by Council's ecologists. Use Version B where lizard populations are known to be present on site or where the agreed ecological advice is that lizards are likely to be present on site. The condition below clearly states what the objective of the LMP is and what should be included in it. This document will be reviewed by Council's ecologist rather than the Monitoring officers as the ecologists have specialist expertise in this field. Reporting Condition 6 below should be added to both Version A and B in order to ensure that if a LMP is implemented the ARDS card is correctly logged. These conditions put the onus on the consent holder to employ a suitably qualified person (acceptable to the council) to determine the presence of lizards, write a LMP and implement it correctly. This ensures that the responsibility for lizard maintenance lies with the professional reputation of the consent holder's ecologist or herpetologist and encourages that person to monitor the implementation of the LMP correctly.

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## Condition 4: Lizard management plan required (Version A)

- A.** Prior to the commencement of any vegetation removal works the Consent Holder must present to Council, information (based on industry best practice survey methods), from a suitably qualified and experienced ecologist/herpetologist employed by the consent holder and who has been approved by the council, that identifies whether there are sufficient numbers of native lizards, geckos or skinks (or both) present on site to trigger a requirement that a Lizard Management Plan (LMP) be prepared, certified and implemented.

A LMP will need to be prepared if the survey results in the detection of:

- 1 or more individuals of a threatened native lizard species or;
- 3 or more individuals of a common native lizard species.

- B.** If the survey, in (A) above, detects native lizards in sufficient numbers to trigger the need for a LMP, the Consent Holder must, prior to the commencement of any vegetation removal works, submit and have certified by Council, a Lizard Management Plan (LMP) prepared by a suitably

qualified and experienced ecologist/herpetologist. The LMP Plan must be designed so as to achieve the following two objectives:

- i. The population of each species of native lizard present on the site at which vegetation clearance is to occur must be maintained or enhanced, either on the same site or at an appropriate alternative site; and
- ii. The habitat(s) that lizards are transferred to (either on site or at an alternative site, as the case may be) will support viable native lizard populations for all species present pre-development.

The LMP must address the following (where relevant):

- Credentials and contact details of the ecologist/herpetologist who will implement the plan.
- Timing of the implementation of the LMP.
- A description of methodology for survey, trapping and relocation of lizards rescued including but not limited to: salvage protocols, relocation protocols (including method used to identify suitable relocation site(s)), nocturnal and diurnal capture protocols, supervised habitat clearance/transfer protocols, artificial cover object protocols, and opportunistic relocation protocols.
- A description of the relocation site(s); including discussion of:
  - provision for additional refugia, if required e.g. depositing salvaged logs, wood or debris for newly released native lizards that have been rescued;
  - any protection mechanisms (if required) to ensure the relocation site is maintained (e.g.) covenants, consent notices etc;
  - any weed and pest management to ensure the relocation site is maintained as appropriate habitat.
- Monitoring methods, including but not limited to: baseline surveying within the site; baseline surveys outside the site to identify potential release sites for salvaged lizard populations and lizard monitoring sites; ongoing annual surveys to evaluate translocation success; pre and post – translocation surveys; and monitoring of effectiveness of pest control and/or any potential adverse effects on lizards associated with pest control;
- A post-vegetation clearance search for remaining lizards.

Advice Note:

Please note that it is recommended that the lizard rescue plan is undertaken in conjunction with the vegetation clearance operations (and contractor) for an integrated approach (on the same day), to enable the physical search for gecko's



following felling of trees and shrubs and to rescue any skins from ground cover vegetation and terrestrial retreats.

**C.** A suitably qualified and experienced ecologist/herpetologist approved to oversee the implementation of the Lizard Management Plan (LMP) must certify that the lizard related works have been carried out according to the certified LMP within two weeks of completion of the vegetation clearance works.

**D.** All works on site must comply with the certified Lizard Management Plan.

*Guidance Note:*

*The timing within C may need to be amended depending on the ongoing obligations such as annual surveys etc. See your Council specialist ecologist for further guidance. All non-lizard related works may be certified to have been carried out by the consent holder (e.g. registering any covenants on the title etc).*

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**Condition 5: Lizard management plan required (Version B)**

**A.** Prior to the commencement of any vegetation removal works the Consent Holder must submit and have certified by Council, a Lizard Management Plan (LMP) prepared by a suitably qualified and experienced ecologist/herpetologist. The LMP Plan must be designed so as to achieve the following two objectives:

- i. The population of each species of native lizard present on the site at which vegetation clearance is to occur must be maintained or enhanced, either on the same site or at an appropriate alternative site; and
- ii. The habitat(s) that lizards are transferred to (either on site or at an alternative site, as the case may be) will support viable native lizard populations for all species present pre-development.

The LMP must address the following (as appropriate):

- Credentials and contact details of the ecologist/herpetologist who will implement the plan.
- Timing of the implementation of the LMP.
- A description of methodology for survey, trapping and relocation of lizards rescued including but not limited to: salvage protocols, relocation protocols (including method used to identify suitable relocation site(s)), nocturnal and diurnal capture protocols,

supervised habitat clearance/transfer protocols, artificial cover object protocols, and opportunistic relocation protocols.

