

Appendix A1: Amendments to Draft Wildlife Approval Conditions

General

WA 1 The approved activity [\(catch, handle, and relocate protected wildlife being kororā \(little penguin, *Eudyptula minor*\)](#) must be carried out in accordance with the Avifauna Management Plan (AMP) appended to the Approval and in the application to the extent it relates to the Approval.

Commented [BC1]: Amended at request of DOC, agreed by POTL

WA 2 Capture, handling, marking and release methods must involve only techniques that minimise the risk of infection or injury to the animal and shall follow those described in the AMP.

WA 3 The approval holder is permitted to incidentally kill or harm [wildlife kororā](#) 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 Approval.

Commented [BC2]: Amended at request of DOC, agreed by POTL

Term

WA 4 The wildlife approval shall expire 35 years after the date the Approval is granted.

Capture and handling of [kororā](#)

WA 5 [Penguins Kororā](#) must only be handled by authorised personnel that have been approved by the Tauranga DOC Operations Manager prior to exercising the Approval.

Commented [BC3]: Consequential amendments throughout to refer to [kororā](#)

[WA5A The iwi and hapū listed in condition 3.1 of RM26-0055-DC and condition 3.1 of RM26-0055-DC must be advised in writing no less than ten \(10\) working days prior to any capture, handling or relocation of kororā.](#)

Commented [BC4]: Added in response to PTAI request

WA 6 [Penguins Kororā](#) can only be captured, handled, and relocated if they are not at a nest containing eggs or chicks. Any [penguin kororā](#) that is at a nest containing eggs or chicks must not be captured, handled, or relocated until the nest no longer contains viable eggs or live chicks, or the breeding attempt has been abandoned. If a [penguin kororā](#) is located during construction at a nest containing eggs or chicks, a 10 m setback around the [penguin's kororā](#) nest must be established and no construction activities may occur in this area. Temporary signs must also be established providing information that a [penguin kororā](#) is present and not to be disturbed.

Injury and/or death of penguins associated with Approved Activities

WA 7 If any [penguins kororā](#) are injured as part of the approved activity, the approval holder shall contact the authorised personnel approved by the Tauranga DOC Operations Manager to get advice on the management of the [penguin kororā](#).

WA 8 The approval holder is authorised to euthanise any injured [penguin kororā](#) on recommendation of the authorised personnel and/or a veterinarian.

WA 9 If [penguin kororā](#) should die during the approved activities of catch, handle, mark or release, the approval holder must:

- inform the Tauranga DOC Operations Manager (tauranga@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
- send the body to Massey University Wildlife Postmortem Service for necropsy OR as otherwise advised by the Tauranga DOC Operations Manager, along with details of the animal's history; and
- pay for any costs incurred in investigation of the death of any kororā; and

d. if required by the Tauranga DOC Operations Manager, cease the approved activity for a specified period.

Reporting

WA 10 The approval holder must keep a record of all kororā encountered, captured and /or relocated before or during construction of the Mount Maunganui wharf extensions. These records must be provided to the Tauranga DOC Operations Manager (tauranga@doc.govt.nz) and permissionshamilton@doc.govt.nz by 30 June each year during construction of the Mount Maunganui wharf extensions.

Records must include:

- (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.

All reporting must be undertaken in accordance with the AMP.

Avifauna Management Plan

WA11 If the approved activity is proposed to be undertaken more than ten (10) years after the grant of approval, or more than ten (10) years since the AMP was last recertified in accordance with this condition, then, prior to commencing works on the Mount Maunganui wharf extension, the approval holder must:

- (a) Engage a suitably qualified and experienced ecologist to review Section 2 of the AMP and prepare written advice confirming that Section 2 reflects current [penguin](#) knowledge and best practice [penguin](#) management techniques, or specifying any amendments to ensure that it does so;
- (b) Provide a copy of the ecologist's written advice and the AMP (with any proposed amendments) to the Department of Conservation Tauranga Operations Manager for recertification;

Advice Note: The recertification process must be confined to confirming that Section 2 of the AMP continues to give effect to the purpose of minimising effects on, and achieving no net loss of, kororā/[blue little](#) penguin populations within the existing rock wall and surrounding Mount Maunganui wharf extension construction site. If the Department of Conservation determines that the documentation supplied in accordance with (a) above achieves this, the Department of Conservation must issue a written confirmation of recertification to the approval holder.

- (c) If the Department of Conservation determines that it is unable to recertify the AMP, it must provide the approval holder with reasons and recommendations for changes to the plan in writing. The approval holder must consider any reasons and recommendations of the Department of Conservation and resubmit an amended AMP for recertification.

Advice note: The AMP cannot be subject to a third-party approval. However, in deciding whether to recertify the AMP, the Department of Conservation may obtain advice from other qualified person(s)

Ownership of protected wildlife

WA 12 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.

WA 13 Unless expressly authorised by the Director-General in writing, the approval holder must not donate, sell or otherwise transfer to any third party any [wildlife kororā](#) collected or otherwise obtained under this approval.

Costs

WA 14 The approval holder must pay the Department of Conservation's standard 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.

Liabilities

WA 15 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.

Revocation

WA 16 The Director-General may revoke this Approval at any time in respect of the whole or any part of the approved activity (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.

WA 17 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.

Compliance with Legislation and Director-General's Notices and Directions

WA 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.