

3 December 2025

# Appendix D - Fast-track Approvals Act: wildlife approval report

Section 51(2)(c) wildlife approval report for –  
FTAA-2508-1095 Southland Wind Farm

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## 1.0 Introduction

- 1.1 This report has been prepared by the Department of Conservation (DOC) on behalf of the Director-General of Conservation and provides commentary on information provided by the applicant to support the Panel's assessment of the application for a wildlife approval. The content of this report has been informed by DOC's technical experts and information from our Treaty partners, where available.
- 1.2 As part of the application, Contact is seeking wildlife approval for the management of effects of the Project on absolutely protected lizards and invertebrates. This report provides information relating to proposed activities for which the applicant is seeking a wildlife approval.
- 1.3 Minute 1 of the Panel Convener included a number of directions relevant to this report as outlined in the table below.

<i>Direction</i>	<i>DOC comment</i>
<i>The matters set out in clause 3, Schedule 7 of the Act</i>	<i>Provided in this report</i>
<i>How the weighting of matters set out in clause 5, Schedule 7 of the Act is to be approached, having regard to relevant senior court decisions</i>	<i>Addressed in Appendix A</i>
<i>Whether the Director-General disagrees with or wishes to expand upon the expert technical reports or assessments lodged by the Applicant in support of the wildlife approval sought</i>	<i>Discussed in this report</i>
<i>The Director-General's recommendation either to grant, subject to conditions, or decline the wildlife approvals sought, together with the basis of such recommendation</i>	<i>Addressed in covering report</i>
<i>Any amendments considered necessary to conditions proposed in the application in the event of a recommendation to grant the wildlife approval sought, having regard to clause 6, Schedule 7 of the Act. Any proposed amendments are to be track changed.</i>	<i>Attached to this report (Appendix D1)</i>

## 2.0 Purpose of the report

- 2.1 In accordance with clause 3 of Schedule 7, this report must address the following matters:
  - *The purpose of the Wildlife Act 1953 and the effects of the Project on the protected wildlife that is to be covered by the approval.*
  - *Information and requirements relating to the protected wildlife that is to be covered by the approval (including, as the case may be, in the New Zealand Threat Classification System or any relevant international conservation agreement).*

- *Any conditions that should be imposed to manage the effects of the activity on protected wildlife.*
- *Any conditions that should be imposed to recognise or protect a relevant Treaty settlement and any obligations arising under the Marine and Coastal Area (Takutai Moana) Act 2011 or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.*

### 3.0 Overview of DOC's report

- 3.1 DOC's assessment concludes that, subject to recommended conditions, the proposed activities are broadly consistent with the purpose of the Wildlife Act 1953.
- 3.2 However, DOC recommends that consideration is given to the following matters:
- The applicant did not apply for marking lizards, however, refers to it in section 10 of the LMP as part of their post-release monitoring. DOC supports the proposed marking as a monitoring method and recommends the Panel consider this activity when making a decision. Marking protected wildlife without authorisation is an offence under the Wildlife Act.
  - The applicant proposes a term of 30 years, although the reasoning is unclear. DOC prefers a 10-year term to ensure the LMP and methodology stay up to date with best practice.
  - Although outside scope of this application, DOC has advised the applicant that Wildlife Act Authorities will be required to handle dead protected species as part of the proposed collision monitoring during the operation of the wind farm.

### 4.0 Sources

- 4.1 This report draws on information from the substantive application, in particular:
- Wildlife Act Approvals Application. Provided with the application as attachment D01.
  - Lizard Management Plan. Provided with the application as attachment J02.
  - Terrestrial Invertebrate Management Plan. Provided with the application as attachment as J03.
  - Proposed Wildlife Act Approvals Conditions. Provided with the application as attachment I03.
  - Terrestrial and Wetland Ecology Technical Assessment. Provided with the application as attachment H05.

### 5.0 Context and background

#### Summary of wildlife approval sought

- 5.1 The applicant seeks a wildlife approval under s 42(4)(h) of the Act to undertake salvage and relocation (catch, handle/hold, disturb, release) of protected indigenous lizards and Helm's stag beetles that may be otherwise adversely affected by works associated with the Project.

- 5.2 Incidental killing of wildlife is not explicitly applied for, although is identified as a potential effect. It is considered in this report due to the possibility that not all lizards or beetles will be able to be successfully salvaged, despite mitigations. Likewise, temporary marking is included in the management plans for mark-recapture monitoring methods but has not been explicitly applied for. It is also considered in this report.
- 5.3 Site assessments and effects on lizards and Helm's stag beetles are detailed in the applicant's management plans. Details of the applicant's proposed species management is provided in a Lizard Management Plan (LMP) and Terrestrial Invertebrate Management Plan (TIMP), both prepared by Wildlands.
- 5.4 The effects and management actions as described in the relevant management plans are summarised as follows.

#### **Lizard Management**

##### Lizard presence

- 5.5 Surveys undertaken between 2022 and 2025 confirmed the presence of tussock skinks and Tautuku geckos.
- 5.6 Tussock skinks (*Oligosoma chionocloescens*) are classified under the New Zealand Threat Classification System as At Risk – Declining. 50 tussock skinks have been detected across surveys undertaken for the Project.
- 5.7 Tautuku geckos (*Mokopirirakau* “southern forest”) are classified At Risk – Declining. Six Tautuku geckos have been detected during surveys.
- 5.8 The application is also for herffield skinks and green skinks, which weren't detected but have been recorded nearby and may occupy habitat at the Project site in low numbers. Incidental discovery protocols are proposed in the case that these species are encountered.
- 5.9 Herffield skinks (*Oligosoma murihiku*) are classified as At Risk – Declining and are considered in the LMP to have a “likely” likelihood of occurrence.
- 5.10 Green skinks (*Oligosoma chloronoton*) are classified as Threatened – Nationally Critical. The LMP predicts their likelihood of occurrence as “possible – there may be a relict population present, but difficult to detect”.

