12. WILDLIFE APPROVALS

12.1 BACKGROUND

As set out in Section A.03 (Introduction) of this substantive application, TWP holds an existing land use consent for Puke Kapo Hau that was confirmed by the Environment Court in 2009. Amongst other things, the existing consent conditions provide for up to 100 wind turbines with a maximum tip height of 145 m. The consent was given effect to by the construction of Stage 1 in 2011 - which comprised the establishment of twelve 3 MW wind turbines.

TWP now seeks to vary the conditions of the existing consent and new land use (for new infrastructure) and regional council consents to enable Stage 2 of Puke Kapo Hau to be completed. Key changes to the land use consent include:

- A reduction in wind turbine numbers (44 wind turbines across 54 possible locations - down from 88 turbines);
- An increase in the maximum wind turbine blade tip height (up to 165 m - an increase in height of 20 m); and
- The removal of the condition limiting the installed electricity generation capacity of the wind farm to 200 MW.

The primary purpose of changing the conditions of the land use consent is to enable the use of larger and more efficient wind turbines that have become available since the original consent was granted. Given the increase in the size of modern wind turbine technology, and the fact that smaller turbines are no longer readily available in the market, the change in conditions is material to the delivery of Puke Kapo Hau.

TWP also requires a new suite of regional consents for the construction, operation and maintenance of the wind farm (given the expiry of the previously held consents). New land use consents authorising the construction and use of a new 110 kV transmission line and substation to connect to Transpower's National Grid, and a new BESS with capacity of 60 MW for two hours.

In addition to the variation and resource consents required for Puke Kapo Hau, approvals are also required under the Wildlife Act 1953.

Section 43(3)(h) of the of the FTAA sets out that a substantive application must, for a wildlife approval, include the information required by clause 2 of Schedule 7 of the FTAA. This part of the substantive application provides the relevant information required for the wildlife

approvals sought by TWP to authorise activities for Puke Kapo Hau that would otherwise be applied for under the Wildlife Act 1953.

12.2 WILDLIFE CONTEXT

The existing ecological values of the project site, including the identification of the known wildlife species that are relevant to the wildlife approvals sought by this application are described in Boffa Miskell (2025) provided in B.05 (Avifauna Assessment) and Blueprint (2025) provided in B.08 (Lizard Assessment).

12.2.1 Avifauna

12.2.1.1 Falcon –Nationally and Regionally Vulnerable

Falcon were observed on 7 out of the 10 days that Boffa Miskell spent at the project site in 2025 to undertake field investigations. Based on the distribution of these observations, at least three territories appear to be occupied by falcon.

Of the six historic nest sites only two are closer than 1 km to the location of the turbines as part of Stage 2 of Puke Kapo Hau. The Thomas Block nest is 870 m from Turbine 45. The Broad Stream nest site lies approximately 450 m from Turbine 39. During 2025 a pair was seen near the Broad Stream nest site, suggesting it is still occupied.

12.2.1.2 Other Relevant Native Avifauna Species

Five at-risk species were observed by Boffa Miskell during 2025 including, New Zealand pipit, SIPO, black-billed gull, black shag, and little shag. Boffa Miskell (2025) notes that of these species, only New Zealand pipit and SIPO are commonly found at the project site.

SIPO is a bird of estuaries, margins of waterways, and boggy ground and is a domestic migrant. This species was observed at the project site in 2009 (as part of monitoring for the application for the existing resource consent). During the more recent study by Boffa Miskell, SIPO were seen most frequently within the existing wind farm area. From the observations made during both the earlier studies and the supplementary studies in 2024 and 2025, Boffa Miskell (2025) concludes that this species is highly tolerant of normal farm activity, the nearby movement of vehicles, and the presence of turbines.

New Zealand pipit is a bird of open country; historically found on sandy beaches and dunes, open riverbeds and subalpine tussock lands. In 2025 there were a total of 31 point-count observations within the project site, and 59 incidental observations of between 1 and 6 birds. All observed flights were below turbine blade height.

12.2.2 Lizards

A desktop study and comprehensive lizard survey have been undertaken to determine the suitability and relative abundance of habitats within the project site that support lizards. Blueprint Ecology (2025) concludes that the rolling hill country comprising the project site was known to once support up to eight lizard species, although the presence of only McCann's skink and tussock skink were confirmed.

McCann's skinks are common and widespread over Otago and can persist even at the most degraded sites, whereas tussock skink are less frequently encountered and restricted more to wetlands, snow tussock grassland and rough pasture.

No lizards were recorded within exotic pasture or shelterbelts within the project site.

The results of the lizard survey indicate that any other rarer potential lizard species known to the wider Ecological District (such as kōrero gecko, jewelled gecko, herbfield skink, Burgan skink and Otago green skink) are highly unlikely to be present within the footprint of Stage 2 of Puke Kapo Hau - or their populations are below detection levels. This result is likely to due to the presence of predators, existing fragmentation of habitats, or habitats that are highly degraded by land use.

12.3 WILDLIFE APPROVALS SOUGHT

The wildlife approvals sought by TWP associated with the construction, operation and maintenance of Stage 2 of Puke Kapo Hau are as follows:

> The capture, attachment of identification leg bands and GPS transmitters, and handling of carcasses for falcon;

> The collection of the carcass of any native bird with a conservation status of threatened or at-risk, including falcon, found by staff or contractors within the Wind Farm Development Area and undertake necropsy to establish the cause of death where it is undetermined and may be related to the operation of the wind farm; and

> The handling, salvage, relocation and incidental killing of lizards to enable to undertake vegetation clearance and earthworks within the project site.

12.4 PURPOSE OF THE PROPOSED ACTIVITY - *clause 2(1)(a) Schedule 7*

In accordance with Schedule 7, clause 2(1)(a) of the FTAA, the wildlife approvals sought by TWP are required as part of the ecological monitoring and management of actual and potential effects on lizards and avifauna in accordance with the Avifauna Management Plan ("**AviMP**") provided in Part C.14 and the Lizard Management Plan ("**LMP**") provided in Part

C.15, and as required by the proposed resource consent conditions provided in Part E of these application documents.

The specific purposes for the proposed activities are detailed in the technical assessments for the wildlife approval prepared by Boffa Miskell (2025a) - Wildlife and Blueprint Ecology (2025a) – Wildlife provided in Part B (B.14 and B.15 respectively) of this substantive application, and as summarised below.

12.4.1 Avifauna

TWP seek a wildlife approval to track falcon flight activity within the project site, to monitor for the potential displacement of falcon from the project site, to monitor for falcon mortality, and allow retrieval of the bird for necropsy. This monitoring will include:

- The catch and handling of adult and fledged juvenile falcon active within 3 km of the Windfarm Development Area;
- Attach identification leg bands and GPS transmitters to those adult and fledged juvenile falcon; and
- Handle falcon carcasses and undertake necropsy to establish cause of death.

TWP seek that the duration of the wildlife approval to catch and handle falcon be **10 years** to ensure that the term of the wildlife approval adequately covers all construction and post-construction works.

Additionally, and as noted in the section above, TWP seek a wildlife approval to collect and undertake necropsy the carcass of any native bird with a conservation status of threatened or at-risk, found by staff or contractors within the Wind Farm Development Area, where cause of death is undetermined and may be related to the operation of the wind farm.

The requested term for the collection and handling of native bird carcasses, is **30 years**.

12.4.2 Lizards

The purpose of the wildlife approval being sought by TWP is to protect lizard species during vegetation clearance and earthworks for the construction of Puke Kapo Hau by providing for the handling, salvage and relocation of lizards.

The requested term for the handling, salvage and relocation of lizards is **10 years**.

