

**From:** 9(2)(g)(ii)  
**To:** [permissions](#)  
**Cc:** 9(2)(g)(ii); 9(2)(g); 9(2)(a)  
**Subject:** Mount Messenger Wildlife Act Authority 65458-FAU variation application  
**Date:** Wednesday, 26 May 2021 5:00:05 pm  
**Attachments:** [image001.png](#)  
[65458-FAU variation app-9a.pdf](#)  
[Attachment B1 var 65458-FAU.pdf](#)  
**Importance:** High

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Kia ora,

I'm writing to apply for a variation to the Mt Messenger Bypass kiwi Wildlife Act Authority (WAA) 65458-FAU, due to the extended pre-construction period of the Project.

Please find attached our variation application for minor changes to 65458-FAU being:

- Request for an extension of the term of the Authority;
- Administrative changes – contact person and address; and,
- Additional Authorised Personnel to be added to the Authority; 9(2)(g)(ii) and 9(2)(a) – accredited kiwi practitioners; 9(2)(a) accredited kiwi chick handler and currently adult trainee practitioner; 9(2)(a) – currently a trainee practitioner. 9(2)(a) continues to be involved in the kiwi work and trains ecologists including 9(2)(a) and 9(2)(a)

Please note that this variation will be crucial to the Project's monitoring programme, which benefits North Island brown kiwi as:

- We know how the kiwi population in the area is doing can monitor changes (territory movement, kiwi behaviour via transmitter signal code, incubating periods, feeding periods, check up on individual bird health, during transmitter changes); and,
- Eggs are able to be contributed to the Kiwi's for Kiwi programme, allowing the genetic diversity and future generations of the Mount Messenger kiwi to continue where otherwise there is very low recruitment.

Please do not hesitate to get in touch if you need anything more,

Nga Mihi

9(2)(g)(ii)

Lead Ecologist  
Mt Messenger Alliance

M 9(2)(a)



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9a



Department of  
Conservation  
*Te Papa Atawhai*

# Wildlife Act Authority

## Variation

### Application form 9a

This application form is to vary part of a current Authorisation (called the Authority) involving any animal protected under the Wildlife Act 1953 (which does not include marine mammals)

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# Using this application form

## ! Application checklist

### Completing the application



**Save** – You can save this application form to your digital device and edit or fill it in your own time.



**Fill** – You can fill this application digitally using Microsoft word.



**Print** – You can print this application form and fill it manually, or you can fill it digitally, then print it.



**Submit** – This application form can be submitted by email or by post.



**Email** – Email your application and all the required labelled attachments to: [permissions@doc.govt.nz](mailto:permissions@doc.govt.nz)



**Post** – Post your application and all the required labelled attachments to:

Permissions Team

Private Bag 3072

Hamilton 3240

Have you included labelled attachments as required for your activities (including maps, testimonials, and consultations)?

Have you read the section regarding liability of the applicant for payment of fees?

Have you signed your application (digitally or manually)?

### Navigation

**Hints** – Use the links through the hints column on the right hand side of the application form



**Scroll** – Simply use your mouse or keyboard arrows to scroll through the document page-by-page.

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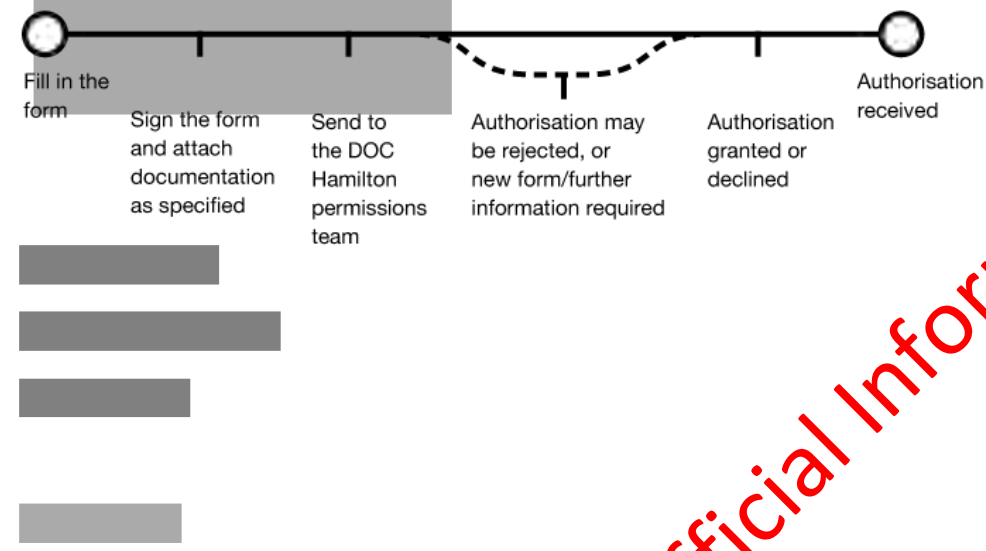


# Before you start

You will need to attach evidence of your current Wildlife Act Authorisation.

! Please take the timeframes below into consideration when submitting your application.

## Process



! An application is deemed complete when all information requested has been received.

! Any amendments requested after lodgement may require a new variation application to be completed resulting in a delay of processing of your application.

Applications for proposals of activities are categorised as either standard or complex proposals:

! Please see also the [fees](#) section.

- Standard proposals are those activities that are likely to have little or no significant effect on conservation values. See the fee section for information on what fees are likely to apply.
- Complex proposals are those activities likely to have more significant effects, and therefore require careful consideration. See the fee section below for information on what fees are likely to apply.

## Consultation:

! For more information please see the [iwi consultation section](#).

- Consultation is required on most applications. In general iwi have 20 working days to respond to DOC once we make a formal request. If there are considerable iwi values to consider they may request a further 20 working days to respond. If no response is received from iwi within the specified period DOC will continue to process your application, as we may be able to locate relevant information about their interests from other sources.

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## Contact

Statutory Process Team  
Private Bag 3072  
Hamilton 3240

+64 27 308 8958  
permissions@doc.govt.nz



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# Section A | Authority holder details

Full name of Authorised holder

New Zealand Transport Authority

! Please provide evidence of your Current Authorisation

Authorisation number

65458-FAU

! Please update your address details if they have changed.

Postal address

9(2)(g)(ii)

Street address (if different from postal)

! You must provide a New Zealand address for service.

Phone

9(2)(g)(ii)

Website

Contact person

9(2)(g)(ii)

Role

Lead Ecologist

Phone

9(2)(a)

Mobile

9(2)(a)

Email

9(2)(g)(ii)

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# Section B | Variation description details

## 1. Variation activity description.

Please provide a brief summary paragraph (100 words or less) here:

The variation is required to extend the Mount Messenger Alliance Mount Messenger kiwi tracking programme to reflect the longer pre-construction period now required for the Project.

An administrative change of the Authority Holder's address and contact person is also required to reflect the change in Lead Ecologist over the last three years, as well as location of the Lead Ecologist and most relevant project personnel.

Variation also required to add additional Authorised Personnel to reflect Project personnel changes over the three year period since the Authority was issued.

! Attach a copy of your proposal to this form and label it Attachment B1.

! See Authorisations and Special Conditions [for your information.](#)

Would you like to change or add Authorised Personnel for your Current Authority?

Yes  No, go to next question.

Please provide full name of the personnel.

Add:

9(2)(g)(ii) – accredited kiwi practitioner;

9(2)(a) – accredited kiwi practitioner;

9(2)(a) – accredited chick practitioner, trainee adult practitioner under 9(2)(a);

9(2)(a) – trainee practitioner under 9(2)(a)

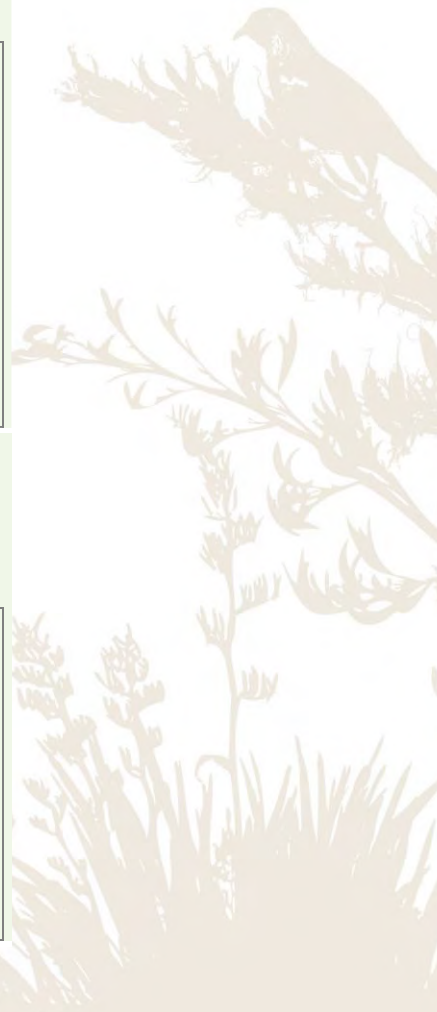
## 2. Are you requesting to vary the term?

Yes, provide details in 2.1  No, go to next question.

