



PART E

NZ Transport Agency Waka Kotahi
SH1 Wellington Improvements

Approval relating to the Wildlife Act 1953 (Little Penguins/Kororā)

14 AUGUST 2026

CONTENTS

1	INTRODUCTION	3
1.1	Project overview	3
1.2	Ecological context.....	3
2	PURPOSE OF PROPOSED ACTIVITY	4
3	ACTIONS TO BE CARRIED OUT INVOLVING PROTECTED WILDLIFE	4
4	ASSESSMENT OF THE ACTIVITY AGAINST THE PURPOSE OF THE WILDLIFE ACT 1953	
5	PROTECTED WILDLIFE KNOWN OR PREDICTED TO BE IN THE AREA.....	5
5.1	Species present	5
5.2	Kororā survey findings	5
5.3	Impacted population and kororā salvage estimate.....	6
6	IMPACTS ON THREATENED, DATA DEFICIENT, AND AT-RISK SPECIES	6
7	BEST-PRACTICE STANDARDS FOR KORORĀ SALVAGE	7
8	METHODS TO SAFELY CATCH, HOLD, AND RELOCATE KORORĀ	7
9	PROJECT LOCATION	8
10	AUTHORISATION FOR HOLDING AND RELOCATING KORORĀ.....	10
11	ACTUAL AND POTENTIAL EFFECTS & EFFECTS MANAGEMENT	10
12	CONVICTIONS OR CHARGES UNDER WILDLIFE ACT 1953	11
13	PROOF OF CONSULTATION.....	11
13.1	Consultation with Mana Whenua.....	11
13.2	Consultation with Department of Conservation	12
14	ADDITIONAL SUPPORTING DOCUMENTATION	13
15	DECISION-MAKING CONSIDERATIONS FOR A WILDLIFE APPROVAL UNDER THE FTAA 13	
16	DETAILS OF PERMIT HOLDER AND ECOLOGIST	14
17	CONDITIONS AND MANAGEMENT PLAN	14
18	SUMMARY	16
	APPENDIX A MAP SHOWING AREAS FOR APPROVAL (PENGUINS)	17
	APPENDIX B SECTION 29 PRE-LODGE MENT ENGAGEMENT WITH DOC.....	18

Copyright information

Copyright ©. This copyright work is licensed under the Creative Commons Attribution 4.0 International licence. In essence, you are free to copy, distribute and adapt the work, as long as you attribute the work to the NZ Transport Agency Waka Kotahi (NZTA) and abide by the other licence terms. To view a copy of this licence, visit <http://creativecommons.org/licenses/by/4.0/>.

1 INTRODUCTION

Under section 42(4)(h) of the Fast Track Approvals Act 2024 (FTAA), an application may seek a wildlife approval that would otherwise be sought under the Wildlife Act 1953 (Wildlife Act). This document sets out the specific information and decision-making requirements that must be addressed under the FTAA for an application for wildlife approval. This part of the application should be read in conjunction with the following documents:

- Part A, Project overview and benefits
- Part B, Application for approvals relating to the Resource Management Act 1991
- Technical Assessment Report #12 - Marine Ecology (Marine Ecology Assessment)
- Kororā Management Plan (KMP) – Prepared by Tonkin + Taylor

1.1 Project overview

The State Highway 1 (SH1) Wellington Improvements project (the Project) is a Road of National Significance (RoNS) which improves SH1 in Wellington City. The proposal includes the construction, or improvements to SH1 within Wellington City, extending over 5 km through the city. The Project will provide for more efficient and reliable access on SH1 and includes duplicate tunnels at The Terrace and Mount Victoria, a new layout at the Basin Reserve as well as improvements along the remainder of the SH1 corridor from north of the Terrace Tunnel to the intersection of Cobham Drive and Evans Bay Parade. The Project aims to attract traffic onto SH1, reduce traffic on other key routes, unblock critical bottlenecks on the State Highway, maintain access for local movements and enable public transport growth.

The Project construction will also include a replacement and enlarged stormwater outfall into the coastal marine area to accommodate for the upgraded flow discharge into Evans Bay. This is the element of the Project that creates the requirement for a wildlife approval in respect of kororā.

The works for the upgrade will likely include:

- Removal or partial demolition of the existing outfall structure and erosion protection
- Installation of a new outfall pipe and connection to the upgraded stormwater network
- Construction of new inlets, chambers, and/or pipework to tie into upstream drainage infrastructure; and
- Installation of erosion protection at the outfall interface, such as rock armouring, energy dissipation structures or geotextile matting

The area within which these activities will be carried out is shown in Appendix A and in more detail on Figure 2 and Figure 3 below. These areas are:

- The relevant part of the Project area and the associated zone of influence, i.e. the area in which penguins may be located and if they are, captured and relocated to the relocation site (refer Figure 2); and
- The relocation site, i.e. the area to which penguins will be relocated if they are found within the zone of influence prior to or during the Project works, in accordance with the provisions in the KMP (refer Figure 3)

1.2 Ecological context

Evans Bay is a shallow, U-shaped inlet located at the southern end of Wellington Harbour, bordered by the Miramar Peninsula and the suburbs of Hataitai and Kilbirnie. Historically connected to Cook Strait via the Rongotai flats, the bay spans approximately 3.6 km in length and 1.4 km in width, with a tidal range between 0.7–1.3 m. The bay has undergone significant modification, including the construction of a marina, boat ramp, stormwater outlets, and coastal infrastructure. Wetlands and sublittoral flats were lost due to reclamation. The stormwater outfall discharging into Evans Bay will be replaced to accommodate for upgraded flows. The current stormwater outfall sits in the southwestern corner of the bay.

