

Appendix 5

Puke Kapo Hau - Mahinerangi Wind Farm Stage 2 – Draft Wildlife Approval Conditions

Notes:

1. Panel amendments in its draft decision are shown using ~~strikethrough~~ and underline, based on the Applicant's proposed conditions provided on 15 April 2026 (and incorporating changes in response to comments from the Director-General of Conservation).
2. The Applicant's requested changes to the conditions made 22 June 2026 are shown as new text underlined and deleted text shown as ~~strikethrough~~. For ease of reference, the relevant condition has also been identified with grey shading.

PUKE KAPO HAU - PROPOSED WILDLIFE APPROVAL CONDITIONS

Wildlife Approval for wildlife located on private and conservation land

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 (<i>Falco novaeseelandiae</i>), classified in 2021 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 Puke Kapo Hau 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) Catch alive and liberate protected wildlife listed in Schedule 4 for the purpose of salvage, to protect lizards from adverse effects associated with the vegetation clearance and earthworks within the project site. (d) Incidentally kill protected wildlife listed in Schedule 4 provided all reasonable steps are taken in accordance with this Authority to avoid killing wildlife. B. <u>Methodology:</u>
---	--	---

		(a) The methods set out in the following management plans including in Part C of the application documents: i. C.14 Avifauna Management Plan dated 02 April 2026, version 6: and ii. C. 15 Lizard management Plan dated 08 April 2026, version 2.
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)	Activities A.(a) and BA.(b) a) Any Level 3 NZNBBS certified operator with documented eastern falcon experience; b) Any suitably qualified and experienced person under the supervision of the person in (a) undertaking Activity EA.(cb) a) Tony Payne, herpetologist of Blueprint Ecology; or any suitably qualified and experienced person <u>with equivalent qualifications and experience.</u>
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] <u>Activities A(c) and A(d) of any Item 1 above</u> [10 years from date of approval]
5	Authority Holder's address for notice (Schedule 2, clause <u>Z</u>)	The Authority holder's address in New Zealand is: Tararua Wind Power c/o Mercury NZ Ltd Physical: The Mercury Building, 33 Broadway, Newmarket, Auckland 1142 Postal: PO Box 90399, Auckland 1142 Phone: 0800 10 18 10 Email: service@mercury.co.nz

6	Department of Conservation's (the Grantor's) address for notices (Schedule 2, Clause 7)	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
---	--	---

NOTE:

References in this Approval to the "Director-General" or the "Grantor" are to the Director-General of Conservation.

References in this Approval to the "Department" are to the Department of Conservation.

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 Director-General, 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 Grantor'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 Grantor 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 Director-General 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 Director-General's opinion, the carrying out of the Authorised Activity causes any unforeseen or unacceptable effects.
- 6.2. If the Director General intends to terminate this Authority in whole or in part, the Director-General must give the Authority Holder such prior notice as, in the sole opinion of the Director-General, 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 Director General 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~~ Director General 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 Grantor.
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 Coastal Otago Office, for certification by the Director-General. Any amendments may only be implemented once certification has been received.
3. Lizards must only be handled by Authorised Personnel Tony Payne or any other suitably qualified or experienced person.
4. 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

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

Other threatened or at-risk native bird handling of carcasses

6. The Authority Holder must only 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

7. The Authority Holder must only undertake lizard capture, salvage and relocation and monitoring as set out in the Lizard Management Plan.
8. Lizards must only be handled by Authorised Personnel [one of the persons named in schedule 1(3)], or under the direct supervision of the Authorised Personnel.
9. Lizard capture, handling and relocation must be undertaken between the dates of 1 October and 30 April (inclusive) when lizards are most active.
10. Capture and handling of lizards must involve only techniques that minimise the risk of stress and/or injury to the animal.