### 2.1. Reason for the term request?

The Project's preconstruction monitoring phase has been extended to reflect the later construction start date. The kiwi require continued monitoring to ensure any population changes or changes in individual kiwi territories are accounted for and understood, in order to minimise construction impacts on any kiwi within the project's footprint. The construction consenting date may be expected by 30 May 2022, we therefore request term extension until this date.

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**3. Are you requesting to vary the location?**

Yes, provide details in 3.1       No, go to next section.

**3.1. Location/s**

State the location/s in which the activity will be carried out and why this site is the best option. For specific sites, please include a map (and GPS co-ordinates if available). Attach map and label it attachment B.3.1

**!** Use DOCgis to view Conservation Land.

No change

[Redacted content consisting of several horizontal bars of varying lengths]

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## Section C | Access to Restricted Lands

Special permission is required to enter some public conservation lands that have particularly high levels of protection. If you wish to enter land of any status listed below to carry out the proposed activity, please select the status and state the full name of the land to which permission for access is sought.

Nature Reserve (s20 Reserves Act 1977)

**Name of land to be accessed**

No change

Scientific Reserve (s21 Reserves Act 1977)

**Name of land to be accessed**

No change

Government Purpose (s22 Reserves Act 1977)

**Name of land to be accessed**

No change

Specially Protected Area in a National Park (s13 National Parks Act 1980)

**Name of land to be accessed**

No change

State why?

No change

Wildlife Sanctuary (s9 Wildlife Act 1953)

**Name of land to be accessed**

No change

Wildlife Refuge (s14 Wildlife Act 1953)

**Name of land to be accessed**

No change

Wildlife Management Reserve (s14 Wildlife Act 1953)

**Name of land to be accessed**

No change

**! Wildlife Act**  
Authorisations apply to private land and public conservation land. If the location is private land, you will also need the consent of the land owner.

**! If proposing to undertake your activity in a National Park, your activity must be essential for management, research, interpretation or educational purposes. Please state why?**

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## Section E | Consultation

Many applications require consultation with Tāngata whenua (local Māori), and other interested parties. Please attach proof and details of all consultation, including with hapū or iwi, to this application and label as attachment E.

Please attach any additional written expert views, advice or opinions you have obtained concerning your proposal to support the application and label them attachment E.

**!** If you are unsure of any consultation requirements for your proposal, please see [iwi consultation section](#) or contact your local DOC partnerships office to discuss what is required.

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

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# Section F | Fees

## Please note

This section only applies to applications with a commercial focus – which will include applications from registered companies. The Department does not charge fees for non-commercial Wildlife Act authorisations.

## Processing fees

Section 60B of the Conservation Act contains the statutory provisions regarding processing fees.

The Department recovers all direct and indirect costs to process an application from applicants regardless of whether the application is approved or declined. If at any stage an application is withdrawn, the Department will invoice the applicant for the costs incurred by the Department up to that point.

### Standard application fee

The estimated standard application fee is **\$400 +GST**.

This covers most applications. However if your application is likely to have significant effects, is novel, or spans multiple DOC regions, it will require more careful consideration and cost approximately **\$800 +GST**.

Particularly complex applications may incur further costs – you will be sent an estimate of costs in this situation. We will contact you to advise if the fee is more than the estimated standard cost. Applicants are also entitled to request an estimate of costs at any point, but the Department may impose a charge for preparing such an estimate. Estimates are not binding.

## Paying fees

The Department will ordinarily invoice the applicant for processing fees after a decision has been made on the application, but in some cases interim invoices will be issued.

Please select your method of payment below.

- I have attached a cheque
- I have direct credited the DOC account

Please use the Applicant name and permission number (which the permissions team will give to you) as the references.

**Department of Conservation  
Westpac Bank  
Account number: 03 0049 0002808 00**

- I require an invoice for payment
- I have a purchase order/number from an organisation registered with DOC

**!** If you are making an application for non-commercial activity, [proceed to declaration](#).

**!** Applicants are required to pay the processing fees within 28 days of receiving an invoice. The Director-General is entitled to recover any unpaid fees as a debt.

**!** If you are applying from outside New Zealand we can process a credit card payment – please [contact us](#) to request this procedure.



## Section F (continued) | Fees

### Fee waivers and reductions

The Director-General has discretion to reduce or waive processing fees. You may apply for a fee waiver or reduction if you can provide information to the permissions team about how your application meets at least one of the following criteria.

- The activity will make a direct contribution to management
- The activity will support or contribute to the Department's priority outcomes – stated in the Department's 2013 – 2017 Statement of Intent
- There will be other non-commercial public benefits from the activities covered by the authorisation (if approved)
- Activity covered by the authorisation (other than research, collection or educational activities) will make a contribution to the management of, or the public interest in, the lands that are covered by the authorisation

The Department may obtain further information either from the applicant or from any other relevant source in order to process the application. The applicant will be advised of any information obtained from other sources. The cost of obtaining such information will be charged to and recovered from the applicant. The applicant will be informed as soon as practicable from receipt of the application if further information is required before this application form can be fully processed by the Department.



View the Department's 2013 – 2017 Statement of Intent [here](#) for the priority outcomes.

### Terms and conditions: Account with the Department of Conservation

Have you held an account with the Department before?

 Yes No

If **yes**, under what name?

N/A

### Terms and conditions: Account with the Department of Conservation

1. I/We agree that the Department of Conservation can provide my details to the Department's Credit Checking Agency to enable it to conduct a full credit check.
2. I/We agree that any change which affects the trading address, legal entity, structure of management or control of the applicant's company (as detailed in this application) will be notified in writing to the Department of Conservation within 7 days of that change becoming effective.
3. I/We agree to notify the Department of Conservation of any disputed charges within 14 days of the date of the invoice.
4. I/We agree to fully pay the Department of Conservation for any invoice received on or before the due date.
5. I/We agree to pay all costs incurred (including interest, legal costs and debt recovery fees) to recover any money owing on this account.
6. I/We agree that the credit account provided by the Department of Conservation may be withdrawn by the Department of Conservation, if any terms and conditions of the credit account are not met.
7. I/We agree that the Department of Conservation can provide my details to the Department's Debt Collection Agency in the event of non-payment of payable fees.



## Section F (continued) | Fees

### Reduction in fees for exceeding processing timeframe

If the Department fails to meet its own processing timeframes the estimate of fees will be reduced at a rate of 1% per day late, up to a maximum of 50% of the total processing fee. The reduction will not apply if the Applicant's actions have delayed the process.

### Additional Fees

You may also be required to pay additional fees. These may include:

- Annual management fee to cover administration time; and/or
- Monitoring fee to cover the cost of monitoring the effects of your activity.

! Please [contact the Permissions team](#) to discuss whether these fees apply.

[Redacted]	
[Redacted]	
[Redacted]	
[Redacted]	
[Redacted]	
[Redacted]	[Redacted]
[Redacted]	[Redacted]
[Redacted]	[Redacted]

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# Section G | Declaration

**I certify that the information provided on this application form and all attached additional forms and information is to the best of my knowledge true and correct.**

Signature (applicant)

Date (dd/mm/yyyy)

9(2)(a)

26/05/2021

**!** An Authorisation may be varied or revoked if the information given in this application contains inaccuracies.

This application is made pursuant to Section/s 41(1)(g), 53; 54; 55; and/or 56 of the Wildlife Act 1953 [and (where applicable) Section/s 22; 49; 50; 51; 57; and/or 59 of the Reserves Act 1977; and/or Section/s 5; 13; 14(3) of the National Parks Act 1980; and/or 38 of the Conservation Act].

Applicants should familiarise themselves with the relevant provisions of the Wildlife Act 1953, the Conservation Act 1987, the Reserves Act 1977 and the National Parks Act 1980 relating to authorisations.

The purpose of collecting this information is to enable the Department to process your application. The Department will not use this information for any reason not related to that purpose.

Applicants should be aware that provisions of the Official Information Act may require that some or all information in this application be publicly released.

### For Departmental use

Credit check undertaken?  Yes  No

Comments

Signed

Name

Approved

Name

**!** Approval is to be by a Tier 4 Manager or above.

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## Attachment B1 Wildlife Act Authority 65458-FAU variation application proposal

The Mount Messenger Bypass requires a variation to Wildlife Act Authority (WAA) 65458-FAU due to the extended pre-construction works period which will likely continue until early-mid 2022. This WAA is critical to the Project's understanding of the North Island brown kiwi population within the project area. The monitoring of the kiwi within the area via transmitters is required to ensure kiwi within the area are known to the Project, and allows egg uplifts by Kiwis for Kiwi to contribute to new generations of NI brown kiwi. Without this programme the project would not know how kiwi were doing within the project area, and the genetics of these western NI brown kiwi may be lost. The loss of the tracking programme would be negative for kiwi in the area. The variation application comprises a request for:

- Term extension - from April 2021 to 30 May 2022 to allow for the extended pre-construction period anticipated based on the consenting process;
- Administrative changes/updates to account for the changes in Project personnel and changes in personnel locations over the three year period since the WAA was issued;
- Additional Authorised personnel to be added to the WAA, being Andree Hickey-Elliott (accredited practitioner) and [9(2)(a)] (accredited practitioner), due to changes in the project's personnel over the three year period since WAA issue.

