

## WILDLIFE APPROVAL

**THIS AUTHORITY is made this [Date] day of [Month] 2025**

### **PARTIES:**

The Director-General of Conservation and the Minister of Conservation (the **Director-General**)  
Wellington International Airport Limited (the **Wildlife Approval Holder**)

### **BACKGROUND**

- A. The Director-General of Conservation and the Minister of Conservation are empowered to issue authorisations or consents for specified acts under the Wildlife Act 1953.
- B. The Wildlife Approval Holder proposes to replace and construct the Southern Seawall, including the Eastern Bank Remediation Area, and in order to facilitate those works to establish and use the Moa Point Construction Yard (the **Moa Point Yard**) and Miramar Golf Course Construction Yard (the **MGC Yard**), and to address the effects of the Project on kororā to establish two kororā colonies (collectively referred to as **the Project**).
- C. The Wildlife Approval Holder has applied for a wildlife approval under the Fast-track Approvals Act 2024 in relation to the Project.
- D. A wildlife approval granted under the Fast-track Approvals Act 2024 has force and effect for its duration, and according to its terms and conditions, as a lawful authority for the purposes of Part 5 of the Wildlife Act 1953 for the act or omission for which the approval was granted and is treated as if it were granted under that Act.
- E. This wildlife approval under the Fast-track Approvals Act 2024 in relation to the Project was granted by an expert panel on [add date].

### **OPERATIVE PARTS**

The Wildlife Approval Holder has been authorised by an expert panel under the Fast-track Approvals Act 2024 to undertake the activities specified in this approval, subject to the terms and conditions contained in this approval and its schedules.

## SCHEDULE 1: AUTHORISED ACTIVITY

1.	<b>Authorised activity</b> (Schedule 2, clause 2)	<p><u>The activities authorised are:</u></p> <p>a) To catch, handle and release absolutely protected wildlife (kororā; little penguin) at the Southern Seawall, Moa Point Yard, Stage 1 Kororā Colony and Stage 2 Kororā Colony.</p> <p>b) To mark kororā, for the purposes of species management and research, by way of:</p> <ul style="list-style-type: none"> <li>• Subcutaneous transponder (PIT tag microchip);</li> <li>• GPS dive logger or satellite tracking device.</li> </ul> <p>c) To incidentally harm or kill kororā, <del>if the harm or death is not directly intended but is unavoidable and foreseeable and all reasonable effort has been made to meet the conditions in this Authority.</del></p> <p><u>Methodology:</u></p> <p>a) <del>As set out in the Kororā (Little Penguin) Management Plan (KPMP) (prepared by Kororā Ornithology Limited and dated December 2025) included in Part G of the application documents or an amended KPMP certified through the conditions below.</del></p>
2.	<b>The Land</b> (Schedule 2, clause 2)	<p>The Southern Seawall and Moa Point Yard as shown on the map in Schedule 4.</p> <p>The Stage 1 and Stage 2 Kororā Colonies as shown on the Map in Schedule 4.</p>
3.	<b>Personnel authorised to undertake the Authorised Activity</b> (Schedule 2, clause 3)	<p>A suitably qualified and experienced <del>practitioner (SQEP) expert approved by the Department of Conservation</del> with expertise relevant to the protected wildlife species concerned and <del>others</del> <u>persons</u> who have been suitably trained to handle the protected wildlife species concerned.</p>
4.	<b>Term</b> (Schedule 2, clause 4)	<p>[insert date of approval] to [insert date 25 years from date of approval]</p>

**Commented [A1]:** Unnecessary to include as this is addressed in the definition of incidental.

**Commented [A2]:** The application documents have been updated and the KPMP no longer appears to be associated with section G of the application.

**Commented [A3]:** Alternatively this could include names of Authorised Personnel.

5.	<b>Wildlife Approval Holder's address for notices</b> (Schedule 2, clause 8)	The Wildlife Approval Holder's address for notices is: Stewart Duff Drive Rongotai Wellington 6022 New Zealand Phone: [REDACTED] Email: [REDACTED]
6.	<b>Director-General's address for notices</b>	The Director-General's address for all correspondence is: <u>Permissions Team Level 4</u> <u>73 Rostrevor Street Hamilton, 3204</u>  <u>Email: permissionshamilton@doc.govt.nz</u>

**Commented [A4]:** Information supplied

**SCHEDULE 2: STANDARD TERMS AND CONDITIONS OF THE APPROVAL**

**1. Interpretation**

- 1.1 ~~The Wildlife Approval Holder must provide a copy of these conditions to its employees, contractors or agents carrying out the Authorised Activity~~ and explain the obligations under the conditions.
- 1.2 Where obligations bind more than one person, those obligations bind those persons jointly and separately.