11. Capture and handling methods shall follow those described in the Herpetofauna inventory and monitoring toolbox, as that may be updated from time to time - <http://www.doc.govt.nz/our-work/biodiversity-inventory-and-monitoring/herpetofauna/>
12. The Authority Holder must ensure all live capture traps are covered to protect lizards from exposure and minimise stress. Damp leaf litter or other material must be provided to reduce desiccation risk, and if used, the bottom of the pit-fall trap must be perforated to allow drainage of water.
13. The Authority Holder must ensure all live capture traps, (e.g. pitfall traps and G-minnow traps), are checked at least every 24 hours.
14. The Authority Holder must sterilise any instruments that come in contact with the lizards and/or are used to collect or measure lizards between each location. A separate holding bag must be used for each animal. All gear should be thoroughly cleaned and dried between sites.
15. The Authority Holder must ensure lizards are temporarily held in suitable containers (e.g. either individually in breathable cloth bag or in small cohorts in hard-sided, well ventilated containers with sufficient and suitable refugia). If holding multiple lizards in a container, species should be held separately, with no more than 50 lizards per container. Containers should be at least 50L and held out of direct sunlight to minimise the risk of overheating, stress and death. Lizards should be held in these conditions no longer than 2 hours before being released into the approved release area.
16. Should any lizard species other than those listed in Schedule 4 be identified within the Puke Kapo Hau Project site, the Authority Holder must contact the local Operations Manager of the Department's Coastal Otago Office as soon as reasonably possible for further advice. A variation of this Approval or separate application will be required to capture, salvage, relocate or kill non-authorized species.

Ownership and holding of Absolutely Protected Wildlife

17. This Authorisation gives the Authority Holder the right to hold absolutely protected wildlife for no longer than 12 hours (other than in relation to carcasses) 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.
18. Unless expressly authorised by the Grantor 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

19. If, in the course of undertaking the Authorised 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.

20. If any lizards should die during the Authorised Activities of catch, transfer or liberate, the Authority Holder must include details of this in the annual reporting as per condition 25 of this approval.
21. If any kārearea / New Zealand falcon is found dead, or dies during the Authorised Activity, the Authority Holder must notify the Department's Coastal Otago Operations Manager within 24 hours. The carcass must be photographed, sent to Wildbase Pathology for necropsy, and logged using the Falcon Mortality Record Datasheet, in accordance with the Avifauna Management Plan.
22. If any threatened or at-risk native bird (excluding kārearea / NZ falcon) is found dead or dies during the Authorised Activity, the Authority Holder must notify the Department's Coastal Otago Operations Manager as soon as reasonably practicable, and no later than 24 hours after discovery. If required by the Grantor, the carcass must be sent to Massey University Wildlife Post-Mortem Service for necropsy, in accordance with the Avifauna Management Plan.
23. If in accordance with condition 20, 21, or 22 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

24. The Authority Holder must not euthanise any wildlife unless the Authority Holder acting in accordance with section 11 Animal Welfare Act 1999:
 - (a) Consults with the Captive Management Co-ordinator (as applicable) and obtains the consent of the Grantor; 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 Grantor and in consultation with the Captive Management Co-ordinator (as applicable).

Records

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

Lizard Salvage Reporting

26. A report is to be submitted in writing to the DOC Operations Manager, Coastal Otago, 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 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.
27. 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.
28. If required in writing by the Grantor, 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 Grantor.

Avifauna Reporting

29. An annual monitoring report is to be submitted in writing to the DOC Operations Manager, Coastal Otago, 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 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.
30. If required in writing by the Grantor, 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 Grantor.

Banding

31. The Authority Holder must undertake the Authorised Activity in accordance with the Avifauna Management Plan received (refer to version number and date, and include as appendix in WAA) and the most recent edition of the New Zealand National Bird Banding Scheme Bird Bander's Manual.
- a. Only metal bird bands supplied by the Wildlife Marking Office, Department of Conservation, New Zealand are to be used, except where other marking techniques are authorised.