### Term extension (WAA 65458-FAU Schedule 1 item 4; variation application Section B)

The current term of 65458-FAU ended on 17 April 2021. This term end date means the Project can no longer continue the monitoring and tracking programme under the current terms of the WAA 65458-FAU. It was anticipated that the Project's main works WAA (that would also cover the kiwi tracking and monitoring programme) would be active before mid-May 2021; due to consenting delays this has not occurred. We therefore require an extension to the term to cover the interim period until the main works WAA becomes active. We foresee that this requires a minimum term extension of WAA 65458-FAU until 30 May 2022 to allow for the conceivable interim period until consents and therefore the main works WAA are granted.

### Administrative changes (WAA 65458-FAU Schedule 1 item 5; variation application Section A)

Notices to the Authority Holder's would now be best sent to Andree Hickey-Elliott, the Project's lead ecologist at the New Plymouth WSP Office: 1 Lizardet Street, New Plymouth 4310. Office phone number +64 6 759 8880. This is now the closest office to the site that the Project use, and will be the office used by the lead ecologist and local Project construction team until an onsite office is built sometime mid-late next year.

A report will be produced at the conclusion of the monitoring programme in line with WAA65458-FAU, detailing finding of the monitoring programme. This is anticipated to be provided to the Department of conservation mid 2022 when preconstruction monitoring should be completed and construction monitoring should begin.

### Additional Authorised personnel (WAA 65458-FAU Schedule 1 item 3; variation application Section B)

Some Project personnel have remained on the Project for a number of years, including [9(2)] [redacted]. In the time since WAA 65458-FAU was issued, [9(2)(g)(ii)] and [9(2)(a)] joined the project team as Lead ecologist and a project ecologist respectively. [9(2)(a)] and [9(2)(a)] are also key members of the Project's ecology team.

9(2)(g)(ii)

9(2)(g)(ii) is an accredited kiwi practitioner and was trained by 9(2)(a). 9(2)(g)(ii) has extensive experience tracking and monitoring the Mount Messenger kiwi over the two and a half years since 9(2) started training her, and has done regular transmitter changes on the Mount Messenger birds over this period. This work has included learning skills in extraction, handling and release. 9(2)(g)(ii) partook in much of the monitoring and tracking to date to determine the kiwi's territories, and is familiar with the individual kiwis' behaviour, terrain and risks to kiwi in the area.

## Kiwi Accredited Handler Report

9(2)(g)(ii)

Kiwi Accredited Handler **KAH 0451**

Accredited Trainer

Wild kiwi  
 Captive kiwi

### Taxa:

- Brown  
 Little Spotted Kiwi  
 Great Spotted Kiwi  
 Tokoeka  
 Rowi

Active / Inactive: Active

Date last report submitted 17/02/2021

Status: **CURRENT**

Permit No. \_\_\_\_\_ expiry \_\_\_\_\_

### Accreditation details

Category (wild)	Competency	Marking	Competency
wild adult handling	Yes	Kiwi Banding level	Level 1
wild chick handling	Yes	NZNBBS number	NZNBBS 0673
extract catch release	Yes	wing tag attachment	
measurements		transponder insertion	
egg lifts, handling	Yes	adult transmitter attachment	Yes
egg transportation		chick transmitter attachment	

Operation Nest Egg	Competency	Sampling	Competency
egg washing		taking blood	
egg candling		taking cloacal swabs	
egg incubation min standards			
treat cracked eggs			
hatching minimum standards			
hatching abnormalities assist			
standard chick husbandry			
standard juvenile husbandry			

Category (captive)	Competency
extract catch release	
handling adult	
handling chick	
upright hold for treatment	
oral tube dosing	

Trained by 9(2)(a)

General notes

Date of report

3/03/2021

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9(2)(a)

9(2) is an accredited practitioner who has worked with a range of kiwi species for over six years.

9(2) has extensive kiwi tracking and monitoring experience and joined the Project team in late 2020. 9(2) has tracked the Mount Messenger kiwi and has become familiar with their behaviour and territories.

## Kiwi Accredited Handler Report

9(2)(a)

Kiwi Accredited Handler

KAH 0374

Accredited Trainer

Wild kiwi

Captive kiwi

### Taxa:

- Brown
- Little Spotted Kiwi
- Great Spotted Kiwi
- Tokoeka
- Rowi

Active / Inactive: Active

Date last report submitted 17/02/2021

Status:

CURRENT

Permit No. \_\_\_\_\_ expiry \_\_\_\_\_

### Accreditation details

Category (wild)	Competency	Marking	Competency
wild adult handling	Yes	Kiwi Banding level	1
wild chick handling	Yes	NZNBBS number	NZNBBS 0717
extract catch release	Yes	wing tag attachment	
measurements	Yes	transponder insertion	Yes
egg lifts, handling	Yes	adult transponder attachment	Yes
egg transportation	Yes	chick transmitter attachment	
Operation Nest Egg	Competency	Sampling	Competency
egg washing	Yes	taking blood	Yes
egg candling	Yes	taking cloacal swabs	Yes
egg incubation min standards	Yes		
treat cracked eggs	Yes		
hatching minimum standards	Yes		
hatching abnormalities assist	Yes		
standard chick husbandry	Yes		
standard juvenile husbandry	Yes		
Category (captive)	Competency		
extract catch and release	Yes		
handling adult	Yes		
handling chick	Yes		
upright hold for treatment	Yes		
oral tube dosing	Yes		

Trained by 9(2)(a)

General Notes Night catching

Date of report

22/02/2021

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9(2)(a)

9(2)(a) was involved with the North Island brown kiwi monitoring programme at Cape Sanctuary, and undertook NI brown kiwi chick health checks and transmitter changes, which included tracking, extraction, handling and release. 9(2)(a) is an accredited handler for NI brown kiwi chicks. 9(2)(a) joined the project team as an ecologist in early 2021. 9(2)(a) is now training under 9(2)(a) towards becoming accredited for adult NI brown kiwi: extracting, catching, handling and release as well as transmitter attachment.

## Kiwi Accredited Handler Report

9(2)(a)

Kiwi Accredited Handler

KAH 0353

Accredited Trainer

Wild kiwi

Captive kiwi

### Taxa:

Brown

Great Spotted Kiwi

Active / Inactive: Active

Status:

Little Spotted Kiwi

Tokoeka

Date last report submitted 27/09/2020

CURRENT

Rowi

Permit No. \_\_\_\_\_ expiry \_\_\_\_\_

### Accreditation details

#### Category (wild)

#### Competency

wild adult handling	Yes
wild chick handling	Yes
extract catch release	Yes
measurements	Yes
egg lifts, handling	
egg transportation	

#### Marking

#### Competency

Kiwi Banding level	
NZNBBS number	
wing tag attachment	
transponder insertion	
adult transmitter attachment	
chick transmitter attachment	Yes

#### Operation Nest Egg

#### Competency

egg washing	
egg candling	
egg incubation min standards	
treat cracked eggs	
hatching minimum standards	
hatching abnormalities assist	
standard chick husbandry	
standard juvenile husbandry	

#### Sampling

#### Competency

taking blood	
taking cloacal swabs	

#### Category (captive)

#### Competency

extract catch and release	
handling adult	
handling chick	
upright hold for treatment	
oral tube dosing	

Trained by

General notes Measurements only include weights for chicks

Date of report

22/10/2020

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9(2)(a)

9(2)(a) of Ngāti Tama has been involved with the Project's ecology fieldwork since 2017.

9(2)(a) also manages the Parininihi Conservation Area, including the kokako breeding programme.

9(2)(a) has extensive bird tracking and handling experience from managing the kokako programme.

Simultaneously over this period 9(2)(a) has been tracking and monitoring Mount Messenger kiwi, and has undertaken extractions, handled, released, and undertaken transmitter changes under 9(2)

supervision. 9(2)(a) aims to become an accredited practitioner for NI brown kiwi and will continue to work on this project once accredited and therefore is proposed for addition to the Authorised Personnel.

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To: 9(2)(g)(ii) as Operations Director HWT

From: 9(2)(g)(ii) as DDG Operations

Date: 25<sup>th</sup> June 2021

Task Assignment: Process Variation Request from: New Zealand Transport Agency

The Court of Appeal and Supreme Court judgments in the *PauaMAC5 Inc.* case had ramifications for the types of authorisations delegates of the Director-General of Conservation (DG) can grant under section 53 of the Wildlife Act 1953:

1. An application for authorisation under section 53 can only be considered if the activity is “catch alive” or “kill”. Lesser interferences, such as disturbance or unsuccessful pursuit **can only be authorised if they occur as part of “catch alive or kill”.**
2. **Authorising “catch alive or kill” envisages something inherently intentional.** It cannot be used to facilitate or “cover” in case of an accidental action. An example of accidental killing is hitting a bird with your car. Incidental killing would be where an area is bulldozed knowing lizards will be present even though salvage has been undertaken. Accidental cannot be authorised; incidental can.
3. The judgments also confirmed the purpose of the Act (essentially to protect wildlife and control game). This means that an activity authorised under section 53 must promote the wider purpose of the Act. Purely anthropocentric activities with no benefit to wildlife would be unlikely to meet the purpose of the Act as there is no element of protection.