**Commented [A5]:** Clarification that this applies to employees contractors and agents relevant to the project, rather than all employees of the Wildlife Approval Holder which is likely to include staff not involved with the project.

**2. What is being authorised?**

- 2.1 ~~The Wildlife Approval Holder is only allowed to carry out the~~ Authorised Activity may only be carried out 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 Wildlife Approval Holder.
- 2.3 The Wildlife Approval Holder must advise the Department of Conservation's local Operations Manager(s) (wellington@doc.govt.nz) prior to carrying out the Authorised Activity in the District (where possible, one week prior), when the Wildlife Approval Holder intends to carry out the Authorised Activity.
- 2.4 ~~The Wildlife Approval Holder and Authorised Personnel must carry a copy of this approval with them at all times while carrying out the Authorised Activity. A copy of this Approval must be available on site at all times while carrying out the Authorised Activity.~~
- 2.5 ~~The Wildlife Approval Holder may publish authorised research results.~~
- 2.6 The Wildlife Approval Holder must immediately notify the Director-General of any taxa found which are new to science. In addition, the ~~Wildlife Approval Authority~~ Holder

**Commented [A6]:** Contact details provided.

**Commented [A7]:** Amendment suggested so as to relate more specifically to the Project.

**Commented [A8]:** It is unclear who this research will be authorised by.

**Commented [A9]:** Numerous edits made throughout document for consistency.

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 Wildlife Approval 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.

**4. How long is the approval for – the Term?**

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

**5. What are the liabilities?**

- 5.1 The Wildlife Approval Holder agrees to exercise the approval at the ~~Wildlife Approval Holder's~~ its 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.
- 5.2 This indemnity is to continue after the expiry or termination of this approval in respect of any acts or omissions occurring or arising before its expiry or termination.

**6. What about compliance with legislation and Director-General's notices and directions?**

- 6.1 The Wildlife Approval Holder must comply with all statutes, bylaws and regulations, and other statutory instruments associated with the Land. 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.

**7. Can the Authority be revoked?**

- 7.1 The Director-General may revoke this Authority at any time in respect of the whole or any part of the Authorised Activity (pursuant to clause 7(4) of Schedule 7 of the Fast-track Approvals Act 2024) if the ~~Wildlife Approval Authority~~ Holder breaches any of the conditions of this Authority.
- 7.2 If the Director-General intends to revoke this Authority in whole or in part, the Director-General must give the ~~Wildlife Approval Authority~~ Holder such prior notice as is reasonable and necessary in the circumstances.

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

- 8.1 Any notice to be given under this approval by the Director-General is to be in writing and made by personal delivery, by pre-paid post or email to the Wildlife Approval 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 sent provided the email is sent before 5 pm, otherwise it is deemed to have been received at 9 am on the next working day, acknowledged by the addressee by return email or otherwise in writing.

**Commented [A10]:** Minor revisions suggested.

8.2 If the Wildlife Approval Holder's details specified in Schedule 1, Item 5 change then the Wildlife Approval Holder must notify the Director-General within 5 working days of such change.

#### 9. What about the payment of costs?

9.1 The Wildlife 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.

#### 10. Are there any Special Conditions?

10.1 Special conditions are specified in Schedule 3. In the event of inconsistency or conflict, the Special Conditions will prevail over this Schedule 2.

#### 11. Can the approval be varied?

11.1 The Wildlife Approval Holder may apply to the Director-General for variations to this approval in accordance with clauses 7(2) and (3) of Schedule 7 of the Fast-track Approvals Act 2024.