12.5 PROPOSED ACTIONS AND THEIR LOCATIONS

The following sections address Schedule 7, clause 2(1)(b) of the FTAA – which relate to the actions the applicant wishes to carry out involving protected wildlife and where they will be carried out.

12.5.1 Avifauna

The actions proposed involving protected avifauna may be carried out on both private land and public conservation land as outlined in in Boffa Miskell (2025), and will involve:

- The capturing of adults and fledged juvenile falcon active within 3 km of the Project Site, either by hand, noose hat, or bal-chatri traps;
- Handling falcon to attach identification leg bands, GPS transmitters, and collection of morphological data;
- Recapture of falcon if GPS transmitters require remedial action, including removal if required;
- Release falcon back to the location of trapping; and
- Tracking falcon with GPS transmitters, including locating and handling dead falcon to undertake necropsy to establish cause of death.

The proposed actions also include the collection for necropsy the carcass of any other native bird with a conservation status of threatened or at risk found within the Wind Farm Development Area.

The location of the above actions relating to avifauna are defined in Boffa Miskell (2025a) – Wildlife and are provided in Part B.14 of this substantive application.

12.5.2 Lizards

TWP seeks to capture, handle and relocate native lizard species from areas of high and moderate habitat quality within the Wind Farm Development Area and Transmission Corridor to a 59.2 ha area of high-quality habitat that is protected in perpetuity (the “Scrappy Pines” QEII Covenant area). As detailed in the LMP, this involves

- Deploying a minimum of 600 artificial cover objects (ACOs) within the best habitats for lizards and checking these a minimum of five times (3,000 checks) and relocating lizards to the “Scrappy Pines Block” QEII covenant area;
- Salvaging lizards from rock outcrops;

- Outcrops impacted by works without resident lizards will be removed and reset, right way up, adjacent to the track margin, and where possible, reset in ways to provide some lizard habitat;
- Installing temporary lizard-proof fencing along the interfaces of development and of suitable lizard habitat, where relevant; and
- Undertaking predator control at the release site for 3 years.

The location of the proposed actions relating to lizards are defined in Blueprint Ecology (2025a) – Wildlife and are provided in Part B.15 of this substantive application. The Wind Farm Development Area, Transmission Corridor and "Scrappy Pines Block" QEII Covenant area are all located on private land.

TWP also seeks to kill wildlife incidentally within the Wind Farm Development Area during construction activities after all reasonable steps to avoid or minimise adverse effects to lizards have been undertaken.

12.6 PURPOSE OF THE WILDLIFE ACT 1953

With respect to Schedule 7, clause 2(1)(c) of the FTAA, the principal purpose of the Wildlife Act 1953 has been described by the Supreme Court as the protection of wild animals. The Wildlife Act 1953, including its application to the project, are also discussed further in the legal submissions on behalf of TWP – attached as Part F to this substantive application.

The activities and their impacts have been assessed against the purpose of the Wildlife Act 1953 as outlined below.

12.6.1 Avifauna

The activities subject to the wildlife approval relating to avifauna are consistent with the protective purpose of the Wildlife Act 1953, as the capture and handling, the attachment of GPS transmitters, monitoring of nest success and tracking adults and juvenile falcon active within and around the Project Site, is for the purpose of:

- Confirming the collision risk modelling that has been undertaken in terms of the frequency of turbine interactions and avoidance behaviours;
- Confirming that displacement from habitat is not of risk for falcon;
- Confirming through observation of falcon, their nest sites and fledging success, that associated targeted pest control during breeding is supporting the sustainability of the local population;

- To retrieve any carcasses of falcon so that a necropsy can be undertaken to ascertain the cause of death; and
- To retrieve the carcasses of any other native bird with a conservation status of threatened or at-risk found within the Wind Farm Development Area where the death may be related to the operation of the wind farm.

The methods to be used to ensure the activities are consistent with the protective purpose of the Wildlife Act are outlined in further detail below and section 3.5 of Boffa Miskell (2025).

12.6.2 Lizards

Further to the activities relating avifauna, the activities subject to the wildlife approval relating to lizards are also consistent with the protective purpose of the Wildlife Act 1953 as protection of lizards is achieved through:

- Avoiding the majority of potential lizard habitats within the project site;
- Capturing and relocating lizards prior to bulk earth working and vegetation removal activities within the Wind Farm Development Area by the deployment of a minimum of 600 artificial cover objects (ACOs) within the best habitats for lizards and checking these a minimum of five times (3,000 checks);
- Salvaging lizards from rock outcrops;
- Outcrops impacted by works without resident lizards will be removed and reset, right way up, adjacent to the track margin, and where possible, reset in ways to provide some lizard habitat;
- Installing temporary lizard-proof fencing along the interfaces of development and of suitable lizard habitat, where relevant;
- Handling lizards in accordance with the methods outlined in the LMP;
- Undertaking predator control at the release site for 3 years; and
- Pest control at selected sites within QE II Scrappy Pines Covenant area.

The project avoids the areas of highest quality habitat for lizards such as the “Thomas Block” and “Scrappy Pines Block” QEII Covenant area. The remaining high and moderate quality lizard habitat has been avoided to the greatest practicable extent.

The capture and relocation of native lizards is to be undertaken in accordance with the LMP which has been prepared consistent with DOC (2019) guidance. The methods and measures outlined in the LMP will ensure lizards are relocated prior to the commencement of works to a protected and suitable habitat resulting in negligible residual effects.

12.7 WILDLIFE SPECIES, IMPACTS AND PRACTICE STANDARDS

In accordance with Schedule 7, clauses 2(1)(d),(e) and (f), the technical evaluations for the wildlife approval by Boffa Miskell (2025a) - Wildlife and Blueprint Ecology (2025a) - Wildlife (provided in Part B.14 and B.15)) detail the protected wildlife species known or predicted to be in the area and, where possible, the numbers of wildlife present and numbers likely to be impacted. They also outline the impacts on threatened, data deficient, and at-risk wildlife species.

The conclusions of these evaluations are summarised in this section below.

12.7.1 Avifauna

> The species the approval will apply to is the eastern form of the New Zealand falcon (Falco novaeseelandiae) that has a conservation status of Threatened – Nationally Vulnerable and Regionally Vulnerable. Under this approval, the capturing of adults and fledged juvenile falcon active within 3 km of the Project Site will occur by either by hand, noose hat, or bal-chatri traps. Identification leg bands, GPS transmitters, and collection of morphological data. The approach will be to focus on the established falcon territories and include any new observations of falcon which are utilising habitat within the project site.

As already mentioned in Section 12.2 above, up to five pairs of falcons have historically had territories that overlap with the project site. A permit that allows for up to 25 adults and / or juveniles would enable each adult and a cohort of up to three juveniles per pair to be captured and have a transmitter attached where practicable to do so

A distribution survey which involved collating information from the Department of Conservation and various birding groups from 2006 to 2009, found 296 individuals in the Otago Region (Bell & Lawrence, 2009).

The following measures are standard practice for the capture and handling of falcon. Only certified and experience practitioners will undertake this work.