##### Effects

- 5.11 Without mitigation, construction activities could result in injury or death of lizards during earthworks and vegetation clearance, as well as permanent habitat loss and fragmentation from road and turbine construction. Other identified potential effects include disturbance during construction and ongoing risks from vehicle strikes and maintenance activities. These impacts could reduce habitat connectivity and population viability.

##### Lizard management

- 5.12 The LMP adopts a mitigation hierarchy, prioritising avoidance and minimisation – e.g. refinement of the Project footprint, seasonal constraints, vegetation clearance protocols, and salvage.
- 5.13 Intensive salvage is proposed for tussock skink at nine sites, while supervised clearance will occur for Tautuku gecko at confirmed locations. Pre-clearance checks of Artificial Cover Objects (ACOs) and Tree-mounted ACOs (TACOs) will be completed prior to works. Salvage methods include pitfall and funnel trapping for skinks and manual searches combined with TACOs for geckos.
- 5.14 Captured lizards will be relocated to prepared release sites that incorporate predator control and habitat enhancement measures.
- 5.15 Two release sites have been identified for tussock skink: the Jedburgh Plateau Skink Protection Area and the Copper Tussock Enhancement Area within Matariki Forest.
- 5.16 Tautuku geckos will be released into a soft release pen constructed within the Jedburgh Station Ecological Enhancement Area.
- 5.17 In the event that herbfield or green skinks are discovered, they will be relocated to one of the tussock skink release areas, where a "leaky-fence" will be constructed to keep out majority of mammalian predators.
- 5.18 Release sites will have habitats enhanced by way of coarse woody debris salvaged from clearance sites, indigenous planting, and pest plant control. Mammalian predator control targeting rats, mice, and hedgehogs will be implemented for at least five years post-release.
- 5.19 If green skinks are discovered during pre-clearance, the proposal is to stop works and "avoid habitats where possible" and "If discovered and avoidance is not possible, salvage and transfer". The incidental discovery protocol includes notification to the Department of Conservation. In the event of green skink discovery, additional compensation will be provided to address residual effects. This will be in the form of installation of a predator proof fence at a site with a known population of green skinks and "may" include biosecurity and upkeep of the fence for the life of the consent.
- 5.20 Proposed resource consent special conditions specify that a 50 m buffer zone will be implemented around the location of the identification of a green skink. If complete avoidance of green skink habitat is not practicable (as determined by a suitably qualified and experienced person), they will be salvaged and a 2 ha green skink protection area will be established at "an appropriate location" including the construction of a predator exclusion fence which will be maintained for the lifetime of the wind farm.

#### Injury and mortality protocol

- 5.21 If a lizard is discovered during works, construction activities must cease within 25 metres of the discovery site. The lizard should be captured and held in a cool, ventilated container with vegetation until release or veterinary care is arranged. The Project Herpetologist and the Department of Conservation (DOC) must be notified immediately. Injured lizards will be

transported to a veterinarian, and carcasses will be sent to Wildbase for necropsy. Works may not resume until approval is granted.

#### Monitoring and reporting

- 5.22 Baseline surveys will be undertaken at release sites prior to salvage. Post-release monitoring will occur annually for five years if 20 or more individuals of a species are relocated. Monitoring will assess population persistence, habitat enhancement, and predator control effectiveness. Annual compliance reports will be submitted to DOC and relevant councils, detailing salvage results, pest control outcomes, and monitoring data.

#### Compensation

- 5.23 Contact Energy will contribute \$30,000 to a research institution or environmental organisation for research or management of Tautuku gecko. As described above, additional compensation has been proposed if green skink is discovered.

### **Helm's Stag Beetle Management**

#### Stag Beetle Presence

- 5.24 Surveys undertaken between 2023 and 2025 confirmed the presence of Helm's stag beetle within the Southland Wind Farm site, primarily in mānuka forest and scrub, and in a boggy patch of tussock and flax. Nine individuals were recorded, including six live beetles and three carcasses, indicating predation pressure is a significant limiting factor for the population.

#### Potential Effects

- 5.25 The construction of turbine platforms, access roads, and associated infrastructure poses several risks to Helm's stag beetle. The most significant impact is habitat loss and fragmentation, which will reduce the site's carrying capacity and limit population connectivity. Clearance of rotting wood, leaf litter, tussock, and indigenous shrubs will destroy microhabitats essential for larvae and adults. Disturbance during construction, including vibrations and dust, may cause stress and reduce fitness. Vehicle movements at night or during wet conditions could result in direct mortality. Furthermore, the creation of roads may increase predator movement, exacerbating predation pressure on beetle populations.

#### Effects Management

- 5.26 To minimise adverse effects, the wind farm layout has been designed to avoid high-value Helm's stag beetle habitat wherever practicable, with turbines and roads largely positioned along existing farm tracks. Habitat enhancement measures will be implemented as part of the Habitat Restoration and Enhancement Plan (HREP), including planting indigenous species such as copper tussock, wharariki/mountain flax, and small-leaved Coprosma spp., and stacking woody debris to create shelter. A 245-hectare ungulate exclusion area will be established at Jedburgh Station, combined with aerial and ground-based predator control across approximately 1,400 hectares. These measures aim to improve habitat quality and reduce predation pressure.