For more information on the impacts of the PauaMAC5 case, refer to the Factsheet for Decision Makers [DOC-6193505](#)

### Variation Application to Existing Wildlife Act Authority

The Department has received a request from NZTA to vary a Wildlife Act Authority (65458-FAU). The Wildlife Act Authority has been expired so this variation application is being treated as a new application.

The applicant is applying to extend the term to reflect a later construction date and update authorised personnel and updating contact details. The authorised activities that need the term extending are:

1.	<p>Authorised activity (including the species, any approved quantities and collection methods).</p> <p>(Schedule 2, clause 2)</p>	<p>a. Activity:</p> <ul style="list-style-type: none"> <li>i. To Catch</li> <li>ii. To handle</li> <li>iii. To attach transmitters</li> </ul> <p>b. Species</p>
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#### Fees

The authority for agreeing fees sits with PPL Director to ensure a consistent approach across the country. Where the fee setting is consistent with the Price Book, place-based decision makers can incorporate this into their decision.

#### Purpose

To make a decision on the application.

#### Quantity:

- A decision or other appropriate closure of the application
- Written rationale for decision
- Permissions processing complete (e.g. paperwork, database)

#### Quality:

- Ensure the purpose of the Wildlife Act 1953 is considered
- Ensure a robust decision-making process following best practice
- Ensure appropriate interaction and communication with the applicant
- **Use team process and follow the defined 'Type 1' process steps**
- Ensure final decision is appropriately shared
- Assess and escalate critical issues
- Learn how to shorten the cycle time

#### Resources

Permissions Advisor – 9(2)(g)(ii)

Community Ranger -

Technical Advisor – 9(2)(g)(ii)

Link to Application: [DOC-6677013](#)

#### Additional Resources:

Permissions Advisor guidance: [DOC-6182664](#)

Court of Appeal DOC legal advice: [DOC-5701834](#) [legally privileged]

Supreme Court DOC legal advice: [DOC-6096829](#) [legally privileged]

#### Timeframe

Within 20 working days of acceptance of Task Assignment. In this instance, the 20 working days will commence from 29<sup>th</sup> June 2021.



# Permission Decision Support Document

## Application Details

Decision Maker	9(2)(g)(ii) – Operations Director for the Hauraki / Waikato / Taranaki Region
Applicant	New Zealand Transport Agency
Permission Number	94669-FAU
Permission Type	Wildlife Act authorisation

## Key Dates

Application received	26/05/2021
Task Assignment assigned	01/06/2021
Context Meeting	15/6/2021
Check In Meeting	NA
Decision due	1 July 2021

## Document Links

Application	<a href="#">DOC-6677013</a>
Task Assignment	<a href="#">DOC-6677039</a>

## Resources

Permissions Advisor	9(2)(g)(ii)
District Office/s	9(2)(g)(ii)
Science and Policy	9(2)(g)(ii)

# 1. Task Register

Tasks as set by the Decision Maker:

No.	Task description	Accountability	Estimated time req'd to complete task (minutes)	Timeframe (date due)	Date complete	Time taken to complete task (minutes)
1	Coordinate the processing of the application - including (but not limited to) communicating with the Applicant, managing the Permissions Database record, and coordinating the completion of the Decision Support Document	Permissions Advisor				
2	Undertake a statutory analysis of the application	Permissions Advisor				
3	Share the decision with the team members on behalf of the Decision Maker	Permissions Advisor				
4	Share the decision with those consulted with (including Treaty Partners and the Conservation Board)	Community Ranger/anyone who has consulted				
5						
6						
7						
8						
9						

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## 2. Purpose

To make a decision on the application.

## 3. Context

Variation Application to Existing Wildlife Act Authority

The Department has received a request from NZTA to vary a Wildlife Act Authority (65458-FAU). The Wildlife Act Authority has expired so this variation application is being treated as a new application.

The applicant is applying to extend the term to reflect a later construction date and update authorised personnel and updating contact details. The authorised activities that need the term extending are:

1.	<p>Authorised activity (including the species, any approved quantities and collection methods). (Schedule 2, clause 2)</p>	<p>a. Activity:</p> <ul style="list-style-type: none"> <li>i. To Catch</li> <li>ii. To handle</li> <li>iii. To attach transmitters</li> </ul> <p>b. Species</p> <ul style="list-style-type: none"> <li>i. North Island Brown Kiwi (<i>Apteryx mantelli</i>)</li> </ul> <p>c. Quantity</p> <ul style="list-style-type: none"> <li>ii. Up to 15 pairs</li> </ul> <p>d. Method</p> <ul style="list-style-type: none"> <li>iii. All captures will be made by suitably accredited handlers .</li> </ul>
2.	<p>The Land (Schedule 2, clause 2)</p>	<p>Immediate surrounds of Mount Messenger Bypass Project</p>
3.	<p>Personnel authorised to undertake the Authorised Activity (Schedule 2, clause 3)</p>	<p>a. [REDACTED] 9(2)(a)</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>

		k. [redacted] 9(2)(a) [redacted] m.
4.	Term (Schedule 2, clause 4)	Commencing on and including 18 April 2018 and ending on and including 17 April 2021
5.	<b>Authority Holder's</b> address for notices (Schedule 2, clause 8)	The Authority Holders address in New Zealand is: 24 Bridge Street Hamilton 3240 New Zealand Phone: [redacted] 9(2)(a) Email: [redacted] 9(2)(a)

Additional Authorised Personnel to be added to the Authority; [redacted] 9(2)(g)(ii) and [redacted] 9(2)(a) – accredited kiwi practitioners; [redacted] 9(2)(a) – accredited kiwi chick handler and currently adult trainee practitioner; [redacted] 9(2)(a) – currently a trainee practitioner.

A term ending 30 May 2022 has now been applied for

As the kiwi have radio transmitters attached already, the new authority is essentially allowing the Applicant to remove transmitters outside the breeding season next year.

#### 4. Critical Issues

How to ensure the additional personnel are adequately qualified / experienced.

#### 5. Consultation with Treaty Partners

To be completed on behalf of each District Office – copy a new box for each District Office.

**District Office name – Community Ranger's name**

##### SECTION 7: Treaty Settlement implications

If you have any questions about Treaty Settlement implications of an application, contact [redacted] 9(2)(g)(ii) Treaty Negotiations Team, and he will advise you who to talk to in the Treaty Negotiations Team.

1. Is any site subject to the application due to be transferred to whānau, hapū, or iwi? If no, go to question 4. If yes, identify the site.
2. Has a Treaty settlement disclosure form been completed for the site? Were any existing encumbrances noted on that form?

3. Who is leading the negotiations process for DOC in the Policy Negotiations Team?
  
4. If your Treaty Partners have settlement legislation in place already, are there any specific post-settlement implementation obligations that relate to the site or proposed activity?

**SECTION B: Marine and Coastal (Takutai Moana) Area Act 2011**

*If you have any questions about the Marine and Coastal (Takutai Moana) Area Act or the consultation required by this Act, firstly check the Concessions Guidance Document, and secondly, contact [redacted] 9(2)(g)(ii)*

- Is the location subject to any applications or approvals for customary marine title or protected marine rights under the Marine and Coastal (Takutai Moana) Act 2011? If yes, identify the Treaty Partners who have either applied for or had approved customary marine title or protected marine rights at the location.
  
- If yes, has the Applicant provided evidence of consultation with these Treaty Partners? *The Applicant has a requirement to consult with anyone who has an application under the Act that is additional to DOC's consultation with Treaty Partners. See the Concessions Guidance Document for more information).*

**SECTION C: Whānau, hapū, and iwi consulted**

*Complete the Consultation Summary table - copy this table if more columns are required.*

<b>Consultation Summary</b>			
Treaty Partner Consulted with			
Date consultation was sent out			
Consultation time frame end date			
Consultation method (email, phone, face to face etc)			
How many attempts made to consult?			
DOC/CM link to any consultation emails received			

**SECTION D: Consultation with [name of Treaty Partner]**

*Either complete a new section for each Treaty Partner you consult with, or incorporate the responses from each Treaty Partner into one section. These questions are prompts and have been developed to guide you as to what information the Decision Maker needs to make a decision that is fully informed of Treaty Partner views. You may not be able to answer all questions, but do not copy and paste email chains from conversations with Treaty Partners – these should be linked into section B above and the information provided in response to the questions in this section.*

- Does this application activate any agreed triggers for consultation with Treaty Partners? **Community Ranger MUST include link to triggers document.**

Triggers DOCCM-XXXXXX

[Delete answers that do not apply]

Yes – Answer remaining questions.

No – Note that triggers are not met, provide a doc[CM link to the agreed triggers document. Do not complete the remaining questions unless consultation is undertaken.

There are no agreed triggers – Answer remaining questions.

- Did the whānau, hapū, or iwi engage in consultation on this application? If not, ensure attempts to engage are detailed in Section C
- What is the interest of the whānau, hapū, or iwi in the site or activity?
- What are their views on the activity (taking place at the specified site)?
- What sort of adverse effects do the whānau, hapū, or iwi believe the activity will have on their interests (at the specified site)?
- Have the whānau, hapū, or iwi identified any methods to avoid, remedy, or mitigate these effects?
- Summarise any other information provided by the whānau, hapū, or iwi.