Table 12.1: Falcon Capture and Handling Standard Practice

Standard Practice Activity	Measures to manage effects
Nest Disturbance Disturbance to nesting falcons by people approaching the nest, or by	To minimise nest disturbance, surveys using call-playback and trapping will not be conducted during wet weather, cold conditions or strong winds. To reduce disturbances to bird nests, all call-playback activities and nest searches using the nest flashing method

Standard Practice Activity	Measures to manage effects
researchers playing falcon calls during surveys. If adult birds leave eggs or brood-stage chicks, eggs could chill and thus not hatch, and eggs or chicks could be vulnerable to depredation by predators	will be limited to a maximum duration of 10 minutes. When active nests are confirmed, they will be observed using binoculars or a spotting scope from a distance that ensures the incubating or brooding birds remain undisturbed.
Injury while banding When approaching nests, capturing falcons, and leg-banding, there is the potential to injure birds.	Only workers with training and experience specific to falcons will approach nests and be involved in capturing birds for leg-banding (Chifuyu Horikoshi). Helmets are not to be worn, to minimise risk of damage to falcons' legs. The proposed capture techniques are those provided in the NZ Bird Banders Manual (Melville 2011). Chifuyu Horikoshi has used these capture techniques since 2007, and these methods were used intensively during Horikoshi's PhD, research project (2011 – 2015) and are in use in three ongoing falconprojects 2016 - 2023.
Use of GPS Transmitter Transmitters if too large or poorly fitted can affect a birds ability to fly, forage and preen.	One of the following two methods will be used to attach transmitters based on the weight and condition of each falcon: backpack harness with 'weak link' or 'back feather' attachment. Attachment to back feathers at bird's mantle will be with Tesa 4651 tape. A small UV-stable PVC base plate (custom to device LxW, 1.5mm thick) will first be taped to 6-8 feathers, then the transmitter will be attached to the base plate. These methods have been used successfully on New Zealand falcons, and many other bird species.
Short term stress of captured birds.	Skilled and experienced operators using demonstrated protocols for safe short-term (<15 minutes) holding. Use of falcon hood and quiet handling sites to minimise stimulation.
By-catch of other species in traps.	This is unlikely as individual falcons will be targeted. However, if additional species are caught, they will be immediately removed from the trap by experienced operators and released at the point of capture.
Trail Cameras Setting up trail cameras near active falcon nests to monitor breeding success	For the avoidance of doubt the installation of the trail cam will be carried out by the operators to minimise disturbance to nesting adults and chicks.

12.7.2 Lizards

The species known, and predicted to be present, in the lizard habitat within the Project Site are McCann's skink and tussock skink. Based on pre-development surveys measuring the relative abundance of lizards within and surrounding the layout of Stage 2 of Puke Kapo Hau, it is estimated that up to 4,000 to 5,000 lizards may be present.

The proposed lizard salvage method includes 600 ACOs and checking these 5 times (3,000 checks). It is estimated that between 2,000 to 4,000 lizards will be salvaged. It is estimated that the number of McCann's skink potentially impacted is between 500 to 1,000 animals and the number of tussock skink is 100 to 300 animals.

The project has protected and enhanced 59.2 ha of lizard habitat for the past 15 years as part of the existing land use consent. Blueprint Ecology (2025) therefore estimate that the local population of McCann's and tussock skink has increased in that time such that it would greatly exceed the number of native lizards that may incidentally be killed as part of the activity and will continue to increase over the long-term.

There are direct impacts to the at-risk tussock skink associated with the construction activities which will be minimised and compensated as explained in section 12.6 above. There are no lizard species classified as data deficient applicable to this project.

The methods proposed to be used to conduct the capture, handle and relocate lizard species will be consistent with the DOC "best practice" guidance document which describes nine principles that will be adhered to when undertaking lizard salvage and transfer as a result of a development project.

A summary of the nine principles and how these matters have been addressed is provided below.

Table 12.2: Lizard Salvage and Relocation Principles

Principle for Lizard Salvage	Summary of Assessment of Principle
1. Lizard species' values and site significance must be assessed at both the impact (development) and receiving sites.	Lizard species' values, and site significance has been assessed based on a desktop assessment of the herpetofauna database, a site survey of available habitats via manual habitat searching and visual encounter surveys, and survey devices (ACO, Gee's minnow traps). The significance of the habitat at the impact and receiving site

Principle for Lizard Salvage	Summary of Assessment of Principle
	for lizards has been assessed based on the size, quality, species diversity and abundance.
2. Actual and potential development-related effects and their significance must be assessed.	The actual and potential development related effects and their significance have been assessed based on the Environment Institute of Australia and New Zealand (EIANZ) Ecological Impact Assessment guidelines (Roper-Lindsay, et al. 2018) (hereinafter referred to as the EIANZ Guidelines). For lizard species and habitat, the overall ecological effect after managing effects has been applied is positive (a net increase in lizards and net increase in the size and quality of habitat of 24.2 ha) compared to the consented layout.
3. Alternatives to moving lizards must be considered.	Stage 2 has reduced the consented number of turbines to 44 (in addition to the 12 already consented) and avoided the high value lizard habitat within the consented layout (being the Thomas Block and the QEII Covenant block). It is understood that the proposed layout encompasses all areas and values for lizards that can be avoided to the extent practicable. Avoidance and remediation measures cannot result in no-net-loss of lizards from the Project Site. Compensation is proposed to achieve a net-gain in lizard values. There are no alternatives to moving lizards.
4. Threatened lizard species require more careful consideration than less-threatened species.	No lizard species listed as Threatened are likely to inhabit the project site. No Threatened lizard species are applicable to this activity.
5. Lizard salvage, transfer and release must use the best available methodology.	The lizard salvage includes the best available methodologies. This includes an extensive grid of ACO covers at 5-10 m spacings within suitable habitats for lizards, with a total of 600 devices. The effort allocated to lizard salvage will include a minimum of five checks (3,000 device checks). The transfer of lizards will be undertaken in the most appropriate way to minimise stress on lizards (see response to Matter 7). Captured lizards will be relocated the same day as capture to a pre-identified release site and released directly into

Principle for Lizard Salvage	Summary of Assessment of Principle
	areas that provide immediate protection from predators (e.g., woody debris).
6. Receiving sites and their carrying capacities must be suitable in the long term.	The receiving site is four times larger than the impact area with higher quality habitat for the relevant species. The release site includes hectares of woody debris from clearing wilding pines, and many hectares of snow-tussock grassland that has reverted from grazed pasture. These conditions will allow for population growth and secondary spread and provide suitable habitat resources to cater for the carrying capacity in the long-term for all species of lizard proposed to be salvaged.
7. Monitoring is required to evaluate the salvage operation.	Post-release monitoring will be undertaken annually for 3 years following lizard salvage.
8. Reporting is required to communicate outcomes of salvage operations and facilitate process improvements.	Reporting of the outcomes of the lizard salvage and post-release monitoring results will be provided to DOC for 3 years.
9. Contingency actions are required when lizard salvage and transfer activities fail.	A further 2.3 ha which is suitable for lizard habitat will be created and protected as part of compensation for effects on natural wetlands. This provides a contingency for habitat creation, where a separate area for lizards will be established in the instance that there are unforeseen effects/ disturbance at the release site (e.g. fire). The lizard salvage and transfer follow a standard methodology, and no contingency actions are proposed nor appropriate / required for this activity. For species unlikely to occur on site, the release site includes all the necessary habitat requirements.

12.8 METHODS

This section summarises the methods that will be used to safely, efficiently, and humanely catch, hold, or kill the animals and identifies the relevant animal ethics processes – in accordance with Schedule 7, clause 2(1)(g).

12.8.1 Avifauna

The following methods will be used to safely, efficiently and humanely catch and hold falcon.

12.8.1.1 The capturing of Adult and Juvenile Falcon

If nesting falcon are detected within 3km of the Project Site an attempt to trap adults and any fledged chicks will be carried out by hand or using a noose hat or bal-chatri traps. To minimise stress to the trapped falcon, they will be hooded as soon as they are captured with a standard raptor hood. Adults will be trapped once their chicks are at least 14 days old to prevent disturbances that could lead to nest failure. Fledglings will be caught and transmitted once they have fledged from the nest to ensure they are sufficiently mature for a transmitter to be attached. To minimise nest disturbance, surveys using call-playback and trapping will not be conducted during wet weather, cold conditions or strong winds.