- 5.27 Where clearance of confirmed stag beetle habitat cannot be avoided, vegetation and woody debris will be relocated to designated release sites within the Jedburgh Station Ecological Enhancement Area and the Copper Tussock Enhancement and Skink Protection Area at Matariki Forest. This approach seeks to retain microhabitats and associated invertebrate communities.
- 5.28 Salvage and relocation of individual beetles will be undertaken as a last resort, under the supervision of a qualified entomologist. Salvage will involve live-capture pitfall trapping and night searches prior to vegetation clearance. Captured beetles will be transported in ventilated containers with damp vegetation and released within 12 hours into prepared release sites. These sites will be enhanced through predator control and habitat restoration prior to relocation.

#### Incidental Discovery Protocol

- 5.29 If a Helm's stag beetle or larva is discovered during works, all activity must cease in the immediate area. Adults should be photographed and placed in a ventilated container with damp vegetation, while larvae should be transferred with surrounding soil and litter to the nearest release site. Work may not resume until the Project Ecologist provides further instructions.

#### Monitoring and Reporting

- 5.30 Monitoring will occur for at least one year following salvage and release, with quarterly night searches and mark-recapture surveys to assess survival and habitat use. Longer-term monitoring of enhanced habitats will be undertaken every three years for ten years to track population trends. Annual compliance reports will be submitted to DOC and Southland District Council, detailing salvage outcomes, monitoring results, and adherence to conditions.

#### Research Contribution

- 5.31 To address knowledge gaps in invertebrate translocation, Contact Energy will provide a \$30,000 research grant for a postgraduate study on salvage and relocation techniques for Helm's stag beetle and other notable species. If unclaimed within a year, the funding will be offered to the Entomological Society of New Zealand for research into invertebrate effects management.

## **6.0 Matters considered in relation to the criteria for a wildlife approval**

### **Statutory context**

- 6.1 Clause 1 of Schedule 7 of the Act defines "wildlife approval" as "a lawful authority for an act or omission that would otherwise be an offence under any of sections 58(1), 63(1), 63A, 64, 65(1)(f), 70G(1), 70P, and 70T(2) of the Wildlife Act 1953".
- 6.2 Capturing, killing, liberating, and marking protected wildlife without lawful authority are offences under the Wildlife Act:
- Sections 63(1) and 70G(1) make it an offence to "hunt or kill" (the definition of which includes related activities such as "taking", "capturing" and "disturbing") protected wildlife without



lawful authority. This also includes killing that is incidental, which is that which is not directly intended but is unavoidable and foreseeable as a consequence of carrying out an otherwise lawful activity (s 53A).

- Sections 65(1)(f) and s 70P provide that it is an offence to do anything for which an authority is required under the Wildlife Act or any regulations under that Act.
  - Section 56(1)(ab) establishes that no person may liberate; or capture or attempt to capture or have in their possession for the purpose of liberating, wildlife without the prior written authority of the Director-General.
  - Regulation 38 of the Wildlife Regulations 1955 establishes that wildlife must not be marked without prior written authority of the Director-General.

6.3 The activities proposed (capturing, disturbing, releasing, marking and killing wildlife) can be considered for wildlife approval under the FTAA. A wildlife approval granted under the Act is treated as if it were granted under the Wildlife Act (Schedule 7, clause 7(1)). Note that while the applicant hasn't explicitly sought approval for marking, it is proposed in the LMP, and it does require approval under Wildlife Regulations created pursuant to the Wildlife Act.

#### **Purpose of the Wildlife Act**

6.4 The relevant purpose of the Wildlife Act is to protect wildlife.

6.5 Where removal of lizard habitat is undertaken, lizard salvage will protect, to some extent, lizards that would otherwise be harmed by works (e.g., vegetation clearance) associated with the Project. However, salvage comes with risks. Salvage only protects those animals that are captured. Despite best practice methods, it is unlikely all affected animals will be captured given habitat complexity and the species' cryptic behaviour. For those that are captured, successful establishment and survival at the release site is not guaranteed.

6.6 DOC has developed key principles for lizard salvage and transfer in New Zealand, which are relevant to consider when assessing whether a lizard salvage proposal will adequately protect lizards<sup>1</sup>. The key principles, discussed in this report where applicable, include:

- Lizard species' values and site significance must be assessed at both the impact (development) and receiving sites.
- Actual and potential development-related effects and their significance must be assessed.
- Alternatives to moving lizards must be considered.
- Threatened lizard species require more careful consideration than less-threatened species.
- Lizard salvage, transfer and release must use the best available methodology.
- Receiving sites and their carrying capacities must be suitable in the long term.
- Monitoring is required to evaluate the salvage operation.

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<sup>1</sup> Key principles for lizard salvage and transfer in New Zealand

- Reporting is required to communicate outcomes of salvage operations and facilitate process improvements.
  - Contingency actions are required when lizard salvage and transfer activities fail.
- 6.7 The LMP sets out actions that are intended to protect lizard populations inhabiting the site via salvage and habitat enhancement.
- 6.8 In assessing the application against the purpose of the Wildlife Act, it is relevant to consider protection at both the individual level (e.g. minimising impacts, safe capture and handling) and population level (e.g. taking into account benefits offered by habitat enhancement etc).
- 6.9 Key points relevant to this application are discussed below, and associated recommended conditions are provided in Appendix D1.