The Waipapa Stream, once a natural inflow to the bay, was piped between 1917 and 1935 and now serves as the stormwater outlet for the 126 ha Hataitai catchment. This urban catchment discharges into Evans Bay via the Evans Bay stormwater outfall, with flows ranging from 0.05 cumecs in dry weather to 8.5 cumecs during a 20-year storm event (EOS Ecology, 2013). Evans Bay is not identified within the Natural Environment overlays of the Wellington City District Plan but parts of it are listed in the Wellington Region Natural Resources Plan for significant biodiversity, including *Adamsiella* algal meadows and horse mussel beds.¹

2 PURPOSE OF PROPOSED ACTIVITY

This section and the following sections of this application address the information requirements for wildlife approval applications under the FTAA in clause 2, Schedule 7 of the FTAA and the criteria for assessment under clause 5 of that Schedule.

Clause 2(1)(a), Schedule 7 of the FTAA requires the application to specify the purpose of the proposed activity. The 'proposed activity' for this wildlife approval application is to **salvage and relocate kororā** from habitat in the zone of influence. Specifically, approvals are sought to:

- Capture, handle and relocate kororā from the zone of influence to the relocation site at the Evans Bay Marina breakwater kororā colony to ensure that the potential effects of the Project on kororā are avoided / minimised
- Monitor kororā in nestboxes in the relocation site and zone of influence, and
- Incidentally harm or kill 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 conditions in the approval

The purpose of the proposed activity (salvage and relocation of kororā) is to minimise disturbance, injury, or incidental mortality to kororā during construction activities within or adjacent to kororā habitat.

Approximately 115m² of revetment has been identified as potential kororā habitat within the zone of influence (Figure 2) and partial removal and modification is required to facilitate the construction of the Project. Kororā are unlikely to disperse during site preparation, and revetment removal works. Removal of potential habitat may result in displacement, stress, injury or incidental mortality of individuals.

Prior to construction works commencing, a survey, salvage, and relocation programme will be implemented, followed by modification of the relevant burrows to reduce re-incursion. On every day that construction is due to occur additional survey and salvage will be implemented as required. Section 8 details the proposed kororā salvage and relocation methods and seasonal constraints. Kororā will be relocated to the relocation site (as detailed in Section 8 and shown in Figure 3 below).

3 ACTIONS TO BE CARRIED OUT INVOLVING PROTECTED WILDLIFE

Clause 2(1)(b), Schedule 7 requires the application to identify the actions the applicant wishes to carry out involving protected wildlife and where those actions will be carried out (including whether on or off public conservation land).

Kororā are protected wildlife. The actions proposed to be carried out involving kororā are described above, along with the proposed locations for those actions. None of those actions are proposed on 'public conservation land' as defined by the FTAA.²

A kororā salvage and relocation programme (detailed in Section 10) will be implemented within identified areas of potential kororā habitat within the zone of influence that will be subject to construction works.

¹ Refer to Schedule 5 of the NRP and Schedules F4 and F5 of PC1 to the NRP

² Section 4 of the FTAA

4 ASSESSMENT OF THE ACTIVITY AGAINST THE PURPOSE OF THE WILDLIFE ACT 1953

Clause 2(1)(c), Schedule 7 of the FTAA requires the application to include an assessment of the activity and its impacts against the purpose of the Wildlife Act.

The Wildlife Act protects animals defined as wildlife, including endangered species. It covers a wide range of species including birds, reptiles, and some marine species. The Wildlife Act sets out a tiered system for the protection of wildlife being absolutely protected wildlife, wildlife with varying protection, and unprotected wildlife. Almost all indigenous species have absolute protection, including those impacted by the Project.

The Wildlife Act does not contain a standalone purpose section, but the Courts have confirmed that the Wildlife Act has a protective purpose. By applying the proposed methods to catch, handle and relocate kororā (Section 8) following best practice techniques (Section 9), all reasonable measures to minimise effects on kororā during habitat removal will be followed, which is consistent with the protective purpose of the Wildlife Act.

In addition, potential risks of kororā salvage and relocation, and measures proposed to avoid and minimise these risks are described in Section 11. Through the implementation of these measures, it is considered that all reasonable measures will be applied to minimise adverse effects on kororā during the proposed salvage and relocation programme, which is consistent with the protective purpose of the Wildlife Act.

5 PROTECTED WILDLIFE KNOWN OR PREDICTED TO BE IN THE AREA

Clause 2(1)(d), Schedule 7 of the FTAA requires the application to list protected wildlife species known or predicted to be in the area and, where possible, the numbers of wildlife present and numbers likely to be impacted. This information is provided below.

5.1 Species present

Little penguin / kororā (*Eudyptula minor*) are the only avifauna species found within a 5 km radius of the zone of influence that are likely to be subjected to more than minor adverse effects by the proposed construction activities without residual effects management being implemented. Kororā have a national threat status of “At Risk – Declining” and are confirmed to be present within the zone of influence.