12.8.1.2 Handling of Falcon

Once falcon are captured the raptor hood will be fitted. All key morphometric data, sex and age class, the GPS co-ordinates of the nest/capture location (and nest unique identifier), the transmitter number and any other relevant information will be recorded and saved electronically and entered into a spreadsheet after each falcon trapping session. The transmitters will be set to a frequency that has been confirmed in advance with DOC - and will avoid frequencies 160.6 MHZ to 161.11MHz (channels 48-99).

Transmitters will be attached to back feathers via a custom baseplate, tape glue and cable tie. The transmitters used will either be:

> Lotek PP VHF 75s:
  - Standard weight: 3.5 g
  - Size (L x W x H): 25 mm x 14 mm x 7 mm
  - Antennae length: 5 cm GPS antenna, 18 cm VHF antenna;

  or

> Lotel PinPoint Cell Solar 5G-2-30 (depending on availability):
  - Standard weight: 8.6 g
  - Size (L x W x H): 23 mm x 21 mm x 15 mm
  - Antennae length: 5 cm GPS antenna, 9.6 cm GSM

12.8.1.3 Potential Recapture of Falcon

If recapture of falcon is required to reattach or remove transmitter the same capture and handling techniques will be used as described above. In all other cases transmitters will be left to moult off (i.e. come off when the feathers they are attached to fall off).

12.8.1.4 Release

Once the transmitter is attached and morphological measurements are taken and recorded, the falcon will be placed back close to the nest and falcon hood removed.

12.8.1.5 Tracking Adults

Falcon movements will be tracked remotely (physical in the field radio-tracking surveys will not be required) and the transmitters will include a mortality switch which will send an alert if a mortality has occurred.

A raptor ecologist will conduct fortnightly visual checks of transmitted birds to make sure the birds are not distressed and that the transmitters remain attached and functional.

A data review of falcon movements will be conducted remotely twice daily and will occur via cellular network download with one download between 7-10 am and the second between 3-6 pm.

In the event that a mortality switch on a falcon transmitter is activated and the carcasses is located or an adult or juvenile falcon is found injured or deceased by anyone within the project site (e.g. staff or contractors), then TWP shall notify DOC within 24 hours of becoming aware of the discovery, the carcass will be photographed and sent to Wildbase Pathology (Massey University, Palmerston North wildlife diagnostic services) for necropsy to determine cause of death where possible.

12.8.2 Lizards

The relocation of lizards will be undertaken in the most appropriate way to minimise stress on the animal. To ensure the welfare of animals during relocation and to maximise the chance of a successful relocation outcome; all staff will be suitably trained and experienced in the capture, handling, holding and release techniques that will be used. Lizard handling will be kept to a minimum and will only be carried out by trained and experienced staff. Handling will be limited to capture, morphometric measurement, and photography.

Captured lizards will be relocated to the identified release site at and will be released as soon as practicable (within 1-2 hours). Lizards will be released directly into enhanced habitats (e.g. log piles).

During relocation, lizards will be held in individual breathable cloth bags. Each cloth bay with have a small amount of damp grass from the capture site and a wetted sponge will be placed inside with the lizards to prevent dehydration. All lizards within cloth bags will be temporarily stored in ventilated, hard-sided terrariums to prevent accidental crushing. Terrariums will be placed in secure, shaded until they can be transported to the release site.

12.9 LOCATION OF ACTIVITIES

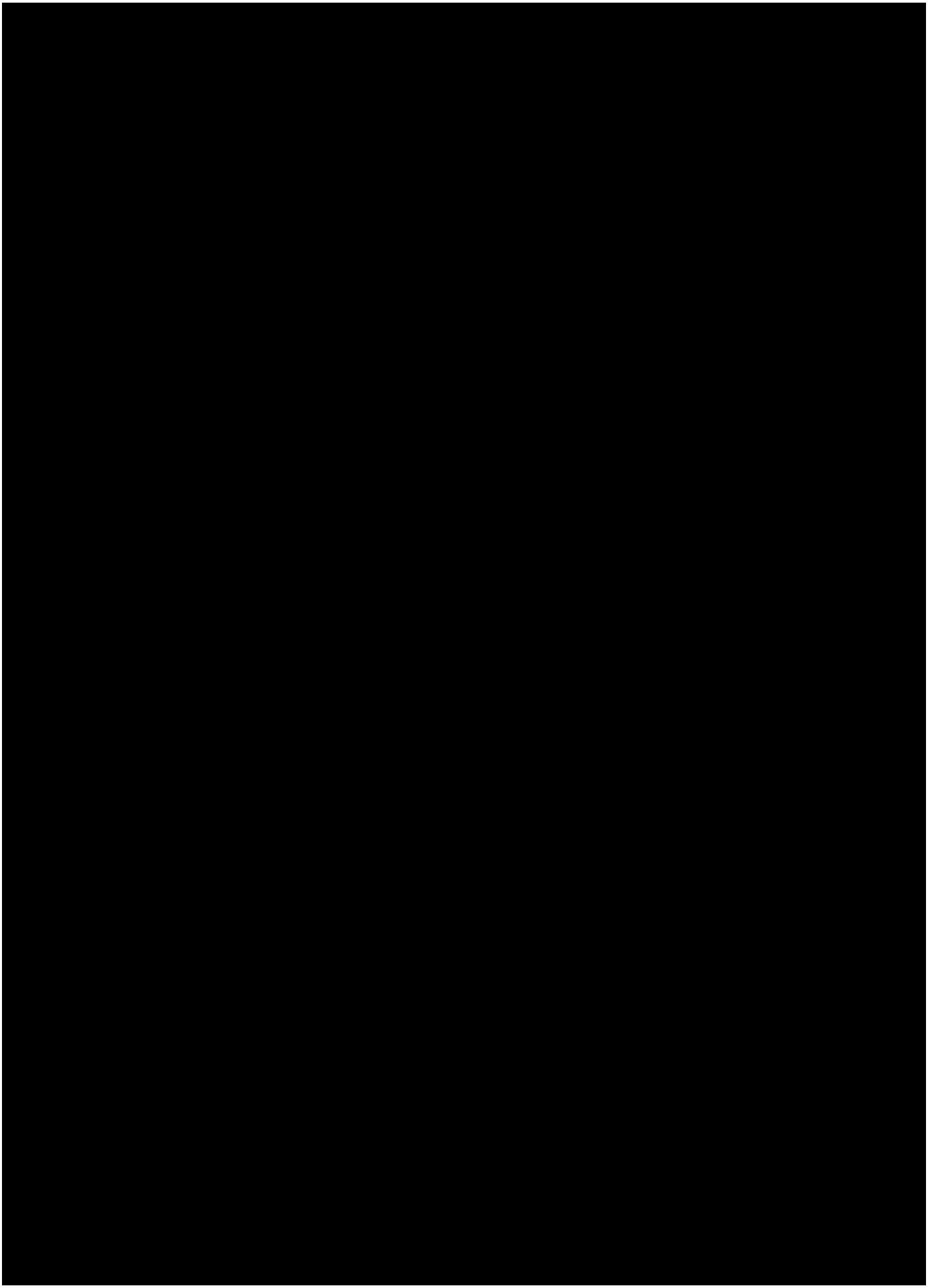
The locations in which the activities will be carried out, as per Schedule 7, clause 2(1)(h), are mapped in Boffa Miskell (2025) and Blueprint Ecology (2025) - provided in Part B.14 and B.15 of this substantive application, and summarised below.

12.9.1 Avifauna

The project site is centred on privately owned pastoral farmland. The proposed activity will be conducted within and up to 3 km from the Project Site.