**SECTION E: Consultation with [Name of Treaty Partner]**

*If required, copy the questions from Section C and complete for additional Treaty Partners*

consulted with if required (you may prefer to incorporate a number of Treaty Partner responses into Section D).

## 6. Contributions

### Statutory Analysis: Authorisation under the Wildlife Act 1953

#### 9(2)(g)(ii) Permissions Advisor

##### Consistency with conservation legislation

Assess the application against the relevant legislation conservation legislation and consider if the activity is consistent with that legislation. If the assessment is that the activity is not consistent with the relevant legislation, or if it is unclear, discuss the reasons for this.

##### Conservation legislation assessed:

Section 53 of the Wildlife Act 1953

Section 38 of the Wildlife Regulations 1955

##### Criteria for decision:

- Is the activity consistent with the relevant conservation legislation?

Yes

##### Discussion:

**Catch Alive:** The Director General can authorise any specified person to catch alive absolutely protected wildlife for 'any purpose approved by the Director General'.

The Court of Appeal in *PauaMac5 Incorporated v Director General of Conservation* [2018] BNZCA 348 [4 September 2018] held that while authorisation can be granted "for any purpose", the purpose must be one which is consistent with the purpose of the Act, which is protection of wildlife i.e. it must have protective benefits. The purpose of catching alive the wildlife and attaching transmitters is to monitor movement of kiwi around the proposed Mt Messenger Roding construction footprint. This has protective benefits for the kiwi as their movement will enable the Applicant to more easily move them out of construction works once construction starts early next year. Therefore, the catch alive aspect of this application is consistent with the legislation.

## 7. Proposed Operating Conditions

### Conditions

Schedule 1 clause 3 shall be replaced with:

Authorised personnel:

- a. 9(2)(a) (project leader)
- b. Others employed by 9(2)(a) that are on the kiwi handler database

Schedule 3 shall be replaced with the following:

#### 1.0 Myrtle Rust Biosecurity

- 1.1 The Authority Holder and members of their team shall know the plants that are affected by myrtle rust, and what the rust symptoms look like. This serious fungal disease only affects plants in the Myrtle (*Myrtaceae*) family which includes pohutukawa, manuka, kanuka, and ramaroma. See [http://www.mpi.govt.nz/protection-and-response/responding/alerts/myrtle\\_rust](http://www.mpi.govt.nz/protection-and-response/responding/alerts/myrtle_rust)
- 1.2 The Authority Holder and members of their team shall not park vehicles under myrtle species where vehicles can easily be contaminated while undertaking the Authorised Activity.
- 1.3 The Authority Holder shall carry large black plastic bags and ties, 2% SteriGENE spray bottle and Isopropanol wipes while undertaking the Authorised Activity on Public Conservation Land where *Myrtaceae* are part of the flora.
- 1.4 If the Authority Holder or any members of their team believe they have seen the symptoms of myrtle rust, they are not to touch the plant.
  - a. Call the MPI Exotic Pest and Disease Hotline immediately on 0800 80 99 66.
  - b. If possible, take clear photographs, including the whole plant, the whole infected leaf, and a close up of the spores/affected area of the plant.
  - c. Do not touch or try to collect samples as this may increase the spread of the disease.
- 1.5 If the Authority Holder or members of their team believe they are in an infected area, all team members must decontaminate with SteriGENE as per below:
  - a. Spray obviously contaminated clothing/hats and then place items in a large plastic bag;

- b. Tie and spray the outside of the bag;
- c. Mist spray other clothing being worn;
- d. Clean and spray all footwear and equipment, including packs, phones, glasses, watches etc.;
- e. Repeat decontamination steps again at 100m from the infected area and before entering a vehicle.

1.6 The Authority Holder and their team members shall have a hot shower and clean their hair as soon as possible to remove any spores (which may be invisible). Clothing worn while undertaking the Authorised Activity must be washed in a hot wash with detergent.

## 2.0 Kauri Dieback Disease biosecurity

2.1 The Authority Holder must comply with all guidelines and notices issued by the Kauri Dieback Programme to prevent and avoid the spread of the pest organism Kauri Dieback Disease (*Phytophthora taxon agathis*) as specified on the website <http://www.kauridieback.co.nz/>. This includes ensuring that all vehicles, personal items and equipment are thoroughly cleaned of all visible soil and is sprayed with SteriGENE (formally known as Trigene) solution before entering and when moving between areas where there are kauri.

## 3.0 Transmitter attachment

- 3.1 Transmitters (comprising no more than 5% of an animals body weight) may be attached to up to 15 pairs of North Island Brown Kiwi (*Apteryx mantelli*). The Authority Holder is strongly encouraged to use best practice transmitter harnesses and attachment methods
- 3.2 During the Authorised Activity, any recaptured individuals found to be injured or otherwise adversely affected by a transmitter must have their transmitter removed and not fitted again. A full report of the details of injury must be provided to the Grantor, to help develop best practice.
- 3.3 Every reasonable effort must be made to capture all individuals and remove transmitters at the conclusion of the Authorised Activity.

## 4.0 Reporting

- 4.1 Upon completion of the Authorised Activity, termination or surrender of this Authorisation, the Authority Holder must forward a final copy of the research findings and reports electronically to [permissionshamilton@doc.govt.nz](mailto:permissionshamilton@doc.govt.nz)
- 4.2 A final report must be submitted within one month of its completion and contain the following:
  - a. The Authority Number 94669-FAU;
  - b. A summary of the findings; and
  - c. Any implications for conservation management
- 4.3 The Authority Holder acknowledges that the Grantor may provide copies of these reports to tangata whenua and the general public if requested.

## 5.0 Records

- 5.1 All monitoring and trapping records must be made available for inspection at reasonable times by officers of the Grantor.

## 6.0 Miscellaneous

- 6.1 The Authority Holder may not move any adult kiwi
- 6.2 The Authority Holder may remove any eggs that are located. Any eggs found shall be taken to an approved facility
- 6.3 Pest and Predator control must be undertaken
- 6.4 Signage that kiwis may be in the area must be put in place
- 6.5 Kiwi Best Practice outlined in Kiwi Best Practice Manual must be adhered to, this can be obtained from the Grantor's local District Office
- 6.6 At least eight (8) pin feathers collected from each kiwi caught for determining genetic makeup of that population. Full bill measurement and weight of kiwi taken each time kiwi are handled to determine age structure of population.
- 6.7 Birds to be marked with bands or transponders to determine if birds are surviving well along the road
- 6.8 Reports on any kiwi killed by construction and annual report on kiwi captures must be supplied to the Grantor by 1 June each year
- 6.9 A suitable fence shall be built to ensure kiwis are 'contained' within the construction area
- 6.10 Kiwis are to be moved up to 100 metres, only if the birds are in danger of being hit by machinery." Kiwis in danger of being hit by machinery shall be moved no less than 20 metres."
- 6.11 Kiwis are not to be handled between June and January inclusive

## 7.0 Termination

- 7.1 A new clause 7.1 (c) is added to Schedule 2, to read as follows:  
"Or for any other reason that the Grantor decides".

**Term:** 6 August 2021 to 30 May 2022

This term is required as the road construction date has been brought back to at least February next year.



## 8. Decision Making

### Recommendations

The activity is in accordance with section 53 of the Wildlife Act 1953 and section 38 of the Wildlife Regulations 1955.

It is therefore recommended that the application be approved subject to conditions.

### Decision: Authorisation under the Wildlife Act 1953

1. Approve the granting of a Wildlife Authority to Waka Kotahi New Zealand Transport Agency subject to the standard authorisation document and the special conditions listed below:

Approve / Decline

Special conditions to be included:

*Decision Maker to list the condition numbers to be included as per section 7 (Proposed Operating Conditions) of this report.*

Signed by **9(2)(g)(ii)** Director Operations for the Hauraki / Waikato / Taranaki Region  
Pursuant to the delegation dated 9 September 2015

\_\_\_\_\_  
Date

### Decision Maker comments

*Decision Maker to comment on the rationale behind their decision. If there is nothing contentious this can be brief, but if there are differing views between DOC staff and/or DOC and Treaty Partners or there are multiple options available, or the decision made is different from what is recommended/requested, the rationale for the decision made must be clearly provided.*

*The Permissions Advisor will share the rationale for the decision with team members.*



Date: 6 August 2021

Type 1 Process Memo

**Task Assignment:** [DOC-6677039](#)

**Application:** [DOC-6677013](#)

**Applicant:** Waka Kotahi New Zealand Transport Agency

**Purpose (of this Memo):** To provide recommendations back to the Decision Maker to inform a decision on this application

**Task Purpose:** 'To process a Variation Request' (To note: treated as a new application but using Type 1 process steps)

**Context Meeting:** Held on 1 July 2021 – Context Meeting notes: [DOC-6743723](#)

**Attendees:**

- 9(2)(g)(ii) Operations Manager, New Plymouth (Lead)
- 9(2)(g)(ii) Community Ranger, New Plymouth
- 9(2)(g)(ii) Technical Advisor Animal Ecology, National Office
- 9(2)(g)(ii) Permissions Advisor, Hamilton (absent for the Context Meeting but provided input electronically)

**Context:**

- The application being considered is from New Zealand Transport Agency, seeking permission to vary a Wildlife Act Authority (65458-FAU).
- The original Authority was issued in 2018 and expired on 17 April 2021.
- This variation application is being treated as a new application using Type 1 process steps.
- As the kiwi have radio transmitters are attached already (undertaken under the previous Authority), the proposed new Authority is essentially allowing the Authorised Personnel to remove transmitters outside the breeding season next year.