### SCHEDULE 3: SPECIAL CONDITIONS

#### 1. General

- 1.1 ~~The provisions of the resource consent conditions (where relevant to this approval) and the KPMP form a part of this approval and the Wildlife Approval Holder will undertake the Authorised Activity, in accordance with that management plan and the relevant resource consent conditions.~~ The Authorised Activity must be carried out in accordance with the documents listed in Schedule 1, Item 1 and in the application to the extent it relates to the Wildlife Approval.
- 1.2 Capture, handling, marking and relocation methods must involve only techniques that minimise the risk of infection or injury to the animal and shall follow those described in the KPMP.
- 1.3 The Wildlife Approval Holder is permitted to incidentally kill or harm wildlife if the harm or death is not directly intended but is unavoidable and foreseeable and all reasonable effort has been made to meet the terms and conditions in this Authority.

**Commented [A11]:** The resource consent approval and wildlife approval are separate and must stand alone although the same KPMP may address both. This condition is unclear in its objective and likely unnecessary. If retained, specific details about which resource consent should be included.

## 2. Amendments to the Kororā (Little Penguin) Management Plan

2.1 The Wildlife Approval Holder may make minor amendments to the KPMP at any time.

2.2 The Wildlife Approval Holder must submit, in writing, any minor amendment(s) to the certified management plan to the ~~Director-General~~relevant Manager(s) at least ten (10) working days prior to when the works associated with the amendment are to be implemented. The Wildlife Approval Holder must maintain a record of all minor amendments.

**Commented [A12]:** It is unclear who the relevant Manager(s) is. To align with other conditions in the wildlife approval this should be changed to Director-General.

2.3 For the purpose of this condition 2, a 'minor amendment' is either:

(a) a small change to the content of the management plan(s) which has either no or a de minimis adverse environmental effect, or

(b) is a change which would result in an improved environmental outcome.

**Commented [A13]:** New condition suggested to clarify definition of minor amendment.

## 3. Capture and handling of kororā

3.1 Penguins must only be handled by Authorised Personnel listed in Schedule 1 Clause 3 or by personnel with appropriate training.

3.2 Penguins can only be captured, handled, and relocated if they are not at a nest containing eggs or chicks. Any penguin that is at a nest containing eggs or chicks must not be captured, handled, and relocated until the nest no longer contains viable eggs or live chicks, or the breeding attempt has been abandoned. If a penguin is located during construction at a nest containing eggs or chicks, a 10 m setback around the penguin's nest must be established and no construction activities may occur in this area. Temporary signs must also be established providing information that a penguin is present and not to be disturbed.

## 4. Injury and/or death of penguins associated with Authorised Activities

4.1 If any penguins are injured as part of the Authorised Activity, the Wildlife Approval Holder shall contact Authorized Personnel listed under Schedule 1 Clause 3 to get advice on the management of the penguin.

4.2 The ~~Wildlife Approval Authority~~ Holder is authorised to euthanise any injured penguin on recommendation of the Authorised Personnel listed under Schedule 1 Clause 3 and/or a veterinarian.

4.3 If any penguin should die during the approved activities of catch, handle, mark or release, the Approval Holder must:

- (a) inform the Wellington DOC Operations Manager ([wellington@doc.govt.nz](mailto:wellington@doc.govt.nz)) within 48 hours, chill the body if it can be delivered within 72 hours, or freeze the body if delivery will take longer than 72 hours; and

- (b) send the body to Massey University Wildlife Postmortem Service for necropsy OR as otherwise advised by the Wellington DOC Operations Manager, along with details of the animal's history; and
- (c) pay for any costs incurred in investigation of the death of any lizard; and
- (d) if required by the Wellington DOC Operations Manager, cease the ~~Authorised~~ Approved Activity for a period determined by the DOC Operations Manager.

**Commented [A14]:** Edit for consistency.

## 5. Reporting

- 5.3 The Wildlife Approval Holder must keep a record of all penguins encountered, captured and/or relocated before or during construction. These records are to be provided to the DOC Operations Manager for Wellington (wellington@doc.govt.nz) and permissionshamilton@doc.govt.nz ~~Grantor by 30 June each year for the life of the authorisation on an annual basis every 1st May.~~ Records must ~~be emailed to wellington@doc.govt.nz and include:~~

**Commented [A15]:** Amendments recommended to improve clarity and enforceability, and to align with timeframe in resource consent.

- (a) The Project name
  - (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) The results of all surveys, monitoring or research; and
  - (e) any difficulties encountered with capture and handling
- ~~the Authority Number and Wildlife Approval Holder's name.~~

All reporting must be undertaken in accordance with the KPMP.