The approach will be to focus on previously observed falcon territories and nest sites and then expand as necessary to include any new observations of falcon which are utilising habitat within the project site.

Figures demonstrating the locations of historically observed nest sites where the activity will be prioritised are provided in Boffa Miskell (2025) and shown in the map below.



12.9.2 Lizards

TWP seeks to capture and handle native lizard species from areas of high and moderate quality lizard habitat affected by construction activities and relocate them to the QE II Scrappy Pines release site. The layout of Stage 2 of Puke Kapo Hau and the identified location for relocated lizards are shown in Figures 1-3 of Blueprint Ecology (2025).

12.10 TEMPORARY HOLDING OR RELOCATION OF WILDLIFE

In accordance with Schedule 7, clause 2(1)(i), authorisation is sought to relocate lizards. Authorisation is not being sought to temporarily hold or relocate any other wildlife.

Captured falcon will be released immediately after the identification band and GPS transmitter have been fitted.

12.11 ACTUAL AND POTENTIAL EFFECTS ON WILDLIFE

Schedule 7, clause 2(1)(j) of the FTAA requires an applicant to list all actual and potential wildlife effects (adverse or positive) of the proposed activity - including effects on the target species, other indigenous species, and the ecosystems at the site. These effects are addressed below.

12.11.1 Effects on Avifauna

Boffa Miskell (2025) lists all the actual and potential wildlife effects of the proposed activity on falcon.

The proposed activity involves the capture, handling and attachment of GPS transmitters to falcon, as well as the collection of morphological data. The purpose of the proposed activity is to track falcon flight activity around Puke Kapo Hau, to consider potential displacement of falcon from the wind farm, to be alerted to a falcon mortality, allow retrieval of the bird, and carry out a necropsy.

The activity also includes the retrieval of any other native bird with a conservation status of threatened or at risk so that a necropsy can be undertaken to ascertain the cause of death.

The potential and actual wildlife effects of the proposed activity on avifauna are summarised in Table 12.3 below.

Table 12.3: Actual and Potential Wildlife Effects on Avifauna

Actual and Potential Wildlife Effects
Nest Disturbance • Disturbance to nesting falcons by people approaching the nest, or by researchers playing falcon calls during surveys. • If adult birds leave eggs or brood-stage chicks, eggs could chill and thus not hatch, and eggs or chicks could be vulnerable to depredation by predators
Injury while banding • When approaching nests, capturing falcons, and leg-banding, there is the potential to injure birds.
Use of GPS Transmitter • Transmitters if too large or poorly fitted can affect a bird's ability to fly, forage and preen.
Short term stress of captured birds
By-catch of other species in traps
Trail Cameras • Potential disturbance to nesting adults and chicks resulting from the setting up trail cameras near active falcon nests to monitor breeding success

12.11.2 Effects on Lizards

Blueprint Ecology (2025) have also prepared an assessment of the actual and potential effects of the construction and operation of Stage 2 Puke Kapo Hau on lizards. The actual and potential effects on lizards from the activity relevant to this wildlife approval are summarised below.

Given the At-risk status of tussock skinks and confirmed presence within the project site, this species was a key focus of this assessment. The lizard assessment found that:

> Tussock skinks occupy a relatively narrow range of habitats (compared to McCann's skink which is also present in the project site but not threatened) occurring in tussock lands, rough pastures, open shrublands and wetlands; and

> The vegetation clearance results in a loss of 14 ha of low quality, 14 ha of moderate quality, and 700 m^2 of high-quality habitat that is suitable for tussock skink.

The assessment concludes that the loss of a very small scale of high-quality habitat and 14 ha of 'moderate' ecological value habitat, and 14ha of low' ecological value habitat is considered to be a 'low' magnitude of effect, which results in a 'low' level of effect.

12.12 METHODS TO AVOID, MINIMISE, OFFSET OR COMPENSATE EFFECTS

Schedule 7, clause 2(1)(k) of the FTAA states that where adverse effects are identified, an application for wildlife approval should state what methods will be used to avoid and minimise those effects, and any offsetting or compensation proposed to address unmitigated adverse effects (including steps taken before the project begins, such as surveying, salvaging, and relocating protected wildlife).

These matters are addressed below.

12.12.1 Management of Effects on Avifauna

The methods that will be used to avoid and minimise the effects on avifauna are set out in Boffa Miskell (2025) and summarised in Table 12.4 below.

Table 12.4: Management of Effects on Avifauna

Potential and actual wildlife effects of the proposed activity	Measures to avoid or minimise actual or potential effects of the proposed activity
Nest Disturbance Disturbance to nesting falcons by people approaching the nest, or by researchers playing falcon calls during surveys. If adult birds leave eggs or brood-stage chicks, eggs could chill and thus not hatch, and eggs or chicks could be vulnerable to depredation by predators	To minimise nest disturbance, surveys using call-playback and trapping will not be conducted during wet weather cold conditions or strong winds. To reduce disturbances to bird nests, all call-playback activities and nest searches using the nest flashing method will be limited to a maximum duration of 10 minutes. When active nests are confirmed, they will be observed using binoculars or a spotting scope from a distance that ensures the incubating or brooding birds remain undisturbed.
Injury while banding When approaching nests, capturing falcons, and leg-banding, there is the potential to injure birds.	Only workers with training and experience specific to falcons will approach nests and be involved in capturing birds for leg-banding. Helmets are not to be worn, to minimise risk of damage to falcons' legs. The proposed capture techniques are those provided in the NZ Bird Banders Manual (Melville 2011). The methods have been used successfully in other falcon projects.
Use of GPS Transmitter	One of the following two methods will be used to attach transmitters based on the weight and condition of each falcon:

Potential and actual wildlife effects of the proposed activity	Measures to avoid or minimise actual or potential effects of the proposed activity
Transmitters if too large or poorly fitted can affect a birds ability to fly, forage and preen.	backpack harness with 'weak link' or 'back feather' attachment. Attachment to back feathers at bird's mantle will be with Tesa 4651 tape. A small UV-stable PVC base plate (custom to device LxW, 1.5mm thick) will first be taped to 6-8 feathers, then the transmitter will be attached to the base plate. These methods have been used successfully on New Zealand falcons, and many other bird species.
Short term stress of captured birds.	Skilled and experienced operators using demonstrated protocols for safe short-term (<15 minutes) holding. Use of falcon hood and quiet handling sites to minimise stimulation.
By-catch of other species in traps.	This is unlikely as individual falcons will be targeted. However, if additional species are caught, they will be immediately removed from the trap by experienced operators and released at the point of capture.
Trail Cameras Setting up trail cameras near active falcon nests to monitor breeding success	This does not normally require a WAA. However, for the avoidance of doubt the installation of the trail cam will be carried out by the operators to minimise disturbance to nesting adults and chicks.

12.12.2 Management of Effects on Lizards

Key measures that have been implemented to avoid impacts on lizards include the refinement of the wind farm footprint to avoid impacts on high value habitat where practicable.

In order to achieve a no-net-loss outcome and to maintain indigenous biodiversity values, ecological compensation in the form of habitat enhancement and/or creation is proposed.

The averted loss of habitat associated with the proposed changes to the Stage 2 layout will directly balance the loss of habitat associated with the new consent works and no further consideration of compensation is required to that already provided for in 59 ha QEII Covenant area.

Actual and potential adverse effects to lizards after all avoidance measures have been considered include the injury/ death of animals during the construction of the wind farm

which will be minimised by the trapping and relocation of lizards to the QE II Covenant area prior to clearance works commencing. Compensation for the loss of habitat includes has already involved the protection and enhancement of the 59.2 ha QEII Covenant area which provides lizard habitat (increase of 1.6:1) 15 years in advance of the full effect of the wind farm. This means that wildlife values have accrued well in advance of the impact, an instance of advanced biodiversity offsetting which is considered to be best practice. Additional pest control within the release sites of the QEII Covenant area are also proposed.