5.2 Kororā survey findings

An initial survey was undertaken by Tonkin + Taylor and SeadPod solutions in November 2025 (Figure 1). This survey consisted of a survey conducted by a certified protected species dog, and manual searching and habitat assessments of the zone of influence.

In total, 4 burrows were identified during the November 2025 survey. An additional 2 burrows were inspected that were recorded in a previous 2024 survey. No kororā were observed in any burrow during the time of the survey, but fresh guano and recent signs of use were identified in 4 of the 6 burrows.

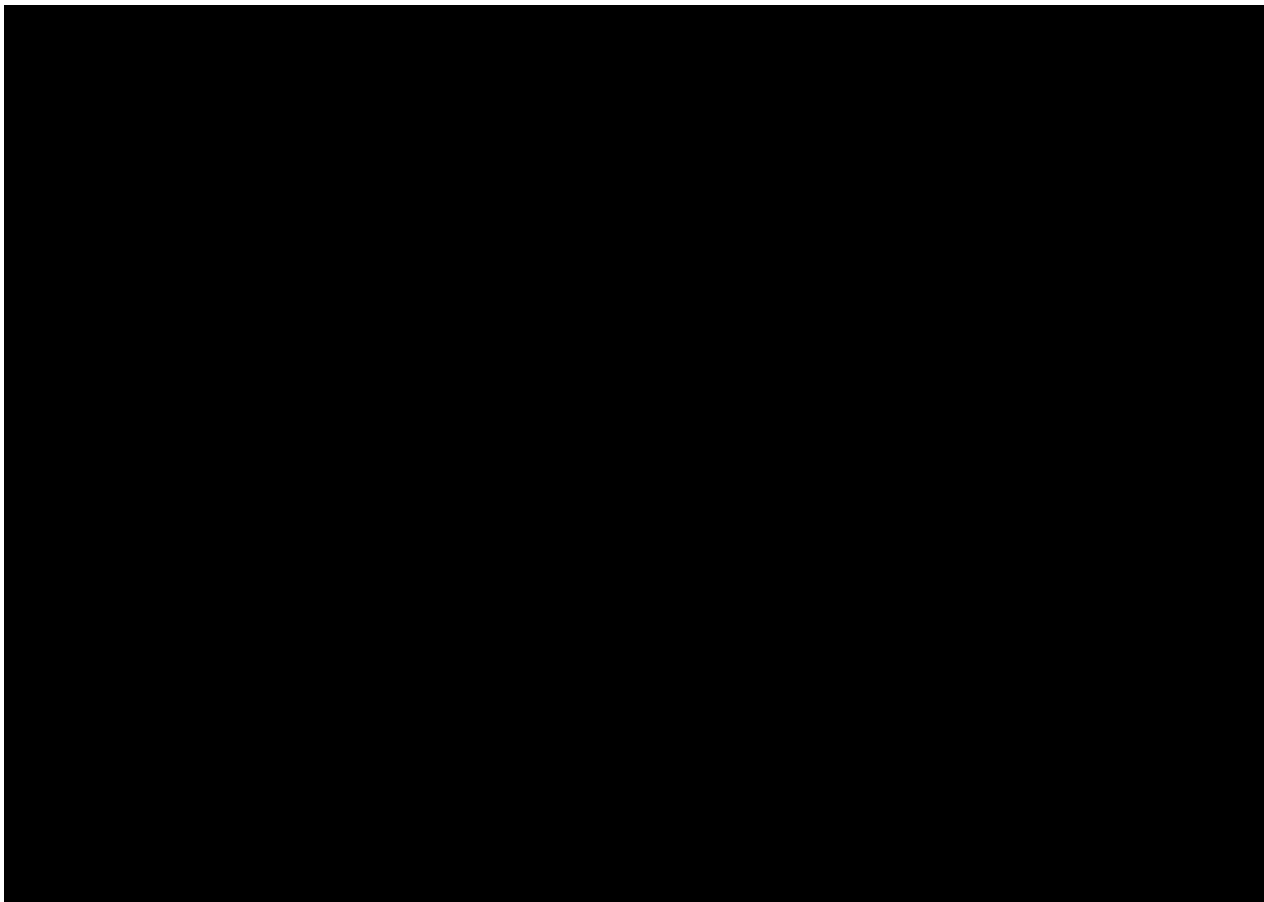


Figure 1 - Detailed layout of kororā burrows in the vicinity of the proposed stormwater outlet upgrade

5.3 Impacted population and kororā salvage estimate

Conservative estimates, based on the possibility of all identified burrows being occupied by two adult kororā (which is unlikely given the characteristics of some of the burrows), would indicate that up to 12 individuals could be found within the zone of influence (Figure 2). Of these, it is expected that only up to eight (i.e. kororā found in burrows CD-01, CD-02, CD-03, CD-4) would meet the impact threshold to justify salvage and relocation as they are within the works footprint. Up to four (i.e. kororā found in burrows CD-05, CD-06) would see greater benefit from in-situ management,³ as they are sufficiently far away from the construction activities that exclusion measures and noise mitigation could be implemented successfully to minimise effects to kororā and avoid programme delays.

In-situ management involves noise management as detailed in the KMP, which is expected to adequately minimise any effects greater than 20 m from the impact site. Under these circumstances, relocation is considered a greater level of disturbance for kororā than managing in situ.