#### Species

- 6.10 Regarding the application for lizards and Helm's beetles, DOC raises no issues with the surveys undertaken and species identified that may be present.
- 6.11 The intention of the avoidance measures for green skinks are supported. However, DOC recommends strengthening the current LMP and conditions to ensure that, if Nationally Critical green skinks are encountered, they are fully protected under all circumstances that may arise.
- 6.12 Specifically, if green skinks are discovered:
- It is unclear what criteria will be relied on to decide whether avoidance is or is not possible.
  - If green skinks are to be avoided, ongoing green skink monitoring and sufficient pest control at the original site should also be triggered in addition to a buffer.
  - Predators, specifically mice and hedgehogs, should be actively managed within the release site to ensure zero density within the leaky fence.
  - Ongoing monitoring of the released population should be triggered to assess the impact of the salvage and protection measures on any green skinks moved. More information is required on the method of capturing lizards for post-release monitoring.
  - The compensation of a minimum 2 ha predator-proof fenced area around an existing green skink population is proposed. DOC is supportive of this in principle, however there is uncertainty as to how this would be implemented. This condition could be compelling a third party to have a predator proof fence constructed on their land. Predator proof fences are costly to construct and maintain, and it is uncertain from the wording in the LMP whether Contact would be responsible for long-term upkeep. If on DOC land, potential adverse effects (e.g., vegetation clearance) would need to be considered alongside benefits.
  - The scenario where Green Skinks are discovered and the site can be avoided is not adequately addressed in the LMP. DOC would need to be confident that ongoing management is sufficient to protect the population from any adverse effects associated with the development.
- 6.13 Although outside of the scope of this application, DOC has suggested to the applicant that it considers seeking approval for incidental killing of birds and bats during the construction phase, and understands that this may be applied for outside of the fast-track process.

- 6.14 DOC has also advised the applicant that Wildlife Act Authorities will be required to handle dead protected species as part of the proposed collision monitoring during the operation of the wind farm.

#### Best practice methods

- 6.15 In general, DOC considers that the methodologies proposed in the LMP for capture, handling, and release are appropriate. Standard Departmental conditions are recommended to ensure best practice capture and handling – e.g., seasonal timeframes (to ensure lizards aren't handled during months they are in torpor and are less likely to be found and salvaged); best practice methods are used for live trapping, handling and transport; and the relocation site is appropriately established and monitored.

#### Competencies

- 6.16 It is important that wildlife management is led by ecologists who are suitably experienced to ensure that management plans are implemented to the necessary standards and welfare is safely managed during capture, handling, transport and release.
- 6.17 The application says that the works will be undertaken by a suitably qualified and experienced person (herpetologist for lizards, entomologist for beetles). However the project ecologists are not named in the LMP or TIMP.
- 6.18 DOC's preference is that a project herpetologist and entomologist be named in conditions. Training requirements or standards do not exist for lizard or protected invertebrate handling, so DOC usually assesses suitable people based on peer review and credentials supplied by the proposed project ecologist.
- 6.19 Regarding lizards, although credentials have not been supplied with this application, contributing ecologists to the LMP Samantha King, Cameron Thorp and Jade Christiansen have previously been assessed by DOC as being suitably experienced to safely handle lizards and oversee their management. DOC would support their naming in the conditions.
- 6.20 DOC requests the opportunity to review and certify the credentials of any additional supervising project ecologists prior to approval.

#### Release site suitability and enhancement

- 6.21 The proposed release sites appear suitable for tussock skink, Tautuku skink, Green skink and herbfield skink.

#### Monitoring and reporting

- 6.22 The monitoring and reporting provisions of the LMP appear appropriate for tussock skink, Tautuku skink, and herbfield skink. If green skinks are discovered, DOC would expect more effort into monitoring any avoided population and relocated population.

#### Term

- 6.23 The applicant's conditions indicate that a term of 30 years is sought, although the reasoning for a 30-year term is not provided. DOC would prefer a shorter term of up to ten years. If there is good reasoning for a longer term the panel may consider a review clause to ensure best practice methods are current (i.e., as suggested in Appendix A to DOC's s 51 report for Drury Quarry Expansion – Sutton Block FTAA-2503-1037).

#### Incidental killing and overall wildlife protection

- 6.24 The LMP identifies mortality as a potential effect of the Project and proposes actions to minimise death or injury.
- 6.25 DOC takes the view that, in general, the proposed management actions are aligned with the Wildlife Act's purpose of wildlife protection. Subject to recommended conditions being imposed and complied with, there may be a net benefit for the populations, even if there are some incidental deaths. The protection for the Nationally Critical green skinks where their original location can be avoided still has a level of uncertainty that requires consideration by the panel.
- 6.26 Without appropriate conditions (such as those proposed in this report), protected wildlife may be harmed, and accordingly the grant of a wildlife approval may not be consistent with the purpose of the Wildlife Act.

#### **Information and requirements relating to protected wildlife**

- 6.27 The threat status of species identified in the LMP and TIMP that may be present in the area are provided below.
- Tussock skink (At Risk – Declining) is found in Otago and Southland. It inhabits rocky and grassy areas, especially damp sites, including tussock grasslands and shrublands.
  - Tautuku gecko (At Risk – Declining) occurs in the Catlins region of Southland and south-east Otago. It lives in podocarp-hardwood forest and adjacent shrublands.
  - Green skink (Threatened – Nationally Critical) is restricted to Southland and nearby islands. It occupies lowland wetlands, tussock grasslands, dunes, and rocky hills.
  - Herbfeld skink (At Risk – Declining) is found in Southland Plains and eastern Otago. It inhabits tussock grasslands, scrublands, wetlands, herbfelds, and rocky grasslands.
  - Helm's stag beetle (not assessed) is widespread across the South Island, Stewart Island, and Fiordland. It lives in forests and tussock lands from sea level to alpine zones, sheltering under logs and leaf litter.

#### **The role of species management plans**

- 6.28 Wildlife Act approvals for wildlife salvage typically include approval of a species management plan as part of the process. That is, an applicant provides a species management plan with their application, detailing proposed actions. The detail in the species management plan informs the assessment against the purpose of the Wildlife Act and, if the application is approved, the Wildlife Act authorisation is conditional on compliance with the approved plan.

- 6.29 The applicant's conditions propose that amendments to the management plans may be made by way of certification by DOC. However, certification criteria (objectives and contents of the management plans) are not set out. DOC's preference is that amendments to the LMP or TIMP go through the variation process.

