

APPENDIX D – CONDITIONS OF WILDLIFE ACT APPROVALS

SCHEDULE 1		
1	Authorised activity (including the species, any approved quantities and collection methods) (Schedule 2, clause 2)	A. <u>Activity</u> : a) For the capture, holding, handling, releasing, disturbing and incidental killing of white sharks, basking sharks and seabirds (except black-backed gulls) which may result from their entanglement and entrapment in the proposed marine farming structures. B. <u>Methodology</u> : a) The methods in relation to white sharks and basking sharks are set out in the Shark Management Plan b) The methods in relation to seabirds are set out in the Seabird Management Plan
2	The Land (Schedule 2, clause 2)	Within the HAP marine farming site off the northern coast of Rakiura. The coordinates of the site boundaries are as follows: 46°43'50.69"S 168° 3'58.60"E 46°44'21.00"S 168° 4'48.83"E 46°45' 3.65"S 168° 3'40.66"E 46°45'44.51"S 168° 3'13.27"E 46°47'36.70"S 168° 4'42.66"E 46°47'55.76"S 168° 4' 6.08"E 46°45'25.28"S 168° 1'19.09"E
3	Personnel authorised to undertake the Authorised Activity (Schedule 2, clause 3)	a) Suitably trained marine farm staff b) Suitably qualified and trained vets c) Additional personnel as may be approved in writing by the Department of Conservation.
4	Term (Schedule 2, clause 4)	[insert date of approval] to [insert date 30 years from date of approval]
5	Approval Holder's address for notices (Schedule 2, clause 8)	The Approval Holder's address in New Zealand is: Physical: Ngāi Tahu Seafood Resources Limited Postal: PO Box 3787, Christchurch 8140 Phone: 021 904 228 Email: thomas.hildebrand@ngaitahu.iwi.nz
6	The Department's address for notices	The Department's address for all correspondence is: Rakiura National Park Visitor Centre, Main Road, Halfmoon Bay, Stewart Island

		Phone: 03 219 0009 Email: stewartisland@doc.govt.nz And Permissions Team Level 4 73 Rostrevor Street Hamilton 3204 Email: permissionshamilton@doc.govt.nz

SCHEDULE 2

CONDITIONS OF THE APPROVAL

General conditions

1. The Approval Holder must implement the documents required by the conditions of this Wildlife Act Approval and all works and activities authorised by this approval must be carried out in accordance with the documents required by the approval.
2. In accordance with Conditions 42-44 and 49-51 of Resource Consent [to add reference] the Approval Holder may make amendments to any of the management plans provided that feedback is sought from DOC.

Seabirds

3. The Approval Holder must undertake the activity authorised by this Wildlife Act Approval so as to avoid and/or mitigate the risk of entrapment, injury or entanglement of seabirds and record and report any incidence of injury or mortality of any seabirds in accordance with the Seabird Management Plan (SBMP) required under the conditions of Resource Consent [to add reference].
4. The objectives of the SBMP are to:
 - a. achieve compliance with conditions of this approval;
 - b. define the methodology to be used for monitoring, recording and reporting seabird interactions around the marine farms;
 - c. for the first two years of operation of the marine farms at the site, monitor, record and report on seabird behaviours around the marine farms
5. The SBMP must at a minimum include the following information:
 - a. A monitoring programme with procedures for recording and reporting seabird interactions and behaviours in the vicinity of marine farms.
 - b. Mitigation and management actions and techniques to minimise seabird interactions and incidents with farm structures in order to achieve Condition 4.
 - c. Procedures to record, respond to and report seabird interactions/incidents with farm structures, and timeframes for reporting.
 - d. Procedures for the implementation of the SBMP, including training of staff.
 - e. A process for reviewing the effectiveness of the SBMP at achieving the objectives set out in Condition 4 and updating the SBMP if required to improve its effectiveness
 - f. A management review process that has the flexibility to accommodate future advances in infrastructure and other developments in line with the evolution of the science behind best management practices for management of seabird interactions and incidents with marine farms.
6. In accordance with the Animal Welfare Act 1999, section 11, the Approval Holder may euthanise seabirds in their care if the seabird is:
 - a. Suffering unreasonable or unnecessary pain or distress; or
 - b. Is seriously ill or permanently injured and unlikely to survive in the wild; and
 - c. The Approval Holder has the skills to humanely euthanise.
7. The Approval Holder must not euthanise seabirds unless:
 - a. A veterinarian recommends euthanasia on animal welfare grounds; or
 - b. The Approval Holder euthanises wildlife under direction of the Director-General.

Monitoring and Reporting

8. Following the installation of the marine farms the Approval holder must undertake weekly dusk and dawn surveys at each of the four farms for a minimum of 2 years.