6 IMPACTS ON THREATENED, DATA DEFICIENT, AND AT-RISK SPECIES

Clause 2(1)(e), Schedule 7 of the FTAA requires the application to outline impacts on threatened, data deficient and at-risk wildlife species.

Kororā are classified under the New Zealand Threat Classification System as an 'At risk - declining' species (Robertson et al. 2021). The construction of the new stormwater outfall at Evans Bay will result in the permanent loss of three kororā burrows and 30m² of additional habitat, including an additional burrow, is expected to be modified temporarily (with that temporary impact lasting for up to 12 months). This has

³ In-situ management consists of non-invasive measures that adequately minimise the impact to kororā, avoiding the need for relocation. In this application, exclusion zones and noise management are the primary in-situ tools that would be applied.

been assessed as a Very High overall level of residual effect in the Marine Ecology Assessment, and residual effects management is proposed to address that effect.

Potential impacts of the activity, salvage and relocation of kororā include stress, injury or incidental death during habitat removal and implementation of the kororā salvage and relocation programme (Section 8). Potential risks and impacts on kororā are considered further in Section 11.

7 BEST-PRACTICE STANDARDS FOR KORORĀ SALVAGE

Clause 2(1)(f), Schedule 7 of the FTAA requires the application to state how the methods proposed to be used will ensure that best practice standards are met.

The proposed salvage and relocation methods (Section 8) are consistent with current best practice industry methodologies. Extraction and handling will follow New Zealand Penguin Initiative (NZPI) monitoring protocols (NZPI, 2024). The proposed methods are commonly used on land development and roading projects. The methodologies have been adapted for local site conditions.

The kororā salvage and relocation programme will be led by a suitably experienced penguin ecologist with support from protected species dog teams. All personnel will be experienced in kororā extraction and handling, including salvage and relocation operations.

8 METHODS TO SAFELY CATCH, HOLD, AND RELOCATE KORORĀ

Clause 2(1)(g), Schedule 7 of the FTAA requires the application to describe the methods to be used to safely, efficiently, and humanely catch, hold, or kill the penguins and to identify the relevant animal ethics processes.

Breeding or moulting kororā will not be handled under the relocation protocol. The risk of this delaying construction works will be minimised by timing the beginning of construction works for this activity between 1 March and 15 June, outside the core kororā breeding and moulting period. If works are required to occur in kororā habitat during the breeding and moulting season (i.e. 16 June – 28/29 February) kororā surveys with a DOC-certified protected species dog will be required to be carried out on at least a fortnightly basis during the works, in accordance with the methodology set out in the KMP. This is in addition to the prescribed effects management outlined in the KMP.

Relocation of kororā will only be undertaken if the suitably qualified and experienced penguin/kororā ecologist (SQE) determines that the stress of relocation is less than that of the kororā being managed *in-situ*. Where the kororā cannot be safely extracted, or the SQE makes the determination that the kororā should not be relocated, kororā will be managed in-situ following the guidance of the KMP.

Capture, handling, and transport of kororā will be undertaken in accordance with the following methodologies and guided by NZPI best practice:

- All field equipment that kororā may come into contact with (e.g. carrier boxes, weigh bags, scales, etc.) will be sterilised
- Hand sterilisation will be undertaken
- Before any capture attempt, the SQE will prepare a carrier box lined with a towel for transportation of the kororā
- Methods for capture for different habitat are as follows:
 - To capture a kororā that is not occupying a burrow, the SQE will approach it from an angle that eliminates an escape path to the ocean. If this angle results in an unsafe escape path (i.e. towards road / or Project works area) then additional persons will act under the guidance of the SQE to eliminate this risk. When accessible, the kororā will be caught from behind by grasping

it around its body and pinning its flippers against its sides. The bird will be held firmly but care will be taken to not exert excess force

- To capture a kororā occupying a burrow the SQE will slide their hand along the bottom of the burrow until the bird is located. The SQE will identify the feet and use a secure single hand double-hock hold to extract the kororā feet first from the burrow. If the kororā uses its flippers to provide resistance, the kororā may be gently eased side to side until the flippers release. **No undue force will be applied to extract the kororā from a burrow**
- Following capture, the kororā will be held with two hands approximately 30 cm away from the handler's body (with its head facing away from the handler) and it will be immediately placed head-first into the carrier box
- Only one kororā will be transported per carrier. Immediate relocation and release will be prioritised, however, there may be situations where it is determined that delaying this is preferable (i.e. if multiple kororā need to be extracted from the site). In this instance the SQE has discretion on whether release can be delayed. In the event that the release of kororā is delayed, the maximum amount of time a penguin will be kept in a carrier box is two hours (inclusive of transport time). The carrier will be securely closed and kept in the shade. During transport the carrier box will be securely closed, and the box will be handled carefully ensuring that it always remains upright. The most suitable of the above capture techniques will be used for removal of kororā from the carrier
- Prior to relocation an individual identification marking will be made using a vivid under the right flipper to assess potential recolonisation of the zone of influence and/or return to the relocation site
- The kororā will be relocated into penguin boxes within the relocation site. A different box will be used for each bird, unless two birds are being relocated from the same burrow
- Entrances to nestboxes used for relocation will be blocked for 24 hours post relocation to habituate the kororā to the box
- If a kororā is injured as part of the relocation process the local DOC office will be contacted to receive advice on what actions to undertake, with notification occurring within 24 hours. The closest facility for injured kororā is Te Kōhanga at Wellington Zoo. Wellington Zoo is located at 200 Daniell Street, Newtown. The contact number is 04 381 6755