- A description of the relocation site; including discussion of:
  - (provision for additional refugia, if required e.g. depositing salvaged logs, wood or debris for newly released skinks that have been rescued;
  - any protection mechanisms (if required) to ensure the relocation site is maintained (e.g.) covenants, consent notices etc;
  - any weed and pest management to ensure the relocation site is maintained as appropriate habitat.
- Monitoring methods, including but not limited to: baseline surveying within the site, baseline surveys outside the site to identify potential release sites for salvaged lizard populations and lizard monitoring sites, ongoing annual surveys to evaluate translocation success, pre and post – translocation surveys, and monitoring of effectiveness of pest control and/or any potential adverse effects on lizards associated with pest control.
- A post-vegetation clearance search for remaining lizards.

Advice Note:

Please note that it is recommended that the lizard rescue plan is undertaken in conjunction with the vegetation clearance operations (and contractor) for an integrated approach (on the same day), to enable the physical search for gecko's following felling of trees and shrubs and to rescue any skinks from ground cover vegetation and terrestrial retreats.

**B.** A suitably qualified and experienced ecologist/herpetologist approved to oversee the implementation of the Lizard Management Plan (LMP) must certify that the lizard related works have been carried out according to the certified LMP within two weeks of completion of the vegetation clearance works.

**C.** All works on site must comply with the certified Lizard Management Plan.

*Guidance Note:*

*The timing within B may need to be amended depending on the ongoing obligations such as annual surveys etc. See your Council specialist ecologist for further guidance. All non-lizard related works may be certified to have been carried out by the consent holder (e.g. registering any covenants on the title etc)*

### **Condition 6: Reporting to the Council**

Upon completion of works, all findings resulting from the implementation of the Lizard Management Plan must be recorded by a suitably qualified and experienced ecologist/herpetologist approved by the council on an Amphibian/Reptile Distribution Scheme (ARDS) Card (or similar form that provides the same information) which must be sent to Council.

#### *Guidance note:*

*This condition should be imposed on all consents where either Condition 4 or 5 above has been imposed. This condition requires that a record be kept of lizards found (or not found) and provided to the council.*

## Miscellaneous Lizard Management Conditions

### Condition 7: Pre-start meeting

Prior to the commencement of any vegetation removal works, the consent holder must hold a pre-start meeting that:

- is located on the subject site;
- is scheduled not less than five days before the anticipated commencement of any activity authorised by the consent that will result in the disturbance or destruction of lizard habitat;
- includes the Council's Team Manager Ecological Advice or any other necessary specialists; and,
- includes representation from the contractors who will undertake the removal works and
- the consent holders appointed herpetologist

The meeting must discuss the measures and methodologies to be implemented to minimise harm to native lizards and to maximise capture of native lizards by the appointed herpetologist during the clearance operation as set out within the approved Lizard Management Plan(LMP). All contractors involved with the habitat removal works must be made aware of their obligations to ensure that the requirements of the LMP are complied with.

#### *Guidance Note:*

*Only apply this condition if the Council's ecologist requests a pre-start meeting and is able to attend.*

*The purpose of this condition is to require a pre-start meeting between the council ecologist and the consent holder's ecologist/herpetologist and vegetation removal contractors. The purpose of the meeting is to establish the methodologies for vegetation removal and how this can best be done in the presence of the ecologist/herpetologist while meeting the contractor's health and safety requirements and best practice etc. It is sometimes the case that vegetation removal contractors will want to avoid having non-contractor staff on site and a pre start meeting can be the best place to ensure that all people working on the site understand the importance of lizard rescue and how to best ensure that as many lizards as possible are rescued while still fulfilling the vegetation removal objectives.*

### **Condition 8: Exclusion fencing**

A lizard exclusion fence (e.g. a super silt fence) must be erected around the boundary of the vegetation removal area during or immediately following removal works occurring to prevent re-colonisation by native lizards. This fence must remain in place until such time that its removal is either: expressly requested by the consent holder and agreed with by the Council; or advised as being acceptable by the appointed herpetologist in consultation with Council.

*Guidance Note:*

*Only impose this condition on advice from your council ecologist.*

*The purpose of this condition is to ensure that lizards relocated on site do not attempt to go back into a danger zone while works are still ongoing.*

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### **Condition 9: Pets (pet free covenant)**

No occupier of the land, or visitor to the land, must keep or introduce onto the site carnivorous or omnivorous exotic animals (such as mustelids, cats or dogs) which have the potential to be lizard predators.

*Guidance note:*

*The purpose of this condition is to ensure that domestic predator species are not present on site. Only impose this condition on advice from the council's ecologist.*

## Advice Notes

### Advice Note 1: The Wildlife Act 1953

All native lizards are absolutely protected under the Wildlife Act 1953 under which it is an offence to disturb, harm, or remove them without a permit from the Minister of Conservation.

For further information on lizards that are protected under the Wildlife Act and determination of a suitable new habitat please contact the council's Environmental Services team (Team Manager Ecological Advice, [add name and email address](#) or on [ecologicaladvice@aucklandcouncil.govt.nz](mailto:ecologicaladvice@aucklandcouncil.govt.nz)).

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### Advice Note 2: Correspondence

All correspondence relating to lizard management conditions can be emailed to [monitoring@aucklandcouncil.govt.nz](mailto:monitoring@aucklandcouncil.govt.nz) and cc'd to [ecologicaladvice@aucklandcouncil.govt.nz](mailto:ecologicaladvice@aucklandcouncil.govt.nz)

*Guidance Note:*

*Please include both these advice notes with all lizard management conditions.*