The Approval Holder must keep a record of all seabird incidents/interactions with the farm and all records obtained from the routine seabird monitoring.

The Approval Holder must provide these records annually, within three months of the anniversary of the commencement of the consent, to the DOC Operations Manager, Rakiura (stewartisland@doc.govt.nz), and permissionshamilton@doc.govt.nz, for the term of the authorisation.

The details of any tags, transponders or bands found on live or dead marked individuals, and any bands/tags/marks removed for any reason, must be recorded and reported as instructed on the DOC website: Reporting a bird band: Bird banding

All monitoring and reporting must be undertaken in accordance with the SBMP.

Sharks

9. The Approval Holder must undertake the activity authorised by this Wildlife Act Approval so as to minimise shark interactions with the marine farms in accordance with the Shark Management Plan (SMP) required under the conditions of Resource Consent [to add reference].

10. The objectives of the SMP are to:

- a. achieve compliance with conditions of this approval;
- b. operate the marine farms so as to avoid, remedy, and mitigate adverse effects on sharks;
- c. ensure best practice is adopted to avoid entanglement or entrapment of protected sharks, having regard to best international practice, ongoing research and allowing for technological improvement in net design, construction and maintenance;
- d. establish reporting and response procedures in the event of protected shark entrapment, entanglement or death; and
- e. establish a monitoring programme to assess the effectiveness of the SMP.

11. The SMP must at a minimum include the following information:

- a. a monitoring programme with procedures for recording and reporting interactions and incidents (entanglement, entrapment, injury and mortalities) with sharks at the marine farms;
- b. mitigation and management actions and techniques to minimise shark interactions and incidents with farm structures in order to achieve Condition 10.
- c. measures to respond to shark interactions/incidents with farm structures;
- d. procedures for the implementation of the SMP, including training of staff;
- e. timeframes for reporting of incidents (entrapment, live entanglement, injury and mortality) to DOC; and
- f. a management review process that has the flexibility to accommodate future advances in infrastructure and other developments in line with the evolution of the science behind best management practices for management of shark interactions and incidents with marine farms.

12. In the event that all reasonable actions have been attempted to remove an entangled or entrapped live shark, or the condition of the shark deteriorates rapidly, or the shark begins to display more aggressive behaviour that makes it impractical and a health and safety risk to disentangle and release the shark, the Approval Holder may take action to destroy the shark, in accordance with the SMP.

Commented [FL1]: The applicant's proposed wording for Condition 10(c) recognised that the consent holder can adopt and implement best practice, comply with the conditions of the resource consent around management of nets and activities and regularly update its practices to reflect international best practice, but in doing all of that cannot completely remove the risk of entanglement of marine species. The applicant also notes that wording Condition 10(c) as drafted by the Panel is inconsistent with the equivalent condition for seabirds which recognises that zero risk is not achievable.

Revocation 13. The Director-General may revoke this Approval in whole or any part at any time (pursuant to clause 7(4) of Schedule 7 of the Fast-track Approvals Act 2024) if: - The Approval Holder breaches any of the conditions of this Approval. - In the Director-General's opinion, the exercise of this Approval has caused, or is likely to cause, any unforeseen adverse effects on sharks or seabirds. 14. If the Director-General intends to revoke this Approval in whole or in part, the Director-General must give the Approval Holder such prior notice as is reasonable and necessary in the circumstances.
Costs 15. The Approval Holder must pay the standard Department of Conservation charge-out rates for any staff time and mileage required to monitor compliance with this approval and to investigate any alleged breaches of the terms and conditions of it.
Variations 16. The Approval Holder may apply to the Director-General for variations to this Approval in accordance with clause 7(2) of Schedule 7 of the Fast-track Approvals Act 2024.
Liabilities 17. The Approval Holder agrees to exercise the Approval at their own risk and releases, to the full extent permitted by law, the Director-General and the Director-General's employees and agents from all claims and demands of any kind and from all liability which may arise in respect of any accident, damage, or injury occurring to any person or property arising from the Approval Holder's exercise of the Approval.
Compliance with Legislation and Director-General's Notices and Directions 18. The Approval Holder must comply with all statutes, bylaws, and regulations, and all notices, directions, and requisitions of the Director-General and any competent authority relating to the exercise of the Approval.
Variations Employees, Contractors, or Agents 19. The Approval Holder is responsible for the acts and omissions of its employees, contractors, and agents when acting in the course of, or in connection with, the activities authorised by this Approval. 20. The Approval Holder is liable under this Approval for any breach of its terms by its employees, contractors, or agents, when acting in the course of, or in connection with, the activities authorised by this Approval, as if the breach were committed by the Approval Holder.