- b. Any injuries or deaths of birds resulting from implementation of the Authorised Activity must be reported to the Grantor (and copied to bandingoffice@doc.govt.nz) as soon as possible after the incident but at least within one week.
- c. The Authority Holder must have approval of the Wildlife Marking Office to trial new band sizes. Any changes to recommended band sizes must be notified in writing to the Wildlife Marking Office as soon as practicable.
- d. If a band is taken off a bird for any reason, it must NOT be used on another bird.
- e. The Authority Holder must supply the Wildlife Marking Office with electronic copies of all banding records for newly banded or re-banded birds by 30 June each year; this should include all auxiliary marks (colour bands, transmitters, loggers, any temporary marks). Standard electronic templates will be supplied by the Wildlife Marking Office (bandingoffice@doc.govt.nz) (refer to <https://www.doc.govt.nz/our-work/bird-banding/how-to-submit-banding-data/>)
- f. Band recoveries for dead birds and any birds re-banded are mandatory. Band recoveries must be submitted on the standard template in electronic form. Other recapture and ancillary data can be submitted on the same template.
- g. Live vertebrate prey, if used as lures in bal-chatri traps, may only be used for one exposure per day, before release back at the capture location or returned to captivity.
- h. A nominated Wildlife Marking Operator, certified under the New Zealand National Bird Banding Scheme (NZNBBS) for the capture and marking of the species in question, must oversee and be accountable for the Authorised Activity. Level 2 operators may operate without direct supervision, but must operate under the general direction of a Level 3 Certified operator. Level 1 operators must be directly supervised by a Level 3 Certified operator. All operators capturing or marking birds must be registered with the NZNBBS.
- i. If any marks (bands, transmitters, loggers, trackers, tags, transponders, or any other mark or device) or their attachment (harness etc.) require adjusting, removal or replacement due to actual or potential adverse effects (such as injury, infection, entanglement, loss of mark, death), details must be reported to the Grantor and to the Wildlife Marking Office (bandingoffice@doc.govt.nz) as soon as possible upon discovery to improve Best Practice.
- j. Colour banding (including the use of alpha-numeric bands) is authorised, subject to prior approval of the colour band combinations and alpha-numeric codes by the Wildlife Marking Office (bandingoffice@doc.govt.nz).

32. Proposed condition VHF/GPS Transmitter attachment

- a. Transmitters may be attached to up to 25 Eastern falcons captured within 3 km of the Project Site. The combined weight of the device (including harness or base plate) plus any other marks on the bird should not exceed 3% of its body weight. The Authority Holder shall use best practice transmitter harnesses and attachment methods.
- b. During the Authorised Activity, any recaptured individuals found to be injured or otherwise adversely affected by any device must have this device removed and not fitted again. A full report of the details of injury must be provided to the Grantor, to help develop best practice.

- c. Prior to the expiry of the Authority, every reasonable effort must be made to capture all individuals and remove attached devices that have not dropped or moulted off.
- d. Radio transmitter frequencies 160.6 MHz to 161.11 MHz (channels 48-99) must not be operated unless the Authority Holder is in possession of a separate sub-licence issued by the Wildlife Marking Office.
- e. Records of VHF frequencies used are to be reported annually using the template provided by the Wildlife Marking Office (bandingoffice@doc.govt.nz). [Annual Report of VHF Transmitters Used for Tracking Animals.]

SCHEDULE 4

Common Name	Scientific Name	NZ Threat Classification
McCann’s skink	<i>Oligosoma maccanni</i>	Not Threatened
Tussock skink	<i>Oligosoma chionochloescens</i>	At Risk - Declining*
Kōrero gecko	<i>Woodworthia</i> “ <i>Otago/Southland large</i> ”	At Risk - Declining
Jewelled gecko	<i>Naultinus gemmeus</i>	At Risk - Declining
Burgan skink	<i>Oligosoma burganae</i>	Threatened – Nationally Endangered
Herbfield skink	<i>Oligosoma murihiku</i>	At Risk - Declining
Otago green skink	<i>Oligosoma aff. chloronoton</i> “ <i>eastern Otago</i> ”	Threatened – Nationally Critical At Risk - Declining ³⁴

* Southern grass skink as per NZTCS (2025).

³⁴—Assessed as *Oligosoma chloronoton*. Work is underway on formalising a four-way split within the *Oligosoma chloronoton* species.