The following information will be recorded for every kororā that is relocated:

- Date and time of capture
- Name of the kororā handler
- GPS location and Burrow ID
- Previous markings (PIT tag, band, vivid)
- Nest ID of the nest that the kororā is released into
- Time of release

Any nest boxes utilised for relocating kororā will be checked 24 hours post-relocation to unblock the nestbox entrance. The following morning the SQE will conduct another check to record whether kororā have vacated the nest box. Nest box contents will be recorded by the SQE and noted against the information recorded above.

This collected information will be reported to DOC as per the proposed conditions in Section 17.

9 PROJECT LOCATION

Clause 2(1)(h), Schedule 7 of the FTAA requires the application to state the location in which the activity will be carried out.

The project location / zone of influence is within the Evans Bay marina, adjacent to Cobham Drive (SH1) in Wellington. shows the zone of influence (this has been defined on the map in Appendix A of this application and is further illustrated on the figures below).

The GPS coordinates are: -41.3123366808862, 174.7970291554637

The proposed relocation site is within the Evans Bay marina, adjacent to Evans Bay Parade, approximately 250 m from the impact site. Figure 1 shows the proposed relocation site.

The GPS coordinates are: -41.3106016632384, 174.7989604290757

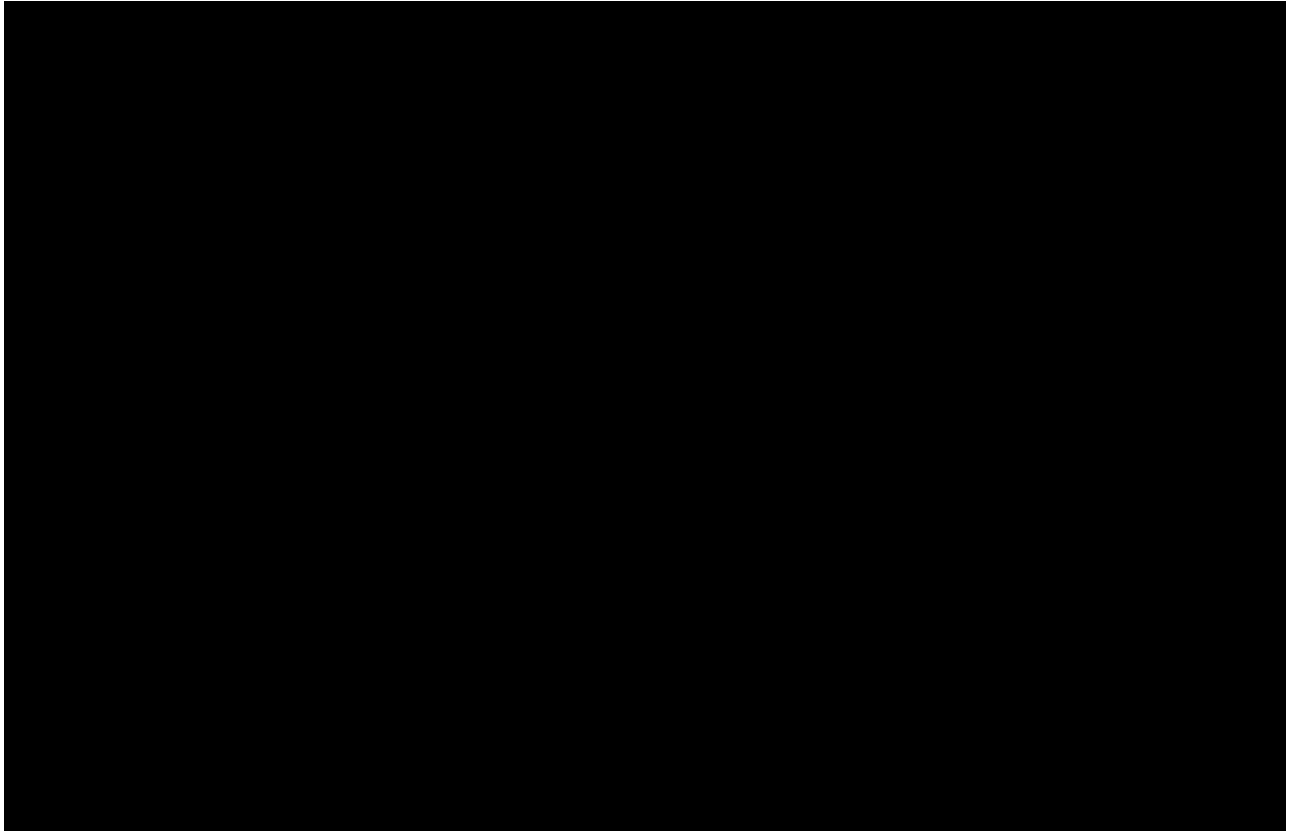


Figure 2 - Zone of influence – showing the stormwater outfall proposed to be upgraded, and adjacent habitat that will be impacted during works



Figure 3 - Proposed relocation site north of the zone of influence site

10 AUTHORISATION FOR HOLDING AND RELOCATING KORORĀ

Clause 2(1)(i), Schedule 7 of the FTAA requires the application to state whether authorisation is sought to temporarily hold or relocate wildlife.