Actual and potential adverse effects to lizards after all avoidance measures have been considered include the injury/ death of animals during the construction of the wind farm.

Positive effects include a net-gain of protected high quality lizard habitat.

12.13 WILDLIFE ACT OFFENCES

As per Schedule 7, clause 2(1)(l) & (m) of the FTAA, no person involved with the application has been convicted of an offence under the Wildlife Act 1953.

Nor is there any person involved with the application with any current criminal charges under the Wildlife Act 1953 pending before a court.

12.14 CONSULTATION AND ENGAGEMENT – *clause 2(1)(n) Schedule 7*

Details of all consultation, including with hapū or iwi, on the application specific to wildlife impacts in accordance with Schedule 7, clause 2(1)(n) of the FTAA are detailed below.

12.14.1 Te Rūnanga o Ōtākou

TWP has engaged with Te Rūnanga o Ōtākou since early 2025. This has included multiple hui detailing the project and sharing of technical assessment and management plans on all ecological matters, including the avifauna assessment, AviMP, lizard assessment and the LMP.

Te Rūnanga o Ōtakou have emphasised that falcon is a taonga species under the Ngāi Tahu Claims Settlement Act 1998 and in this respect have been keen to understand how falcon may be impacted by the project overall. The avifauna assessments and AviMP outline the methods required to catch, tag and monitor falcon, and the requirements to monitor and provide buffers to active nests, and pest control to compensate for residual effects on falcon.

TWP will continue to engage with Te Rūnanga o Ōtakou through the FTAA process.

12.14.2 Department of Conservation Te Papa Atawhai

TWP has provided DOC with detailed information with respect to the wildlife approvals relating to avifauna and lizards including draft technical reports and management plans and offered direct engagement between technical experts on topics of interest.

12.14.2.1 General Comments

At a general level DOC has raised some initial concerns that no post construction bird strike monitoring is proposed and that no wildlife approval is being sought to incidentally kill or move protected invertebrates during works.

In response, it is noted that the reduction in turbines and minimum ground clearance of turbine blades proposed under Stage 2 of Puke Kapo Hap has materially decreased the risk to falcon compared to the consented layout/design. Further, two years of bird strike monitoring has already been carried out after Stage 1 of the wind farm was commissioned in 2011 (in accordance with the consent conditions). Of the 13 native species identified, there was one recorded mortality for four native species - including harrier hawk, paradise shelduck, Southern black-backed gull, and waxeye. Even scaled up, this level of mortality will not have had an adverse effect on the regional or national populations of these common, widespread and non-threatened species, all of which are still present within the wind farm area in equivalent numbers. This result is consistent with other New Zealand wind farms which are located in predominantly pastoral environments, the details of which are provided in the avifauna assessment.

There will be focused monitoring of falcon for at least two years following commissioning of Stage 2. This is a new monitoring obligation proposed by TWP. This will be by way of seasonal breeding surveys and the attachment of transmitters which will track movements and provide an alert and the location of any mortality.

Targeted monitoring for this species will be significantly more effective than generic surveys of all species.

With respect to incidentally killing or moving protected invertebrates during construction works, a list of 924 invertebrate taxa was compiled from surveys within snow tussock grasslands and pasture within 20 km of Stage 2 of Puke Kapo Hau. No invertebrates listed in Schedule 7 of the Wildlife Act 1953 were found and therefore they are highly unlikely to be present within the project site for Stage 2 (which is largely located in modified pasture). As such, it is not considered necessary to obtain a wildlife approval for invertebrates.

12.14.2.2 DOC comments on Technical Evaluation for Wildlife Approval – Falcon

DOC have requested more specific details be included in the wildlife approval on the steps to be taken regarding necropsy, data collection, visits to falcon nests, weather conditions.

In response:

- The technical assessments for the wildlife approval have been updated to make explicit that necropsy is to be undertaken by Wildbase Pathology (Massey University, Palmerston North wildlife diagnostic services);
- The technical assessments for the wildlife approval banding data has been updated; and
- The raptor specialists who are named in the application and contributed to the application for wildlife approvals are experts in this work and are fully aware of the range of risks to nesting birds.
- Rather than setting an arbitrary number of visits, the preferred approach remains to reserve some decisions be left to the experts when they are in the field so that they can respond to the particular conditions at the time including the birds, terrain, weather and opportunities as they present themselves. Measures have been put in place to minimise nest disturbance; and
- Weather conditions have been factored into decisions on when to undertake work.

12.14.2.3 DOC comments on the AviMP

DOC have queried the regional threat status of species and details on data collection; visits to falcon nests; stationary observation surveys; SIPO buffer areas; monitoring methods; reporting; experience of raptor ecologist; and the length of pest control monitoring.

In response:

- The regional threat status has been updated;
- Weather conditions have been factored into decisions on when to undertake work;
- SIPO are sufficiently robust to human activity such that a 20 m buffer will provide a sufficient setback to minimise disturbance for nesting birds;
- Further clarification on SIPO nest fledging has been added;
- Updated to include a single wire fence and fencing standards for SIPO;
- Reporting has been updated to include any juvenile SIPO killed; and

- Pest control has been ongoing since 2011 meaning there is a long period of data to support 2 years of post-construction monitoring.

12.15 ADDITIONAL SUPPORTING DOCUMENTATION

In accordance with Schedule 7, clause 2(1)(o), the proposed methods for capture, handling and fitting of transmitters to falcon has been determined in consultation with Dr Chifuyu Horikoshi. Dr. Horikoshi is a falcon specialist with extensive experience capturing, and handling falcon, including the three techniques described in the New Zealand Bird Banders Manual for capturing Kārearea / NZ falcon.

Dr Horikoshi is the raptor ecologist that will undertake the proposed activities outlined in this wildlife approval report.

Relevant Experience:

- Dr. Chifuyu Horikoshi conducted extensive research on NZ Falcon during her Ph.D. studies from 2011 to 2015. She enhanced the effectiveness of Bal Chatri trap and noose hat techniques for capturing falcons and improved the safety of transmitter harnesses for falcons. Additionally, Dr. Horikoshi played a significant role in the Coastal Otago Falcon Project during its first four years, from 2016 to 2020. In 2021, she trained DOC biologists on trapping, handling, and attaching GPS transmitters using backpack harnesses with weak links for falcons. To date, she has successfully captured over 75 adult falcons and has leg-banded more than 130 adult and juvenile falcons.

12.16 STATUTORY ASSESSMENT

In assessing applications for a wildlife approval (including conditions), a panel must take into account:

- The purpose of the FTAA (which is "*to facilitate the delivery of infrastructure and development projects with significant regional and national benefits");*
- The purpose of the Wildlife Act 1953 and the effects of the project on the protected wildlife to be covered by the approval; and
- Information and requirements relating to the protected wildlife that is to be covered by the approval.

The greatest weight is to be given to the purpose of the FTAA.

Section 81(4) of the FTAA also states that, when taking into account the purpose of the FTAA, the panel must consider the extent of the project's regional or national benefits. Where a

substantive application is made the approval process set out in the FTAA applies instead of the processes provided for under other legislation.

12.16.1 Purpose of the FTAA

In accordance with Schedule 7, clause 5(a) of the FTAA, an assessment of this application for wildlife approval must take into account, and give the greatest weight to, the purpose of the FTAA.