#### **Conditions to manage effects on protected wildlife**

- 6.30 The applicant has provided a set of conditions for the wildlife approval. DOC has recommended tracked changes and additional conditions aligned with best practice. Recommended conditions are in Appendix D1.
- 6.31 This recommendation includes consideration of section 83 of the Act – DOC considers that each condition would not be more onerous than necessary to address the reason for which it is set.

## **7.0 Consultation**

#### **Pre-lodgement**

- 7.1 Consultation prior to lodgement focussed on resource consent conditions and is summarised in the covering report.

#### **Post-lodgement**

- 7.2 Post-lodgement of the substantive application, DOC and the applicant have been in regular communication with the applicant regarding wildlife approvals. DOC has advised the applicant that Wildlife Act Authorities will be required to handle dead protected species as part of the proposed collision monitoring during the operation of the wind farm. DOC has also suggested to the applicant to consider seeking approval for incidental killing of birds and bats during the construction phase and understands that this may be applied for outside of the fast-track process.

## **8.0 Additional information**

#### **International Conservation Agreements**

- 8.1 The following international agreements are relevant to the consideration of the approval sought:

##### The United Nations Convention on Biological Diversity (CBD)

- 8.2 New Zealand became a signatory to the United Nations Convention on Biological Diversity (CBD) in 1992. The CBD is an international agreement that promotes the development of global targets, national strategies and action plans by countries for the protection, restoration and sustainable use of biodiversity.
- 8.3 As a party to the CBD, New Zealand is required to have a national biodiversity strategy and action plan. Te Mana o te Taiao – Aotearoa New Zealand Biodiversity Strategy 2020 sets out New Zealand's contribution to reversing the loss of biodiversity worldwide.
- 8.4 Key objectives of the strategy that are relevant to this application include:

- *Biodiversity protection is at the heart of economic activity.*
- *Natural resources are managed sustainably.*
- *Management ensures that biological threats and pressures are reduced through management.*
- *Ecosystems and species are protected, restored, resilient, and connected from mountain tops to ocean depths.*

8.5 The application from Contact seeks to salvage and relocate resident lizards from the effects of works to establish a wind farm. The proposal to salvage lizards and enhance lizard habitats at the relocation sites should provide a level of protection of biodiversity from the adverse effects of the development.

#### International Union for Conservation of Nature (IUCN)

- 8.6 The IUCN is a globally recognised conservation body and New Zealand's membership (since 1948) reflects its commitment to biodiversity and ecosystem protection. While the IUCN is not a treaty-level agreement, New Zealand's contributions to the IUCN's Contributions for Nature platform and its alignment with global biodiversity targets (e.g. the Kunming-Montreal Global Biodiversity Framework) reflect a strong public commitment to species recovery and habitat protection.
- 8.7 The IUCN Red List status of species named in the wildlife approval conditions is provided in Table 3.

Common Name	Scientific Name	IUCN Red List Status
Tussock Skink	<i>Oligosoma chionocholescens</i>	Least Concern – Decreasing
Tautuku Gecko	<i>Mokopirirakau</i> "southern forest"	N/A
Green Skink	<i>Oligosoma chloronoton</i>	Endangered – Decreasing
Herbfield Skink	<i>Oligosoma murihiku</i>	N/A
Helm's Stag Beetle	<i>Geodorcus helmsi</i>	N/A

#### **Consistency with statutory planning documents and policy**

- 8.8 The following statutory planning documents and associated policies are recommended to be considered alongside the wildlife approval sought by this Project.

#### Conservation General Policy 2005

- 8.9 The Conservation General Policy 2005 (CGP), approved by the Minister of Conservation, provides guidance for the administration and management of lands and waters and natural and historic resources managed under conservation legislation including the Wildlife Act.
- 8.10 The CGP does not contain policies specific to the proposed wildlife activities. However, the following provisions are relevant:
- 11.1(a) *Any application for a concession or other authorisation will comply with, or be consistent with, the objectives of the relevant Act, the statutory purposes for which the place is held, and any conservation management strategy or plan.*
  - 11.1(c) *The Department and all concession and other authorisation holders should monitor the effects of authorised activities on natural resources, historical and cultural heritage, and the benefit and enjoyment of the public, including public access, to inform future management decisions.*
- 8.11 The application is not inconsistent with these provisions.

#### Southland Murihiku Conservation Management Strategy 2016

- 8.12 The Southland Murihiku Conservation Management Strategy 2016 (CMS), approved by the New Zealand Conservation Authority, describes the conservation values present in the Southland region and provides guidance for the Department's work in the form of a vision, objectives, outcomes for places, policies and milestones.
- 8.13 The proposed site is located within the Lowlands Te Rā a Takitimu Place (section 2.7). The application is not inconsistent with the outcomes or policies for this Place.
- 8.14 The application is not inconsistent with the objectives, outcomes, or policies of the CMS, particularly the provisions relating to authorisations (general) in section 3.1 of the CMS.

## 9.0 Treaty of Waitangi settlement considerations and obligations

### **Treaty of Waitangi settlement obligations**

- 9.1 Under section 7 of the Act the Panel must act in a manner that is consistent with obligations arising under existing Treaty Settlements.
- 9.2 Ministry for the Environment (MFE) provided a report which sets out the section 18 matters it considered relevant to the application. DOC was not consulted by MFE on this report.
- 9.3 DOC has read the report and agrees that the Treaty settlement relevant to this application is the Ngāi Tahu Claims Settlement Act 1998. None of the species for which the wildlife approval application is for are taonga species under Schedule 97, although they may still have significance to Māori.