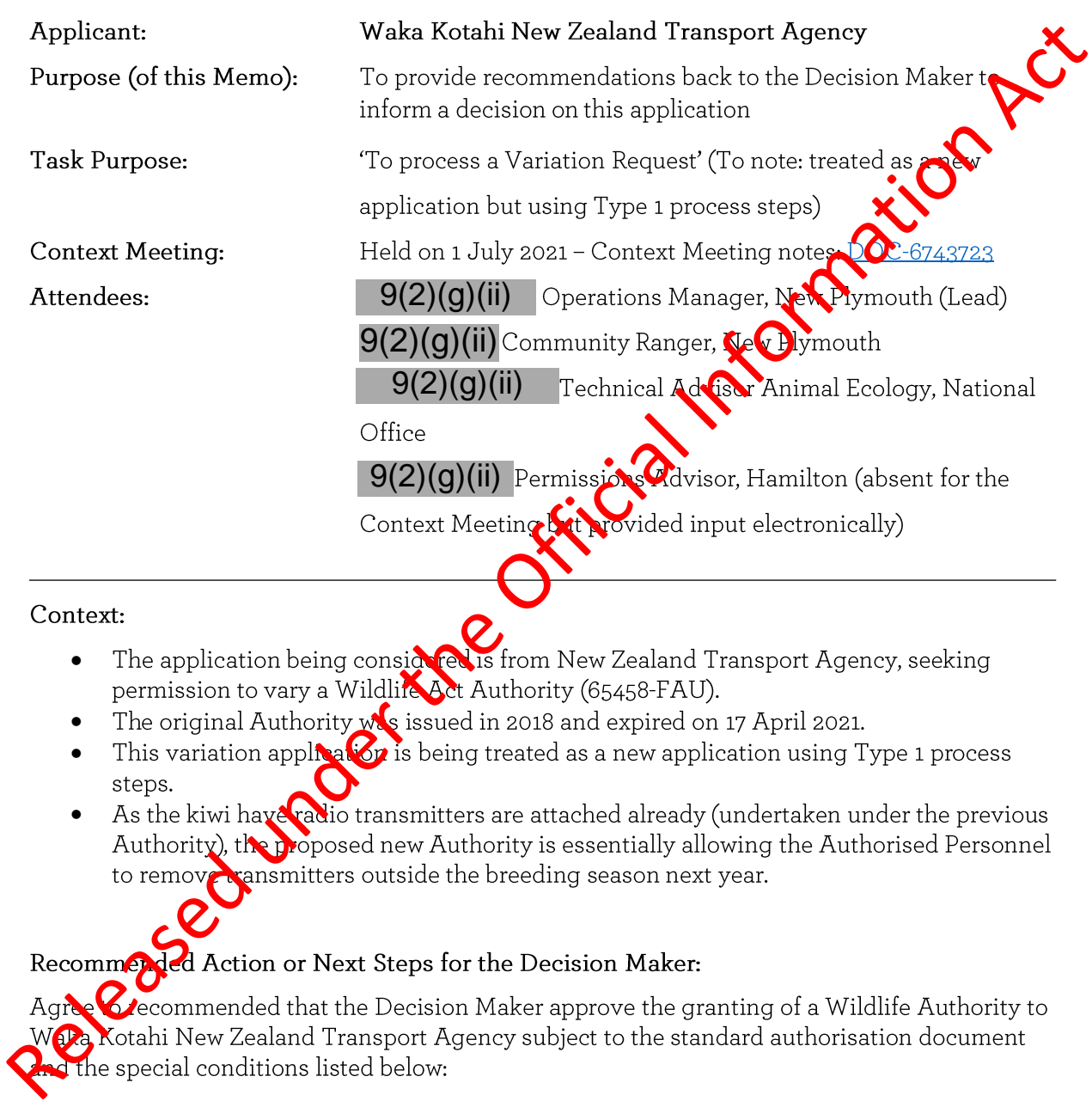
**Recommended Action or Next Steps for the Decision Maker:**

Agree to recommend that the Decision Maker approve the granting of a Wildlife Authority to Waka Kotahi New Zealand Transport Agency subject to the standard authorisation document and the special conditions listed below:

Agree / Disagree

9(2)(a)

Signed by 9(2)(g)(ii) Operations Manager for New Plymouth



Comments: The following Authority [DOC-6738926](#) and accompanying Approval Letter [DOC-6742249](#) have been prepared for the Decision Maker to consider.

## Conditions

### Schedule 1 clause 3 shall be replaced with:

Authorised personnel:

- a. [redacted] 9(2)(a) (project leader)
- b. Others employed by [redacted] 9(2)(a) that are on the kiwi handler database

### Schedule 3 shall be replaced with the following:

#### 1.0 Myrtle Rust Biosecurity

- 1.1 The Authority Holder and members of their team shall know the plants that are affected by myrtle rust, and what the rust symptoms look like. This serious fungal disease only affects plants in the Myrtle (*Myrtaceae*) family which includes pohutikawa, manuka, kanuka, and ramarama. See <http://www.mpi.govt.nz/protection-and-response/responding/alerts/myrtle-rust>.
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  - a. Call the MPI Exotic Pest and Disease Hotline immediately on 0800 80 99 66.
  - b. If possible, take clear photographs, including the whole plant, the whole infected leaf, and a close-up of the spores/affected area of the plant.
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- 1.5 If the Authority Holder or members of their team believe they are in an infected area, all team members must decontaminate with SteriGENE as per below:
  - a. Spray obviously contaminated clothing/hats and then place items in a large plastic bag;
  - b. Tie and spray the outside of the bag;
  - c. Mist spray other clothing being worn;
  - d. Clean and spray all footwear and equipment, including packs, phones, glasses, watches etc.;
  - e. Repeat decontamination steps again at 100m from the infected area and before entering a vehicle.

- 1.6 The Authority Holder and their team members shall have a hot shower and clean their hair as soon as possible to remove any spores (which may be invisible). Clothing worn while undertaking the Authorised Activity must be washed in a hot wash with detergent.

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- 2.1 The Authority Holder must comply with all guidelines and notices issued by the Kauri Dieback Programme to prevent and avoid the spread of the pest organism Kauri Dieback Disease (*Phytophthora taxon agathis*) as specified on the website <http://www.kauridieback.co.nz/>. This includes ensuring that all vehicles, personal items and equipment are thoroughly cleaned of all visible soil and is sprayed with SteriGENE (formally known as Trigene) solution before entering and when moving between areas where there are kauri.

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- 3.3 Every reasonable effort must be made to capture all individuals and remove transmitters at the conclusion of the Authorised Activity.

## **4.0 Reporting**

- 4.1 Upon completion of the Authorised Activity, termination or surrender of this Authorisation, the Authority Holder must forward a final copy of the research findings and reports electronically to [permissionshamilton@doc.govt.nz](mailto:permissionshamilton@doc.govt.nz)
- 4.2 A final report must be submitted within one month of its completion and contain the following:
- a. The Authority Number 94669-FAU;
  - b. A summary of the findings; and
  - c. Any implications for conservation management
- 4.3 The Authority Holder acknowledges that the Grantor may provide copies of these reports to tangata whenua and the general public if requested.

## **5.0 Records**

- 5.1 All monitoring and trapping records must be made available for inspection at reasonable times by officers of the Grantor.

## **6.0 Miscellaneous**

- 6.1 The Authority Holder may not move any adult kiwi
- 6.2 The Authority Holder may remove any eggs that are located. Any eggs found shall be taken to an approved facility

- 6.3 Pest and Predator control must be undertaken
- 6.4 Signage that kiwis may be in the area must be put in place
- 6.5 Kiwi Best Practice outlined in Kiwi Best Practice Manual must be adhered to, this can be obtained from the Grantor's local District Office
- 6.6 At least eight (8) pin feathers collected from each kiwi caught for determining genetic makeup of that population. Full bill measurement and weight of kiwi taken each time kiwi are handled to determine age structure of population.
- 6.7 Birds to be marked with bands or transponders to determine if birds are surviving well along the road
- 6.8 Reports on any kiwi killed by construction and annual report on kiwi captures must be supplied to the Grantor by 1 June each year
- 6.9 A suitable fence shall be built to ensure kiwis are 'contained' within the construction area
- 6.10 Kiwis are to be moved up to 100 metres, only if the birds are in danger of being hit by machinery." Kiwis in danger of being hit by machinery shall be moved no less than 20 metres."
- 6.11 Kiwis are not to be handled between June and January inclusive

#### **7.0 Termination**

- 7.1 A new clause 7.1 (c) is added to Schedule 2, to read as follows:  
"Or for any other reason that the Grantor decides".

**Term:** 6 August 2021 to 30 May 2022

This term is required as the road construction date has been brought back to at least February next year.