## 6. **Ownership of protected wildlife**

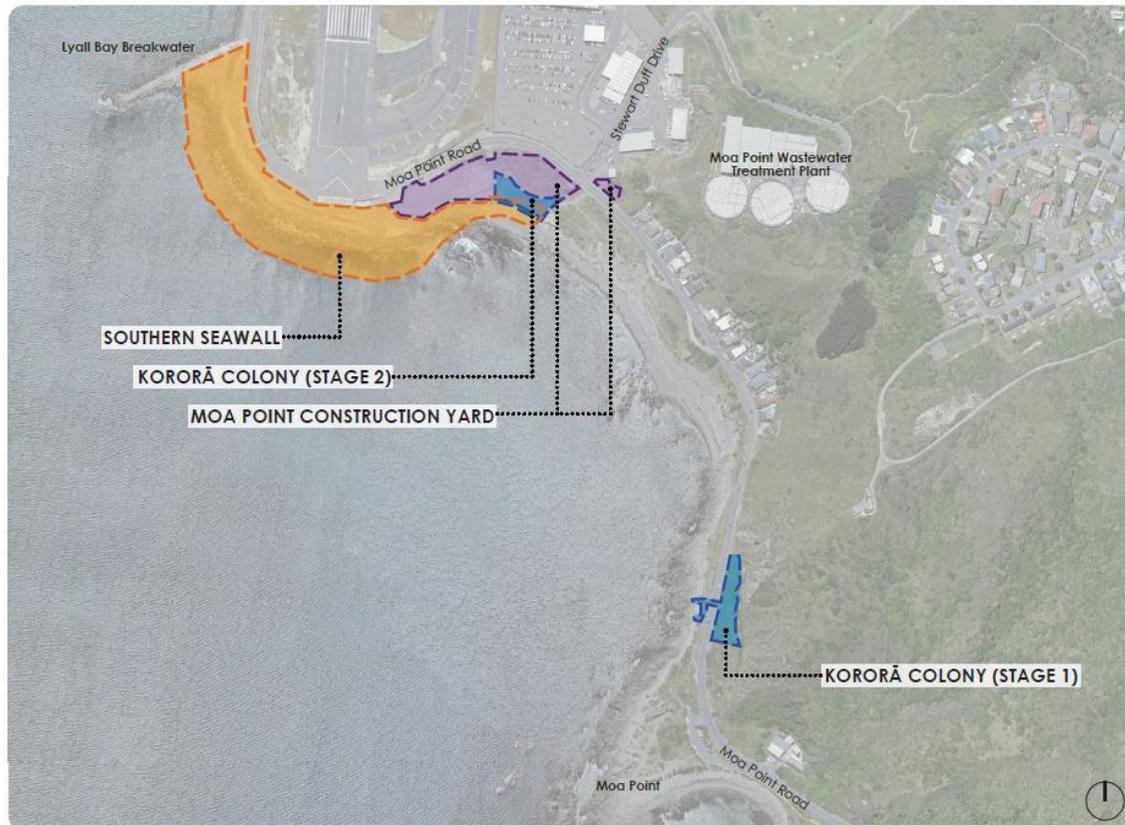
- 6.3 All wildlife remains the property of the Crown. This includes any dead wildlife, live wildlife, any parts thereof, any eggs or progeny of the wildlife, genetic material and any replicated genetic material.
- 6.4 Unless expressly authorised by the Director-General in writing, the Wildlife Approval Holder must not donate, sell or otherwise transfer to any third party any wildlife collected or otherwise obtained under this approval.

## 7. Review and re-certification

- 7.1 The Wildlife Approval Holder must review the KPMP and resubmit it to the Director-General for certification on or before each date that is the 10th anniversary and the 20th anniversary of the Approval date. The purpose of the review is to reassess habitat conditions and characteristics and update the KPMP to reflect current species knowledge, best practice management and mitigation techniques.

**Commented [A16]:** Additional condition recommended to allow review and re-certification for approvals with a term exceeding 10 years. See comments on lizard wildlife approval.

**SCHEDULE 4: MAP OF THE LAND COVERED BY THE APPROVAL**



**KEY:**

- Southern Seawall
- Moa Point Construction Yard
- Kororā Colony (Stages 1+2)

**Note:** Plans prepared for co-ordination purposes only. Refer to technical documentation for scope and extent of works.