Puke Kapo Hau demonstrably achieves the purpose of the FTAA by delivering significant benefits to the Clutha District, Otago Region and New Zealand more broadly. In this regard, Puke Kapo Hau will provide significant economic benefits by:

- Injecting over $220 million of expenditure over the construction period into the New Zealand economy, plus another $22.5 million for the BESS construction;
- Providing approximately 200 FTE jobs during peak construction;
- Contributing approximately 549 GWh of electricity per annum and providing for improved electricity diversity and security of supply;
- Contributing to the decarbonisation of the New Zealand economy by displacing over 550,000 tCO2-e annually; and
- Aligning with Government policy towards meeting national and international climate change obligations.

The economic benefits of Puke Kapo Hau are assessed in detail in NZIER (2025), which is provided in Part B to this substantive application.

12.16.2 Purpose of the Wildlife Act 1953 and effects of the project on protected wildlife

Schedule 7, Clause 5(b) of the FTAA requires the panel to take into account 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. As outlined in the sections above the protective purpose of the Wildlife Act 1953 has been assessed in regard to the wildlife approvals sought.

12.16.2.1 Scope of the Wildlife Act 1953

The Wildlife Act 1953 does not contain a standalone purpose section. The long title states:

> *An Act to consolidate and amend the law relating to the protection and control of wild animals and birds, the regulation of game shooting seasons, and the constitution and powers of acclimatisation societies.*

The Court of Appeal and Supreme Court have confirmed that the Wildlife Act has a protective purpose.[34] What types of activity fall within the 'protective purpose' of the Act for the purposes of section 53 will be fact and circumstance dependent.[35] Recent legislative amendments have clarified that a section 53 authority may, in certain circumstances, be granted for killing of wildlife that is incidental to carrying out an otherwise lawful activity. Those circumstances are where the overall effect of the authority would be consistent with the protection of populations of wildlife and individual wildlife.

12.16.2.2 Consistency with the Wildlife Act 1953 and Effects on Protected Wildlife

The project will not affect the viability of the population of protected wildlife.

The effects on falcon are expected to be less than those that may occur with the consented development due to the reduction in turbines, increased spacing of turbines and raising of the minimum turbine blade tip height from the ground.

There is some potential for incidental injury or death to lizards during vegetation clearance or earthworks as part of construction of the wind farm. Such impacts would be potentially greater under the consented development. The lizard salvage and relocation proposed in the LMP and covered by the wildlife approval conditions will minimise the potential risk of incidental harm or death to a residual effect that is less than minor.

Lizard salvage and relocation and tracking for falcon provide protective benefits to the wildlife. The methods used for these activities are well tested, with accepted protocols and only experienced experts can be used to carry out this work. It is considered that the risk of injury to these species are considered to be very low on this basis.

It is noted:

> The resource consent and wildlife approval conditions that TWP are proposing, including the management plans required by those conditions, are designed to maintain the viability of wildlife populations and to protect individual animals as is practicable. They require steps that TWP will take to avoid, minimise, and mitigate any adverse effects on individual wildlife; and[36]

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[34] *PauaMAC5 Inc v Director-General of Conservation* [2018] NZCA 348, [2019] 2 NZLR 1 at [42]–[43], [47], [52] and [58]; and *Shark Experience Ltd v PauaMAC5 Inc* [2019] NZSC 111, [2019] 1 NZLR 791 at [44] and [66].

[35] *PauaMAC5 Inc v Director-General of Conservation* [2018] NZCA 348, [2019] 2 NZLR 1 at [52]–[53].

[36] As would be required for a section 53 authority for incidental killing, per s 53B(4) of the Wildlife Act.

> The conditions proposed are consistent with the protection of the populations of the protected wildlife.[37]

The activities sought to be covered by the wildlife approvals are therefore consistent with the 'protective purpose' of the Wildlife Act 1953. The management plans and conditions proposed will ensure the careful regulation of human interaction with the species protected under the Wildlife Act 1953.

12.16.3 Information and Requirements relating to the Protected Wildlife

Schedule 7, clause 2 of the FTAAA sets out the information required in an application for wildlife approval, and clause 5(c) requires the panel to take into account 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).

The information requirements of clauses 2(1)(a)-(o) are methodically addressed from Section 12.4 to 12.15 of this substantive application.

12.17 PROPOSED WILDLIFE APPROVAL CONDITIONS

Schedule 7, Clause 6(1) of the FTAA provides the panel with discretion to set any conditions that it considers necessary to manage the effects of the activity on protected wildlife, provided they are no more onerous than necessary to address the purpose for which they are set.[38] In setting conditions, Schedule 7, clause 6(2) of the FTAA states the panel is required to:

> Consider whether the condition would avoid, minimise, or remedy any impacts on protected wildlife that is to be covered by the approval; and

> Where more than minor residual impacts on protected wildlife cannot be avoided, minimised, or remedied, ensure that they are offset or compensated for where possible and appropriate; and

> Take into account, as the case may be, the New Zealand Threat Classification System or any relevant international conservation agreement that may apply in respect of the protected wildlife that is to be covered by the approval.

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[37] Wildlife Act, ss 53B(3) and 53C.

[38] Sections 81(2)(d) and 83.

Proposed conditions for the wildlife approval are set out in Attachment 1 provided below and in Part E of the substantive application documentation. These conditions include the standard terms of wildlife approvals, as well as conditions specific to the activities relevant to this application.

12.18 CONCLUSION

Overall, it is considered that the proposed activities requiring approval under Schedule 7 can be carried out in a manner that is in accordance with the purpose of the FTAA and Wildlife Act 1953 and that the conditions avoid, minimise, or remedy any impacts on protected wildlife that is to be covered by the approval.

All proposed activities relating to the handling or disturbance of protected species will be undertaken in accordance with the wildlife approval, with management measures set out in the AviMP and LMP, and other supporting documentation provided in Part C. These measures are also reflected in the proffered consent conditions in Part E.

ATTACHMENT 1

PUKA KAPO HAU - PROPOSED WILDLIFE APPROVAL CONDITIONS

Wildlife Approval for wildlife located on private and conservation land

SCHEDULE 1

1	**Authorised activity (including the species, any approved quantities and collection methods)** (Schedule 2, clause 2)	A. <u>Activity:</u> (a) The capture, attachment of identification leg bands and GPS transmitters, and handling of carcasses for falcon / kārearea (Falco novaeseelandiae), classified as Threatened – Nationally Vulnerable, Regionally Vulnerable. (b) To collect the carcass of any native bird with a conservation status of threatened or at-risk, including falcon, found by staff within the Wind Farm Development Area and undertake necropsy to establish cause of death where it is undetermined and may be related to the operational wind farm. (c) The handling, salvage, relocation and incidental killing of lizards listed in Schedule 4 to enable to undertake vegetation clearance and earthworks within the project site. B. <u>Methodology</u>: (a) The methods set out in the following management plans including in Part C of the application documents: i. Avifauna Management Plan: and ii. Lizard management Plan.
2	**The Land** (Schedule 2, clause 2)	The Puke Kapo Hau Project Site identified in the map included in Schedule 6.
3	**Personnel Authorised to undertake the Authorised Activity** (Schedule 2, clause 3)	a) [TBC]; and b) Additional personnel as may be approved in writing by the Department.
4	**Term** (Schedule 2, clause 4)	<u>Activity A.(a) of Item 1 above</u> [10 years from date of approval] <u>Activities A(b) of Item 1 above</u>

		[30 years from date of approval] Activities (A(c) of any Item 1 above [10 years from date of approval]
5	**Authority Holder's address for notice** (Schedule 2, clause 8)	The Authority holder's address in New Zealand is: [Insert TWP Address]
6	**Department of Conservation's address for notices**	The Department's address for all correspondence is: [Murihiku / Invercargill Office Physical: 7th Floor, CUE on Don, 33 Don Street, Invercargill 9810 Postal: PO Box 743, Invercargill 9840 Phone: 0800 275 362 Email: invercargill@doc.govt.nz]

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.