Released under the Official Information Act

**Standard Process:** The below chart identifies what is part of the standard process for each type of application. This chart is included on every page of the Tool. Anything **not included** should be inputted as an Add-On:

Non-Notified Concessions	Complex Non-Notified Concessions	Notified Concessions	Non-Base Fee Applications
Standard Concessions, i.e.: Guiding (1 location), Aircraft (1 location), Marine Mammals, Freshwater and Marine Variation applications	Exc. Guiding (2+ locations) and Aircraft (2+ locations) applications	All Concessions in the Public Notification Process	Exc. Mining, WARD, AATM and Fish Passage applications
Includes: + T4 Decision Maker (1x) + Permissions Advisor (1x) + Community Ranger (1x) + Statutory Processing Team Time + Context Meeting (1x) + Check-in Meeting (1x) + Standard Statutory Analysis Time + Decision Making Time + Post Decision Tasks	Includes: + As per Non-Notified Concessions + Additional Time for High Volume Locations	Includes: + As per Non-Notified Concessions + Permissions T4 Manager and time + Additional Check-in Meeting (2"x) + Additional time for coordination and statutory analysis as part of notification process	As there is no base fee to these, this tool is used to calculate an estimate and actual costs regardless of the standard process. Consequently, the time for the Statutory Process Team is included in the Cost Recovery Tool.
Does Not Include: - Anything not included above	Does Not Include: - Add-Ons for multi-regional applications	Does Not Include: - Notification Costs - Hearing Costs	

**Non-Base Fee (includes Mining, WARD, AATM, Fish Passage applications)**

COST ESTIMATE SECTION			
Processing Stage	Standard Task	Staff Member	Rate
Capture	Capture, Summary, Assign	Statutory Process Team	#####
	Admin Tasks	Permissions Advisor	#####
Pre-Context Meeting Tasks	Understand Application	Permissions Advisor	#####
		Community Ranger	#####
Context Meeting	Context Meeting	T4 Decision Maker	#####
		Permissions Advisor	#####
Post Context Meeting Tasks	Update Task Register	Permissions Advisor	#####
	Cost Estimate/Request for Info	Permissions Advisor	#####
Application Processing	Check-in Meeting Set Up	Permissions Advisor	#####
	Analysis of Proposal/Mapping	Permissions Advisor	#####
Customer Correspondence	Input into PSD	Community Ranger	#####
	Peer Review	Permissions Advisor	#####
Check-in Meeting	Liaising with Applicant	Permissions Advisor	#####
	Check-in Meeting	Community Ranger	#####
Decision	Decision	T4 Decision Maker	#####
	Post Decision	Post Decision Admin	Permissions Advisor
Type	Add-Ons		
	Base Fee	Quantity	Rate
Additional Pre-App Time			
High Volume Locations			
Understand Meeting			
Additional Team Members			
Tier 5 Additional Staff			
Additional Rangers (i.e. community/ops/rac)			
GIS Specialists			
Technical - Historic			
Technical - Ecological			
Technical - Recreation			
Technical - Freshwater			
Technical - Statutory Planner			
Statutory Support Officer (SSO)			
Nonlocal Support & Advice			
Legal/Solicitor Review			
Tier 3 (i.e. Directors)			
Multi-Regional Application			
Site Visit			
Significant Additional Tasks			
Additional Check-in Meeting			
Public Notification			
Sub Total			9(2)(j)

Acknowledgement Letter Inputs	
Pre-App	9(2)(j)
Additional Resource	
Site Visit	
Public Notification	
Large/Complex	
Permissions Advisor	
Statutory Process Team	
Community Ranger	
T4 Decision Maker	
Total	
GS7	
Subtotal	

ACTUAL TIME SECTION			
Processing Stage	Standard Task	Staff Member	Rate
Capture	Capture, Summary, Assign	Statutory Process Team	#####
	Admin Tasks	Permissions Advisor	#####
Pre-Context Meeting Tasks	Understand Application	Permissions Advisor	#####
		Community Ranger	#####
Context Meeting	Context Meeting	T4 Decision Maker	#####
		Permissions Advisor	#####
Post Context Meeting Tasks	Update Task Register	Permissions Advisor	#####
	Cost Estimate/Request for Info	Permissions Advisor	#####
Application Processing	Check-in Meeting Set Up	Permissions Advisor	#####
	Analysis of Proposal/Mapping	Permissions Advisor	#####
Customer Correspondence	Input into PSD	Community Ranger	#####
	Peer Review	Permissions Advisor	#####
Check-in Meeting	Liaising with Applicant	Permissions Advisor	#####
	Check-in Meeting	Community Ranger	#####
Decision	Decision	T4 Decision Maker	#####
	Post Decision	Post Decision Admin	Permissions Advisor
Type	Add-Ons		
	Base Fee	Quantity	Rate
Additional Pre-App Time			
High Volume Locations			
Understand Meeting			
Additional Team Members			
Tier 5 Additional Staff			
Additional Rangers (i.e. community/ops/rac)			
GIS Specialists			
Technical - Historic			
Technical - Ecological			
Technical - Recreation			
Technical - Freshwater			
Technical - Statutory Planner			
Statutory Support Officer (SSO)			
Nonlocal Support & Advice			
Legal/Solicitor Review			
Tier 3 (i.e. Directors)			
Multi-Regional Application			
Site Visit			
Significant Additional Tasks			
Additional Check-in Meeting			
Public Notification			
Sub Total			9(2)(j)

Approval Letter Inputs	
Pre-App	9(2)(j)
Additional Resource	
Site Visit	
Public Notification	
Large/Complex	
Permissions Advisor	
Statutory Process Team	
Community Ranger	
T4 Decision Maker	
Total	
GS7	
Subtotal	

Released under the Official Information Act

9(2)(j) input the sum time under hr/km, do take into account quantity of resource (i.e. 2 rangers did a combined work of 5 hours, input 5 into hr/km)

9(2)(j) input the sum time under hr/km, do take into account quantity of resource (i.e. 2 rangers did a combined work of 5 hours, input 5 into hr/km)

## Wildlife Act Authority for wildlife on non-public conservation land

Authorisation Number: 94669-FAU

**THIS AUTHORITY** is made this 13 day of August 2021

### **PARTIES:**

**The Director-General of Conservation and where required the Minister of Conservation (the Grantor)**

**AND**

**New Zealand Transport Agency (the Authority Holder)**

### **BACKGROUND**

- A. The Director-General of Conservation is empowered to issue authorisations under the Wildlife Act 1953.
- B. The Authority Holder wishes to exercise the authorisation issued under the Wildlife Act 1953 subject to the terms and conditions of this Authority.

### **OPERATIVE PARTS**

In exercise of the Grantor's powers the Grantor **AUTHORISES** the Authority Holder under Section 53 of the Wildlife Act 1953, and clause 38 of the Wildlife Regulations 1955 subject to the terms and conditions contained in this Authority and its Schedules.

9(2)(a)

SIGNED on behalf of the Grantor by 9(2)(g)(ii), Director Operations for the Hauraki / Waikato / Taranaki acting under delegated authority

in the presence of:

9(2)(a)

Witness Signature

Witness Name: 9(2)(g)(ii)

Witness Occupation: Personal Assistant

Witness Address: Hamilton Office, 73 Rostrevor Street, Hamilton

A copy of the Instrument of Delegation may be inspected at the Director-General's office at 18-32 Manners Street, Wellington.

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**SCHEDULE 1**

<p>1.</p>	<p><b>Authorised activity (including the species, any approved quantities and collection methods).</b> (Schedule 2, clause 2)</p>	<p>a. Activity:</p> <ul style="list-style-type: none"> <li>i. To Catch</li> <li>ii. To handle</li> <li>iii. To attach transmitters</li> </ul> <p>b. Species</p> <ul style="list-style-type: none"> <li>i. North Island Brown Kiwi (<i>Apteryx mantelli</i>)</li> </ul> <p>c. Quantity</p> <ul style="list-style-type: none"> <li>ii. Up to 15 pairs</li> </ul> <p>d. Method</p> <ul style="list-style-type: none"> <li>iii. All captures will be made by suitably accredited handlers</li> </ul> <p>e. Marking</p> <ul style="list-style-type: none"> <li>i. Mark by attaching transmitters for the purpose of distinguishing North Island Brown Kiwi (<i>Apteryx mantelli</i>)</li> </ul>
<p>2.</p>	<p><b>The Land</b> (Schedule 2, clause 2)</p>	<p>Immediate surrounds of Mount Messenger Bypass Project</p>
<p>3.</p>	<p><b>Personnel authorised to undertake the Authorised Activity</b> (Schedule 2, clause 3)</p>	<p>a. [redacted] 9(2)(a) (project leader)</p> <p>b. Others employed by [redacted] 9(2)(a) that are on the kiwi handler database</p>
<p>4.</p>	<p><b>Term</b> (Schedule 2, clause 4)</p>	<p>Commencing on and including 6 August 2021 and ending on and including 30 May 2022</p>
<p>5.</p>	<p><b>Authority Holder's address for notices</b> (Schedule 2, clause 8)</p>	<p>The Authority Holders address in New Zealand is: 24 Bridge Street Hamilton 3240 New Zealand Phone: [redacted] 9(2)(a) Email: [redacted]</p>
<p>6.</p>	<p><b>Grantor's address for notices</b></p>	<p>The Grantor's address for all correspondence is: Permissions Team Level 4</p>

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		73 Rostrevor Street HAMILTON 3204 Email: <a href="mailto:permissonshamilton@doc.govt.nz">permissonshamilton@doc.govt.nz</a>
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## SCHEDULE 2

### STANDARD TERMS AND CONDITIONS OF THE AUTHORITY

**1. Interpretation**

2. 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.