Authorisation is sought to relocate kororā, in accordance with the methods described in Section 8. No kororā will be held for purposes other than their relocation.

11 ACTUAL AND POTENTIAL EFFECTS & EFFECTS MANAGEMENT

Clause 2(1)(j), Schedule 7 of the FTAA requires the application to list all actual and potential wildlife effects. In addition, clause 2(1)(k), Schedule 7 requires the application to state methods used to avoid and minimise effects where there are adverse effects and, where there are unmitigated adverse effects, any offsetting or compensation that is proposed.

The Marine Ecology Assessment contains a full assessment of wildlife and ecological effects (adverse and positive) arising from the Project. It also explains how an effects management hierarchy has been followed, including consideration of methods to avoid, remedy or mitigate the effects, and why an offset is not practical to address residual adverse effects, such that compensation is appropriate to address these:

These methods include:

- Pre-construction kororā surveys
- Programming destructive habitat clearance to commence between 1 March and 15 June
- Contractor briefing on kororā management
- Fencing installation and kororā exclusion measures
- Works set back distances where kororā are identified
- Noise management
- Vegetation clearance management
- Maintaining kororā access to safe refuge
- Relocation methodology and relocation site requirements; and
- Compensation requirements for both permanent and temporary burrow and habitat loss

The compensation measures are discussed in detail in the Marine Ecology Assessment and the KMP. In summary they include:

- The installation of six nest boxes above the impact site (within the zone of influence)
- A minimum of 60 m² of coastal planting around the nest boxes
- Fencing to protect the 60 m² of habitat against access to the road corridor
- A minimum of 5 years of monitoring and maintenance

12 CONVICTIONS OR CHARGES UNDER WILDLIFE ACT 1953

For the purposes of Schedule 7, clause 2(1)(l) and 2(1)(m) FTAA, neither the applicant nor any persons/entities involved with the application for the wildlife approval have been convicted or charged of any offence under the Wildlife Act.

13 PROOF OF CONSULTATION

Clause 2(1)(n), Schedule 7 of the FTAA requires the application to provide proof and details of all consultation, specific to wildlife impacts.

Chapter 8 of Part B of the Application provides a comprehensive summary of the consultation that NZTA has carried out on the Project. This includes developing the Project in partnership with Mana Whenua and carrying out consultation with DOC, as well as other parties.

13.1 Consultation with Mana Whenua

NZTA is partnering with Taranaki Whānui ki Te Upoko o Te Ika and Ngāti Toa Rangatira in respect of the Project, with consultation ongoing in the context of this partnership. Feedback on the application for the kororā wildlife approval for the Project was provided through the Project iwi integration leads on behalf of Mana Whenua. The iwi integration leads met with the Project ecologist Marcus Cameron to discuss matters relevant to this application and the Marine Ecology Assessment and KMP which support it. Following this the iwi integration leads reviewed a draft version of this application.

Feedback on behalf of Mana Whenua included:

- Confirmation that Mana Whenua approach this kaupapa through the role as Kaitiaki
- Kaitiakitanga is an active, intergenerational responsibility to care for and sustain the mauri of the natural world, including indigenous species and their habitats. It also carries an obligation to ensure continuity of this responsibility, including providing meaningful opportunities for uri (Mana Whenua descendants) and rangatahi (youth) to engage in kaitiaki practices over time
- Confirmation there were no substantive concerns with the proposed ecological approach
- Feedback focused on supporting implementation in a way that reflects both ecological best practice and kaitiaki responsibilities as follows:
 - Implementation involvement: Mana Whenua involvement in finalising and confirming the penguin and lizard management plans prior to implementation, including practical input into on-the-ground details, and opportunities for uri and rangatahi participation
 - Ongoing management and monitoring: ongoing involvement in wildlife management and monitoring over the life of the Project, including participation in adaptive management discussions. Mana Whenua are interested in ensuring structured pathways for rangatahi to engage in field-based monitoring and ecological practice alongside both scientific and mātauranga Māori perspectives
 - Partnership approach: Mana Whenua sees this as an opportunity to embed an ongoing working partnership, with engagement that supports continuity, shared understanding, and intergenerational participation through uri participation and rangatahi pathways

In response, proposed condition 3 has been included in the proposed conditions for this wildlife approval (refer section 17 of this application). This condition outlines the required kaitiaki involvement in matters relating to kororā, which will support the wider partnership that NZTA has adopted with Mana Whenua, including through the Mana Whenua Steering Group, which has been established to provide oversight over Project development and delivery.

In particular, although a final KMP is provided with this application for approval by the panel, proposed condition 3 provides that prior to works commencing, NZTA will engage with Mana Whenua regarding the KMP and if any updates are identified as a result of that engagement process, will resubmit the KMP for certification by DOC, prior to the works commencing.

13.2 Consultation with Department of Conservation

Pre-lodgement engagement has occurred through NZTA meeting with DOC representatives on 23 March 2026, then providing DOC with copies of the draft Marine Ecology Assessment and draft KMP for comment by their ecologists. Detailed comments were received from DOC on the draft material and following this a further pre-lodgement meeting was held on 29 April 2026 to better understand the information expectations and substantive issues arising in the feedback provided by DOC and the other administering agencies with an interest in ecology matters. Representatives of GWRC also attended this meeting.