9. Biosecurity

9.1. 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.

10. Are there any Special Conditions?

10.1. 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.

11. Can the Authority be varied?

11.1. 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 Avifauna 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 Otago 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 falcon, native birds with a threat classification of at-risk or threatened, and lizards in accordance with the resource consent conditions and associated management plans for the Puke Kapo Hau.

Falcon capture, tagging and handling of carcasses

4. The Authority Holder must undertake falcon capture, tagging and handing of carcasses as set out in the Avifauna Management Plan.

Other threatened or at-risk native bird handling of carcasses

5. The Authority Holder must undertake the collection of the carcass of any native bird with a conservation status of threatened or at-risk, including falcon, as set out in the Avifauna Management Plan.

Lizard capture, salvage and relocation

6. The Authority Holder must undertake lizard capture, salvage and relocation as set out in the Lizard Management Plan.

Ownership and holding of Absolutely Protected Wildlife

7. 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.

8. 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

9. 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.

10. If any bird should die, or be found dead; the Authority Holder must contact the Grantor's Dunedin Office on 0800 275 362, with known details of the animal's history. Then, in accordance with the Avifauna Management Plan or if the Grantor requests it, the body must be sent to Massey University Wildlife Post Mortem Service for necropsy.

11. If in accordance with condition 10 a necropsy is requested, the Authority Holder must, if requested by the Grantor:

    (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) Discuss with the Grantor's Dunedin office, whether it is necessary to halt all further handling until full investigations of death(s) occur.

    (c) Pay for any costs incurred in investigation of the death.

Euthanasia

12. The Authority Holder must not euthanize any wildlife unless the Authority Holder:

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

    (b) Obtains the recommendation of a veterinarian where euthanasia is on animal welfare grounds; or

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

Records

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

Lizard Salvage Reporting

14. A report is to be submitted in writing to the DOC Operations Manager, Dunedin, by 30 September each year (covering the proceeding 1 July – 30 June period) during the construction of Puke Kapo Hau; summarising outcomes, in accordance with the Lizard 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.

15. 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.

16. 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.

Avifauna Reporting

17. An annual monitoring report is to be submitted in writing to the DOC Operations Manager, Dunedin, by 30 September each year (covering the proceeding 1 July – 30 June period) during the construction of Puke Kapo Hau; summarising the methods and results of the GPS tagging and monitoring of falcon, and the results of any necropsy on falcon and other at-risk or threatened native birds in accordance with the Avifauna 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.

18. 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
McCann's skink	*Oligosoma maccanni*	Not Threatened
Tussock skink	*Oligosoma chionochloescens*	At Risk - Declining*
Kōrero gecko	*Woodworthia "Otago/Southland large"*	At Risk - Declining
Jewelled gecko	*Naultinus gemmeus*	At Risk - Declining
Burgan skink	*Oligosoma burganae*	Threatened – Nationally Endangered
Herbfield skink	*Oligosoma murihiku*	At Risk - Declining
Otago green skink	*Oligosoma aff. chloronoton "eastern Otago"*	Threatened – Nationally Critical[39]
Grand skink	*Oligosoma grande*	Threatened – Nationally Endangered

[39] Assessed as *Oligosoma chloronoton*. Work is underway on formalising a four-way split within the *Oligosoma chloronoton* species.

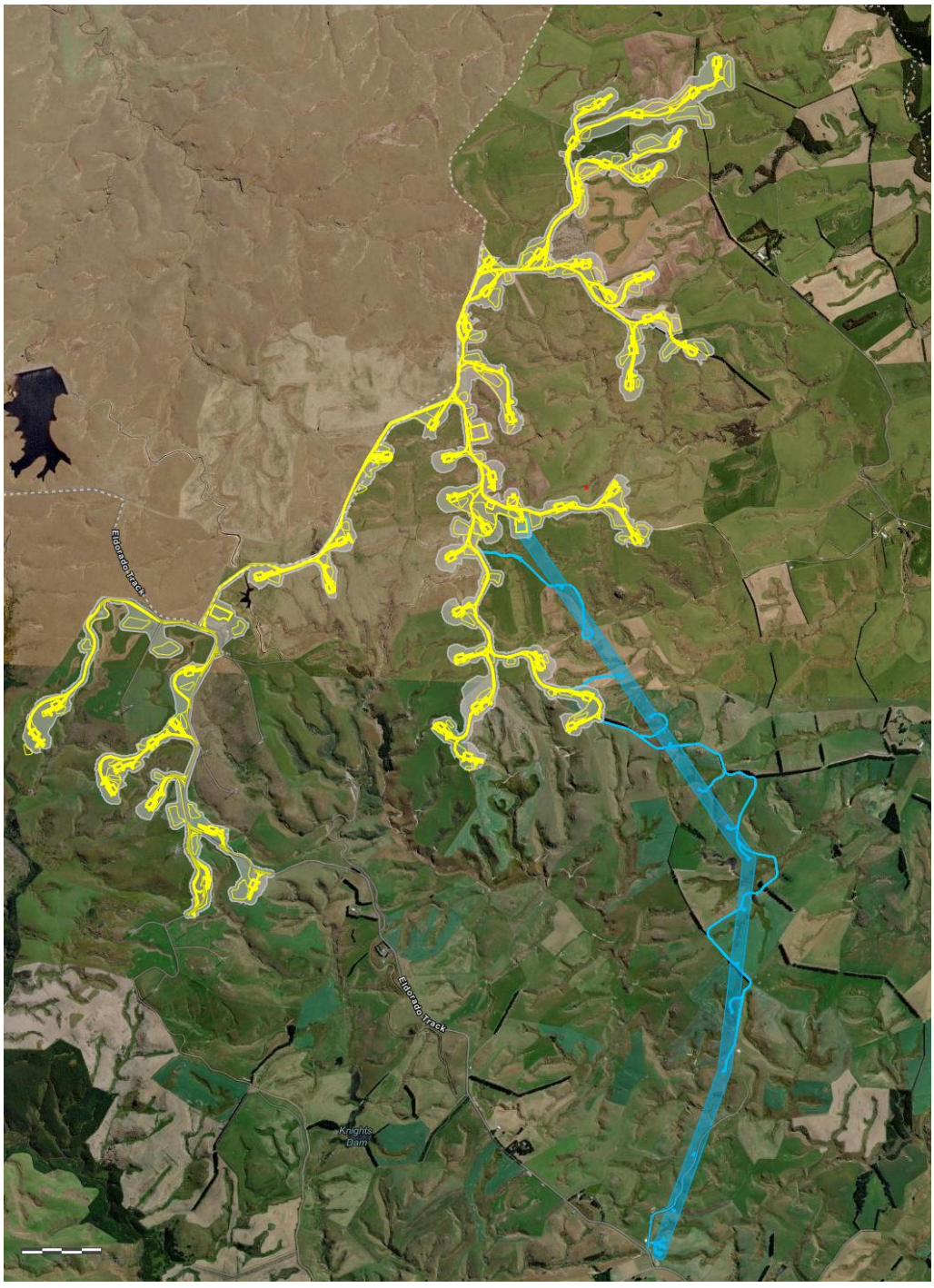
SCHEDULE 5

Lizard Management Plan (refer to Part C.15 of the substantive application)

Avifauna Management Plan (refer to Part C.14 of substantive application)

SCHEDULE 6

Puke Kapo Hau Project Site



Stage 2 of Puke Kapo Hau Layout (Yellow), Wind Farm Development Area (grey), Transmission Line Corridor and access tracks (blue)