### **Treaty of Waitangi principles**

9.4 DOC's work in preparing this report has been carried out in a manner that, as far as possible, gives effect to the principles of the Treaty of Waitangi<sup>2</sup> (arising from the obligation on DOC from section 4 of the Conservation Act). The principles most applicable to DOC's role are:

- **Partnership** – mutual good faith and reasonableness.
- **Informed decision-making** - Both the Crown and Māori need to be well informed of the other's interests and views. Consultation is a means to achieve informed decision-making.
- **Active protection - requires informed decision-making and judgement as to what is reasonable in the circumstances.**
- **Redress** – requires recognition of existing rights and interests.

9.5 For this application, this has included:

- DOC engagement with Treaty partners on the application. We note this has occurred within the context of the fast-track process with prescribed timeframes, and where the applicant has an obligation to consult and Treaty partners have a right to be invited to comment. The scope of engagement also recognised DOC's role to provide reports and comments on the application, and not in its usual role as decision-maker.
- identifying for the Panel any relevant information from Protocols or relationship agreements prepared in accordance with Settlements (eg taonga species);
- ensuring that the information in this report is informed by any information from Treaty partners and the impact the activity would have on their interests.

9.6 DOC has advised Kaitiaki Rōpū Ki Murihiku (Kā Rūnaka representatives of Waihōpai, Arowhenua, Hokonui and Ōraka-Aparima) and Te Rūnanga o Ngāi Tahu of the application, sharing relevant publicly available information. DOC understands that affected Māori entities will be invited by the Panel to provide comments on the application.

9.7 The applicant has noted in their wildlife application that "Contact has a long history of engagement with Te Rūnanga o Ngāi Tahu and Papatipu Rūnaka ki Murihiku on the Southland Wind Farm Project throughout Covid Fast-track consenting process", and that Te Ao Marama Incorporated (representing Murihiku Rūnaka on RMA and other processes) have confirmed that the wildlife approvals sought are appropriate and did not raise any issues.

9.8 DOC has not identified any specific conditions that should be imposed to achieve consistency with Treaty principles.

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<sup>2</sup> [Principles of the Treaty of Waitangi and DOC: Apply for permits](#)



## 10.0 Appendices

### Appendix D1: Marked-up Conditions

The applicant has proposed conditions for the wildlife approval. See DOC's tracked changes and comments.

## SOUTHLAND WIND FARM – PROPOSED WILDLIFE ACT AUTHORITY CONDITIONS

Wildlife ~~Act~~ Authority Approval for wildlife located on private land

### SCHEDULE 1

1	<p><b>Authorised activity</b> (including the species, any approved quantities and collection methods)</p> <p>(Schedule 2, clause 2)</p>	<p>A. <u>Activity</u>:</p> <p>a) To catch, salvage and relocate Helms' stag beetle and lizard species listed in Schedule 4 prior to, and during, vegetation clearance in areas that have either confirmed or expected presence of these species (as identified in (B) below) <u>for the purpose of wildlife salvage and monitoring</u>.</p> <p>b) To incidentally harm or kill wildlife listed in Schedule 4 if the harm or death is not directly intended but is unavoidable and foreseeable and all reasonable effort has been made to meet the conditions in the approval.</p> <p>B. <u>Methodology</u>:</p> <p>a) The methods set out in the following sections of the Terrestrial and Wetland Ecological Management Plan, and included in Part J of the application documents:</p> <p>i. <u>Lizard Management Plan</u>; and</p> <p>ii. <u>Terrestrial Invertebrate Management Plan</u>.</p>
2	<p><b>The Land</b></p> <p>(Schedule 2, clause 2)</p>	<p>The Southland Wind Farm Site, Slopedown, Venlaw Road, Southland, identified in the map included in Schedule 6.</p>
3	<p><b>Personnel authorised to undertake the Authorised Activity</b></p> <p>(Schedule 2, clause 3)</p>	<p>a) <u>[to be confirmed]</u>; and</p> <p>b) Additional personnel as may be approved in writing by the Department.</p>
4	<p><b>Term</b></p> <p>(Schedule 2, clause 4)</p>	<p><u>[insert date of approval]</u> to <u>[insert date 30 years from date of approval]</u></p>
5	<p><b>Authority Holder's address for notices</b></p> <p>(Schedule 2, clause 8)</p>	<p>The Authority Holder's address in New Zealand is:</p> <p>Physical: Level 2, Harbour City Tower, 29 Brandon Street, Wellington, New Zealand</p> <p>Postal: PO Box 10742, Wellington 6143</p> <p>Phone: [REDACTED]</p> <p>Email: <a href="mailto:property@contactenergy.co.nz">property@contactenergy.co.nz</a></p>

**Commented [DOC1]:** Add dates of final management plans.

**Commented [DOC2]:** Regarding lizards, DOC supports the naming of Samantha King, Cameron Thorp, and Jade Christensen. Doc requests the opportunity to review credentials for any other person named.

**Commented [DOC3]:** DOC does not support a term of longer than 10 years, unless a review clause is included to ensure current best practice is followed.

6	Department of Conservation's (the	The Department's address for all correspondence is: [Murihiku / Invercargill Office]
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	<b>Department) address for notices</b>	<b>Physical: 7<sup>th</sup> Floor, CUE on Don, 33 Don Street, Invercargill 9810</b> <b>Postal: PO Box 743, Invercargill 9840</b> <b>Phone: 0800 275 362</b> <b>Email: <a href="mailto:invercargill@doc.govt.nz">invercargill@doc.govt.nz</a></b>
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## SCHEDULE 2

### STANDARD TERMS AND CONDITIONS OF THE AUTHORITY

#### 1. Interpretation

- 1.1. The Authority Holder is responsible for the acts and omissions of its employees, contractors or agents. The Authority Holder is liable under this Authority for any breach of the terms of the Authority by its employees, contractors or agents as if the breach had been committed by the Authority Holder.
- 1.2. Where obligations bind more than one person, those obligations bind those persons jointly and separately.