As a result of the pre-lodgement engagement, the following changes have been made to the Marine Ecology Assessment and KMP, which cover penguin related impacts and management and are relevant to this wildlife approval application:

- Further clarification on why a compensation approach has been adopted (including model inputs), as opposed to offset
- Further detail on maintenance and monitoring processes relating to compensation site outcomes
- Further clarification on previous survey methodologies, and ongoing survey and reporting requirements

The detailed comments from the pre-lodgement engagement with DOC and NZTA's responses to the matters raised are set out in Appendix B.

14 ADDITIONAL SUPPORTING DOCUMENTATION

Clause 2(1)(o), Schedule 7 of the FTAA requires the application to provide any additional written expert views and advice.

This application has been prepared by Marcus Cameron and Joshua Forrest of Tonkin + Taylor, on behalf of NZTA⁴. Mr Cameron is the Technical Director – Marine Ecology and Water Science, and Mr Forrest is a Professional Ecologist. Both have relevant kororā experience and knowledge gained from other large-scale land development, roading and infrastructure projects.

Although this application has not been prepared for an Environment Court hearing, the authors confirm they each have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023.

As part of the FTAA application for the Project associated with this wildlife approval application, Mr Forrest prepared the kororā sections of the Marine Ecology Assessment, which were peer reviewed by Mr Cameron. The Marine Ecology Assessment contains relevant detail and background information pertaining to the overall Project, detailed assessment of effects and management requirements for all ecological values. This report and the associated KMP should be referred to alongside this application.

A KMP is provided in Part F of the Application. Endorsement and certification of the KMP by the Panel is sought as part of this application.

15 DECISION-MAKING CONSIDERATIONS FOR A WILDLIFE APPROVAL UNDER THE FTAA

Clause 5 of Schedule 7 of the FTAA sets out the matters for consideration by the panel in respect of an application for a wildlife approval. These matters are set out in Table 1 below with a description of how this application addresses each matter.

Table 1: Decision making considerations for a wildlife approval and NZTA response

FTAA Requirement (Schedule 7, cl 5)	Response
(a) The purpose of the FTAA; and	The Project is a listed project in the FTAA and will improve the efficiency and reliability on SH1 with the provision of duplicate tunnels at The Terrace and Mount Victoria, a new layout at the Basin Reserve and widening, intersection, and layout improvements along the remainder of the SH1 corridor. Gross benefits of \$3.4 billion in present value terms are expected to arise from the Project which represents a significant regional and national benefit. Other benefits include journey time savings, reduced congestion, traffic flow improvements, improved resilience of the transport network, faster and more reliable public transport journeys, and shorter travel times via public transport. On this basis, the Project, and the granting of the wildlife approval to implement the Project, is consistent with the purpose of the FTAA
(b) The purpose of the Wildlife Act 1953 and the effects of the project on the protected wildlife that is to be covered by the approval; and	While there is no standalone purpose section in the Wildlife Act, it is understood that the Wildlife Act is intended to protect wildlife and to regulate activities that may impact wildlife. While NZTA has sought to design

⁴ The application has also had input from Mary O'Callahan of GHD Ltd as author for the overall Application package

FTAA Requirement (Schedule 7, cl 5)	Response
	the Project to minimise the effects on wildlife, the location of the Project within an existing urban environment that is spatially constrained and requires infrastructure upgrades to function (such as the outfall upgrade) means these impacts cannot be completely avoided. As set out in section 11 above, the measures that will be in place to manage these impacts are best practice and consistent with the purpose of the Wildlife Act
(c) Information and requirements relating to the protected wildlife that is to be covered by the approval (including, as the case may be, in the New Zealand Threat Classification System or any relevant international conservation agreement)	The information and requirements are set out in the KMP and Marine Ecology Assessment

16 DETAILS OF PERMIT HOLDER AND ECOLOGIST

NZTA will be the holder of the wildlife approval. NZTA has extensive experience in design, construction and operation of the state highway network, including managing effects on wildlife. Compliance with the conditions of the approval will be managed through NZTA's compliance management system. The NZTA Environmental Planning Team and in-house ecology specialists will support the Project Manager and SQE in implementation of the approval.

A suitably qualified and experienced penguin / kororā ecologist will be appointed at a later date.

17 CONDITIONS AND MANAGEMENT PLAN

The proposed conditions for this wildlife approval are as follows:

1. The Approval shall expire 35 years after the date the Approval is granted
2. Unless otherwise approved by the Department of Conservation in writing, the Approval Holder shall carry out the authorised activity in accordance with the Kororā Management Plan (KMP) prepared by Tonkin + Taylor
3. A minimum of 3 months prior to stormwater outfall works commencing in the coastal marine area, the Approval Holder must engage with Mana Whenua (Port Nicholson Block Settlement Trust, on behalf of Taranaki Whānui ki Te Upoko o Te Ika; and Te Rūnanga o Toa Rangatira Incorporated, on behalf of Ngāti Toa Rangatira) to define Mana Whenua roles (including rangatahi) for kororā / penguin monitoring related activities and broader kaitiakitanga requirements. The results of this engagement shall inform:
 - a. The inputs for condition 4, if any named roles arise through this engagement
 - b. Any updates to the approved KMP required to reflect kaitiaki requirements, in which case, condition 6 may apply
 - c. Cultural protocols/tikanga specific to works potentially impacting kororā / penguins, for example cultural inductions and blessings, which will be implemented by the Approval Holder
4. The Approval Holder must supply details of the named SQE and other personnel to be authorised to carry out the activity for approval by the Director-General. This must be supplied to the Director-General at least ten (10) working days prior to prior stormwater outfall works commencing in the coastal marine area. Where no response is received within 10 working days, the named SQE shall be deemed to be approved