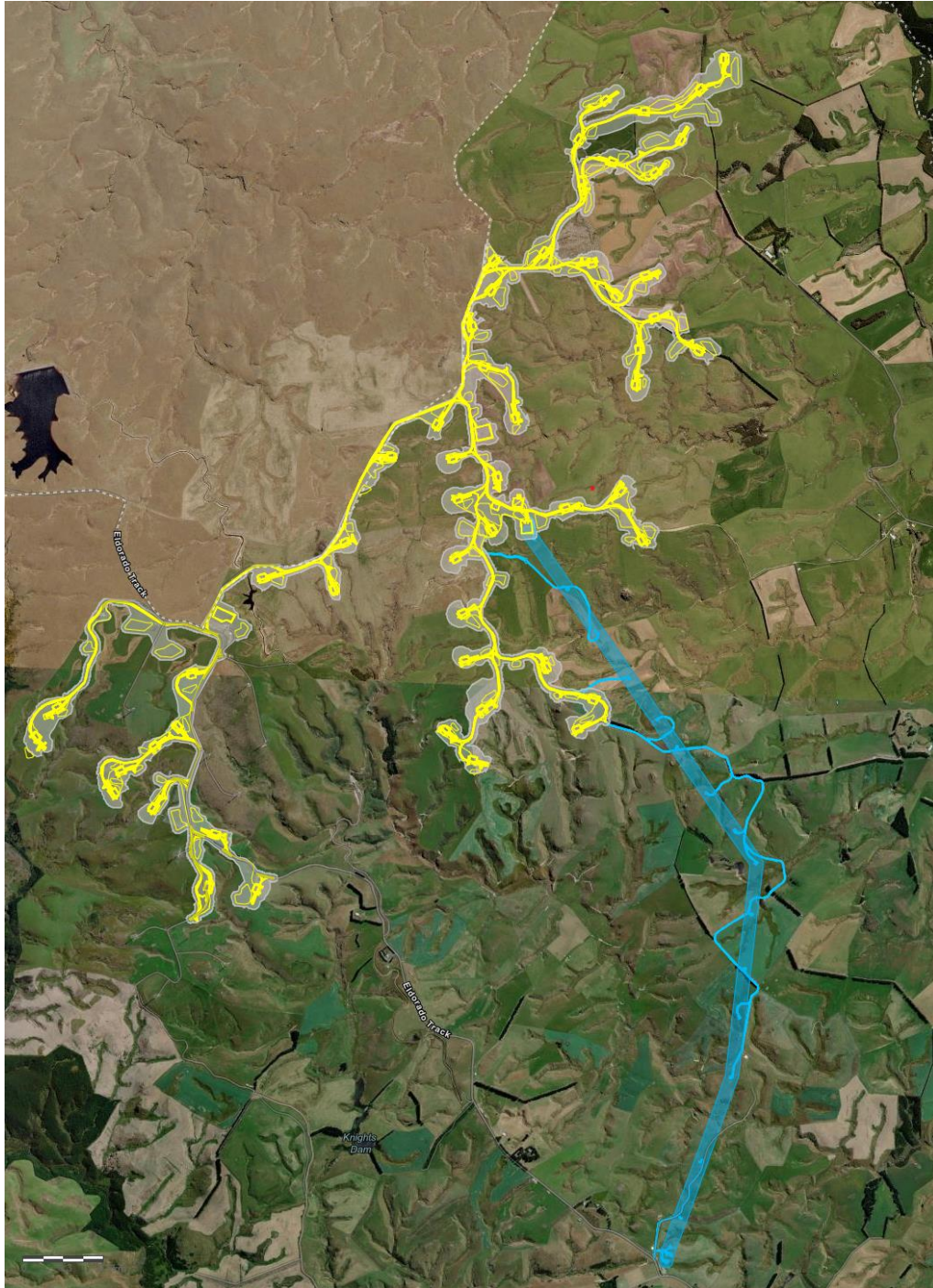
SCHEDULE 5

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)