#### 2. What is being authorised?

- 2.1. The Authority Holder is only allowed to carry out the Authorised Activity on the Land described in Schedule 1, Item 2.
- 2.2. Any arrangements necessary for access over private land or leased land are the responsibility of the Authority Holder. In granting this authorisation the Department does not warrant that such access can be obtained.
- 2.3. The Authority Holder must advise the Department of Conservation's local Operations Manager(s) prior to carrying out the Authorised Activity in the District (where possible, one week prior), when the Authority Holder intends to carry out the Authorised Activity.
- 2.4. The Authority Holder and Authorised Personnel must carry a copy of this Authority with them at all times while carrying out the Authorised Activity.
- 2.5. The Authority Holder must comply with any reasonable request from the Department for access to any wildlife.
- 2.6. The Authority Holder may publish authorised research results.
- 2.7. The Authority Holder must immediately notify the Department of any taxa found which are new to science. In addition, the Authority Holder must lodge holotype specimens and a voucher specimen of any new taxa with a recognised national collection.

#### 3. Who is authorised?

- 3.1. Only the Authority Holder and the Authorised Personnel described in Schedule 1, Item 3 are authorised to carry out the Authorised Activity, unless otherwise agreed in writing by the Department, such agreement is not to be unreasonably delayed or withheld.

#### 4. How long is the Authority for – the Term?

- 4.1 This Authority commences and ends on the dates set out in Schedule 1, Item 4.





**5. What about compliance with legislation and Department's notices and directions?**

- 5.1. The Authority Holder must comply with all statutes, bylaws and regulations, and all notices, directions and requisitions of the Department and any competent authority relating to the conduct of the Authorised Activity. Without limitation, this includes the Conservation Act 1987 and the Acts listed in the First Schedule of that Act and all applicable health and safety legislation and regulation.

**6. When can the Authority be terminated?**

- 6.1. The Department may terminate this Authority at any time in respect of the whole or any part of the Land, and/or the whole or any part of the Authorised Activity if:
- a) the Authority Holder breaches any of the conditions of this Authority; or
  - b) in the Department's opinion, the carrying out of the Authorised Activity causes any unforeseen or unacceptable effects.
- 6.2. If the Department intends to terminate this Authority in whole or in part, the Department must give the Authority Holder such prior notice as, in the sole opinion of the Department, appears reasonable and necessary in the circumstances.

**7. How are notices sent and when are they received?**

- 7.1. Any notice to be given under this Authority by the Department is to be in writing and made by personal delivery, by pre-paid post or email to the Authority Holder at the address, fax number or email address specified in Schedule 1, Item 5. Any such notice is to be deemed to have been received:
- a) in the case of personal delivery, on the date of delivery;
  - b) in the case of post, on the 3rd working day after posting;
  - c) in the case of email, on the date receipt of the email is acknowledged by the addressee by return email or otherwise in writing.
- 7.2. If the Authority Holder's details specified in Schedule 1, Item 5 change, then the Authority Holder must notify the Department within 5 working days of such change.

**8. What about the payment of costs?**

- 8.1. The Authority Holder must pay the standard Department of Conservation charge-out rates for any staff time and mileage required to monitor compliance with this Authority and to investigate any alleged breaches of the terms and conditions of it.

**~~1. Biosecurity~~**

~~a. The Authority Holder must take all precautions to ensure weeds and non-target species are not introduced to the Land; this includes ensuring that all tyres, footwear, gaiters, packs and equipment used by the Authority Holder, its staff and clients are cleaned and checked for pests before entering the Land.~~

**Commented [DOC4]:** Not necessary for private land

**9. Are there any Special Conditions?**

- 9.1. Special conditions are specified in Schedule 3. If there is a conflict between this Schedule 2 and the Special Conditions in Schedule 3, the Special Conditions will prevail.

**10. Can the Authority be varied?**

- 10.1. The Authority Holder may apply to the Department for variations to this Authority in accordance with clauses 7(2) and (3) of Schedule 7 of the Fast-track Approvals Act 2024.





## SCHEDULE 3

### SPECIAL CONDITIONS

#### Compliance with Management Plans and Relevant Resource Consent Conditions

1. The Authorised Activity must be carried out in accordance with the documents listed in Schedule 1, Item 1B, except when instructed otherwise by the Department.
- ~~2. The Authority Holder may propose amendments to the Lizard Management Plan and Terrestrial Invertebrate Management Plan at any time. Any proposed amendment must be prepared by a Suitably Qualified and Experienced Person and must be submitted to the local Operations Manager of the Department's Invercargill Office, for certification by the Director General of Conservation. Any amendments may only be implemented once certification has been received.~~
3. The Authority Holder must undertake avoidance, remediation, mitigation, offsetting and compensation measures for lizards and Helms' stag beetles in accordance with the resource consent conditions and associated management plans for the Southland Wind Farm Project.

#### Lizard and Helms' Stag Beetle capture, salvage and relocation

- ~~4.~~ The Authority Holder must undertake lizard and Helms' Stag Beetle capture, salvage and relocation as set out in the Lizard Management Plan and Terrestrial Invertebrate Management Plan.

#### Lizard capture and handling

- ~~4.5.~~ Lizard capture, handling and relocation must only be undertaken between 1 October and 30 April when lizards are most active.
- ~~5.6.~~ Capture and handling methods must involve only techniques that minimise the risk of infection or injury to the animal and must follow those described in the Herpetofauna inventory and monitoring toolbox <http://www.doc.govt.nz/our-work/biodiversity-inventory-and-monitoring/herpetofauna/>.
- ~~6.7.~~ The DOC Operations Manager for Murihiku must be contacted immediately for further advice if lizard species that are not covered by this approval are located within the footprint of the development or within the release site.