3. Where obligations bind more than one person, those obligations bind those persons jointly and separately.

**4. What is being authorised?**

5. The Authority Holder is only allowed to carry out the Authorised Activity in the Land described in Schedule 1, Item 2.

6. The Authority Holder must advise the Department of Conservation's local Operations Manager(s) one week prior to carrying out the Authorised Activity in the District, when the Authority Holder intends to carry out the Authorised Activity.

7. Any arrangements necessary for access over private land or leased land are the responsibility of the Authority Holder. In granting this authorisation the Grantor does not warrant that such access can be obtained.

8. The Authority Holder and Authorised Personnel must carry a copy of this Authority with them at all times while carrying out the Authorised Activity.

9. The Authority Holder may publish authorised research results.

10. The Authority Holder must immediately notify the Grantor 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.

**11. Who is authorised?**

12. 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 Grantor.

**13. How long is the Authority for - the Term?**

14. This Authority commences and ends on the dates set out in Schedule 1, Item 4.

**15. What are the liabilities?**

16. The Authority Holder agrees to exercise the Authority at the Authority Holder's own risk and releases to the full extent permitted by law the Grantor and the Grantor'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 Authority Holder's exercise of the Authorised Activity.

17. The Authority Holder must indemnify the Grantor against all claims, actions, losses and expenses of any nature which the Grantor may suffer or incur or for which the Grantor may become liable arising from the Authority Holder's exercise of the Authorised Activity.
18. This indemnity is to continue after the expiry or termination of this Authority in respect of any acts or omissions occurring or arising before its expiry or termination.
19. **What about compliance with legislation and Grantor's notices and directions?**
20. 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.
21. **When can the Authority be terminated?**
22. The Grantor may terminate this Authority at any time in respect of the whole or any part of Authorised Activity if:
  - (a) the Authority Holder breaches any of the conditions of this Authority; or
  - (b) in the Grantor's opinion, the carrying out of the Authorised Activity causes or is likely to cause any unforeseen or unacceptable effects.
23. If the Grantor intends to terminate this Authority in whole or in part, the Grantor must give the Authority Holder such prior notice as, in the sole opinion of the Grantor, appears reasonable and necessary in the circumstances.
24. **How are notices sent and when are they received?**
25. Any notice to be given under this Authority by the Grantor 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.
26. If the Authority Holder's details specified in Schedule 1, Item 5 change then the Authority Holder must notify the Grantor within 5 working days of such change.
27. **What about the payment of costs?**
28. 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.

**29. Are there any Special Conditions?**

**30.** 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.

**31. Can the Authority be varied?**

**32.** The Authority Holder may apply to the Grantor for variations to this Authority.

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## SCHEDULE 3

### SPECIAL CONDITIONS

#### 1.0 Myrtle Rust Biosecurity

- 1.1 The Authority Holder and members of their team shall know the plants that are affected by myrtle rust, and what the rust symptoms look like. This serious fungal disease only affects plants in the Myrtle (*Myrtaceae*) family which includes pohutukawa, manuka, kanuka, and ramarama. See <http://www.mpi.govt.nz/protection-and-response/responding/alerts/myrtle-rust/>
- 1.2 The Authority Holder and members of their team shall not park vehicles under myrtle species where vehicles can easily be contaminated while undertaking the Authorised Activity.
- 1.3 The Authority Holder shall carry large black plastic bags and ties, 2% SteriGENE spray bottle and Isopropanol wipes while undertaking the Authorised Activity on Public Conservation Land where *Myrtaceae* are part of the flora.
- 1.4 If the Authority Holder or any members of their team believe they have seen the symptoms of myrtle rust, they are not to touch the plant.
- a. Call the MPI Exotic Pest and Disease Hotline immediately on 0800 80 99 66.
  - b. If possible, take clear photographs, including the whole plant, the whole infected leaf, and a close-up of the spores/affected area of the plant.
  - c. Do not touch or try to collect samples as this may increase the spread of the disease.
- 1.5 If the Authority Holder or members of their team believe they are in an infected area, all team members must decontaminate with SteriGENE as per below:
- a. Spray obviously contaminated clothing/hats and then place items in a large plastic bag;
  - b. Tie and spray the outside of the bag;
  - c. Mist spray other clothing being worn;
  - d. Clean and spray all footwear and equipment, including packs, phones, glasses, watches etc.;
  - e. Repeat decontamination steps again at 100m from the infected area and before entering a vehicle.
- 1.6 The Authority Holder and their team members shall have a hot shower and clean their hair as soon as possible to remove any spores (which may be invisible). Clothing worn while undertaking the Authorised Activity must be washed in a hot wash with detergent.

## **2.0 Kauri Dieback Disease biosecurity**

- 2.1 The Authority Holder must comply with all guidelines and notices issued by the Kauri Dieback Programme to prevent and avoid the spread of the pest organism Kauri Dieback Disease (*Phytophthora taxon agathis*) as specified on the website <http://www.kauridieback.co.nz/>. This includes ensuring that all vehicles, personal items and equipment are thoroughly cleaned of all visible soil and is sprayed with SteriGENE (formally known as Trigene) solution before entering and when moving between areas where there are kauri.

## **3.0 Transmitter attachment**

- 3.1 Transmitters (comprising no more than 5% of an animals body weight) may be attached to up to 15 pairs of North Island Brown Kiwi (*Apteryx mantelli*). The Authority Holder is strongly encouraged to use best practice transmitter harnesses and attachment methods
- 3.2 During the Authorised Activity, any recaptured individuals found to be injured or otherwise adversely affected by a transmitter must have their transmitter removed and not fitted again. A full report of the details of injury must be provided to the Grantor, to help develop best practice.
- 3.3 Every reasonable effort must be made to capture all individuals and remove transmitters at the conclusion of the Authorised Activity.

## **4.0 Reporting**

- 4.1 Upon completion of the Authorised Activity, termination or surrender of this Authorisation, the Authority Holder must forward a final copy of the research findings and reports electronically to [permissionshamilton@doc.govt.nz](mailto:permissionshamilton@doc.govt.nz)
- 4.2 A final report must be submitted within one month of its completion and contain the following:
- a. The Authority Number 94669-FAU;
  - b. A summary of the findings; and
  - c. Any implications for conservation management
- 4.3 The Authority Holder acknowledges that the Grantor may provide copies of these reports to tangata whenua and the general public if requested.

## **5.0 Records**

- 5.1 All monitoring and trapping records must be made available for inspection at reasonable times by officers of the Grantor

## **6.0 Miscellaneous**

- 6.1 The Authority Holder may not move any adult kiwi
- 6.2 The Authority Holder may remove any eggs that are located. Any eggs found shall be taken to an approved facility
- 6.3 Pest and Predator control must be undertaken
- 6.4 Signage that kiwis may be in the area must be put in place

- 6.5 Kiwi Best Practice outlined in Kiwi Best Practice Manual must be adhered to, this can be obtained from the Grantor's local District Office
- 6.6 At least eight (8) pin feathers collected from each kiwi caught for determining genetic makeup of that population. Full bill measurement and weight of kiwi taken each time kiwi are handled to determine age structure of population.
- 6.7 Birds to be marked with bands or transponders to determine if birds are surviving well along the road
- 6.8 Reports on any kiwi killed by construction and annual report on kiwi captures must be supplied to the Grantor by 1 June each year
- 6.9 A suitable fence shall be built to ensure kiwis are 'contained' within the construction area
- 6.10 Kiwis are to be moved up to 100 metres, only if the birds are in danger of being hit by machinery." Kiwis in danger of being hit by machinery shall be moved no less than 20 metres."
- 6.11 Kiwis are not to be handled between June and January inclusive

#### **7.0 Termination**

- 7.1 A new clause 7.1 (c) is added to Schedule 2, to read as follows:  
"Or for any other reason that the Grantor decides"

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Department of Conservation  
*Te Papa Atawhai*

File Ref: 65458-FAU

13 August 2021

New Zealand Transport Agency  
1 Liardet Street  
New Plymouth 4310  
New Zealand

For the attention of: 9(2)(g)(ii)

Dear 9(2)(g)(ii)

Re: WILDLIFE ACT AUTHORITY APPLICATION 94669-FAU APPROVAL

I am pleased to advise you that your application for a Wildlife Act Authority has been approved and I am now able to offer you an authority outlining the terms and conditions of this approval. Please find the authority enclosed.

This document contains all the terms and conditions of your authorisation to undertake the activity and represents the formal approval from the Department for New Zealand Transport Agency to carry out the activity.

Please read the terms carefully so that you clearly understand your obligations.

Payment of Processing Fees

The final cost incurred to process your application is being calculated and an invoice will be sent in due course.

Yours sincerely,

9(2)(a)

9(2)(g)(ii)

Operations Director for the Hauraki / Waikato / Taranaki Region

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