#### Green skinks

- ~~7.8.~~ If green skinks are detected, the Approval Holder must contact the Department of Conservation immediately and follow the Department's advice.
- ~~8.9.~~ Every reasonable effort shall be made to avoid green skink habitat, if detected. A 50m buffer must be established around the population, until size and extent of the population can be adequately assessed.

**Commented [DOC5]:** If approved for Nationally Critical green skinks, DOC recommends the following conditions are considered to ensure appropriate management.

## Ownership and holding of Absolutely Protected Wildlife

~~9-10.~~ This Authorisation gives the Authority Holder the right to hold absolutely protected wildlife for no longer than 12 hours in accordance with the terms and conditions of the Authorisation, but the wildlife remains the property of the Crown. This includes any dead wildlife, live wildlife, any parts thereof, any eggs or progeny of the wildlife, genetic material and any replicated genetic material.

**Commented [DOC6]:** It is unclear what the applicant's intention is if a green skink is captured, and additional planning is required as to the management of green skinks.

~~10-11.~~ Unless expressly authorised by the Department in writing, the Authority Holder must not donate, sell or otherwise transfer to any third party any wildlife, material, including any genetic material, or any material propagated or cloned from such material, collected under this Authority.

## Death of wildlife associated with activities covered by the authority

~~11-12.~~ If, in the course of undertaking the Activities, all reasonable effort has been made to meet all of the conditions expressed and implied in this authority; and wildlife is killed by the Authority Holder, then that will be permitted under this authority.

~~12-13.~~ If any lizard or Helms' Stag Beetle is found dead; the Authority Holder must contact the Department's Invercargill Office on 0800 275 362 within 48 hours, with known details of the animal's history. Then, if the Department requests it, the body must be sent to Massey University Wildlife Post Mortem Service (or as otherwise advised by the Department) ~~to be confirmed by DOC~~ for necropsy. For the avoidance of doubt, this condition applies to lizard or stag beetle deaths that are associated with salvage activities and does not apply to incidental deaths that occur during lawful activities. The purpose of the above clause is to ensure the methodologies and practices for catch, transfer, and liberate are functioning successfully and to require investigation in the event that deaths occur during salvage activities.

~~13-14.~~ In that eventuality; the Authority Holder must, if requested by the Department:

- a) Ensure that the body is to be chilled if it can be delivered within 24 hours, or frozen if it will take longer than 24 hours to delivery.
- b) Ensure appropriate measures are taken to minimise further deaths.
- c) Discuss with the Department's Invercargill office, whether it is necessary to halt all further handling until full investigations of death(s) occur.
- d) Pay for any costs incurred in investigation of the death.

## Euthanasia

~~14-15.~~ If any lizards or Helm's stag beetles are found injured, the Project Herpetologist or Project Entomologist must be contacted to get advice on management of the lizard or stag beetle. Injured lizard(s) may be euthanised on recommendation of the Project Herpetologist/Entomologist or a veterinarian.

~~The Authority Holder must not euthanize any wildlife unless the Authority Holder:~~

~~Consults with the Captive Management Co-ordinator (as applicable) and obtains the consent of the Department; or~~

~~Obtains the recommendation of a veterinarian where euthanasia is on animal welfare grounds; or~~

~~Carries out the euthanasia under direction from the Department and in consultation with the Captive Management Co-ordinator (as applicable).~~

#### **Records**

~~15-16.~~ All survey, salvage and release records must be made available for inspection at reasonable times by officers of the Department.

#### **Lizard and Helms' Stag Beetle Salvage Reporting**

~~16-17.~~ A report is to be submitted in writing to the DOC Operations Manager, Invercargill ([at invercargill@doc.govt.nz](mailto:invercargill@doc.govt.nz) and [permissionshamilton@doc.govt.nz](mailto:permissionshamilton@doc.govt.nz)) by 30 September each year (covering the proceeding 1 July – 30 June period) during the construction of the Southland Wind Farm; summarising outcomes, in accordance with the Lizard Management Plan and Terrestrial Invertebrate Management Plan. Each report must include:

- a) The permission number;
- b) The species ~~the species~~ and number of any animals collected and released;
- c) The GPS location (or a detailed map) of the collection point(s) and release point(s);
- d) Results of all surveys, monitoring or research;
- e) Details of habitat enhancement, predator control, and fencing;
- f) Details of any offsetting or compensation implemented.

~~17-18.~~ Completed Amphibian and Reptile Distribution System (ARDS) cards for all herpetofauna sightings and captures must be sent to the Herpetofauna Database Administrator, PO Box 10420 Wellington 6143, or via email to [herpetofauna@doc.govt.nz](mailto:herpetofauna@doc.govt.nz).

~~18-19.~~ If required in writing by the Department, the Authority Holder must make such improvements to techniques (including catching, handling, releasing, preserving and storing), and take such other steps as directed by the Department.

#### SCHEDULE 4

Common Name	Scientific Name	NZ Threat Classification <a href="#">(from Hitchmough et al., 2021)</a>
Tussock skink	<i>Oligosoma chionochoescens</i>	At Risk – Declining
Tautuku gecko	<i>Mokopirirakau</i> " <a href="#">southern forest</a> "	At Risk – Declining
Green skink	<i>Oligosoma chloronoton</i>	Threatened – Nationally Critical
Herbfield skink	<i>Oligosoma murihiku</i>	At Risk – Declining
Helms' stag beetle	<i>Geodorcus helmsi</i>	N/A

**Commented [DOC7]:** Added as they are subject to change



## **SCHEDULE 5**

**Lizard Management Plan**

**Terrestrial Invertebrate Management Plan**

## SCHEDULE 6

### Wind Farm Site Plan