5. The authorised activity shall be carried out:
 - a. By the named SQE and other personnel authorised under condition 3
 - b. In accordance with the KMP
 - c. 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 KMP
 - d. 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
6. The Approval Holder may apply to the Director-General for variations to this Approval in accordance with clause 7(2) of Schedule 7 of the Fast-Track Approvals Act 2024
7. 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
8. 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
9. The Director General may revoke this Approval at any time in respect of the whole or any part (pursuant to clause 7(4) of Schedule 7 of the Fast-Track Approvals Act 2024) if:
 - a. The Approval Holder breaches any of the conditions of this Approval; or
 - b. In the Director-General's opinion, the carrying out of the Approval has caused or is likely to cause any unforeseen or unacceptable effects on Kororā / penguins

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
10. 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
11. The Approval Holder must review the KMP and resubmit it to the Director-General for certification on or before the 10-year anniversary date of the Approval date. The objective of the review is to re-assess habitat conditions and characteristics and update the KMP to reflect current species knowledge, best practice Kororā / penguins management and mitigation techniques
12. Capture and handling of kororā / penguins
 - a. Kororā / penguins must only be handled by the named SQE or by authorised personnel with appropriate training
 - b. Kororā / penguins can only be captured, handled, and relocated if they are not at a nest containing viable eggs or chicks, and they are not moulting. If a kororā / penguin is located during construction at a nest containing viable eggs or chicks, or is moulting, a 10m setback around the kororā / penguins' nest must be established in accordance with the KMP and no construction activities may occur in this area
13. Injury and/or death of kororā / penguins associated with authorised activities
 - a. If any kororā / penguins are injured as part of the authorised activity, the Approval Holder shall contact the named SQE to get advice on the management of the penguin
 - b. The Approval Holder is authorised to euthanise any injured kororā / penguin under direction from DOC and/or by authorised a veterinarian
 - c. If any kororā / penguin should die during the approved activities of catch, handle, mark or release, the Approval Holder must:

- i. Inform the Wellington DOC Operations Manager (wellington@doc.govt.nz) within 24 hours, chill the body if it can be delivered within 24 hours, or freeze the body if delivery will take longer than 24 hours; and
- ii. 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
- iii. Pay for any costs incurred in investigation of the death of any kororā / penguin; and
- iv. If required by the Wellington DOC Operations Manager, cease the authorised activity for a period determined by the DOC Operations Manager

14. Reporting

- a. The Approval Holder must keep a record of all kororā / 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, within 30 working days of the completion of the Project. Records must include:
 - i. The project name
 - ii. The species and number of any animals collected and released
 - iii. The GPS location (or a detailed map) of the collection point(s) and release point(s)
 - iv. The results of all surveys, monitoring or research; and
 - v. Any difficulties encountered with capturing and handling
- b. All reporting must be undertaken in accordance with the KMP, including that DOC will be notified within 24 hours of any relocation event

15. Ownership of protected wildlife

- a. 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
- b. 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 collected or otherwise obtained under this approval

Refer to the KMP for full detail on the proposed kororā / penguins management.

18 SUMMARY

In summary, the information provided in the preceding sections satisfies the information requirements for an application for a wildlife approval, in accordance with clause 2 of Schedule 7 of the FTAA and addresses the relevant criteria for the panel's assessment of this application in accordance with clause 5 of Schedule 7.

APPENDIX A MAP SHOWING AREAS FOR APPROVAL (PENGUINS)



APPENDIX B SECTION 29 PRE-LODGEMENT ENGAGEMENT WITH DOC

APPENDIX B - SECTION 29 PRE-LODGE MENT ENGAGEMENT WITH DOC

Marine Ecology Assessment

Summary of DoC comments

DoC noted that the assessment lacked sufficient detail on the methodology used for kororā surveys, namely – the survey sites, methods used, dates, times, and tidal conditions.

While noting that the habitat either side of the construction footprint will be modified to prevent kororā access, DoC noted that the area proposed to be modified was not specified. DoC also noted that it was unclear where in the report kororā recolonisation rates are described.

While DoC agrees with the identified levels of effects on kororā, they disagree with NZTA's proposed compensation approach. DoC questioned the use of compensation rather than offsetting, disagreeing with the "like-for-like habitat" terminology – arguing ecological offsetting should focus on replacing habitat function rather than its exact physical structure.

DoC expressed concerns about the biodiversity compensation model, specifically that the impact uncertainty should be rated "very high" rather than "high" given the limited single-season data, and that the value scores are too low. They explained that any burrow supporting breeding or moulting kororā should be rated at least "high value".

DoC raised concerns about whether kororā habitat exists at the Lambton Harbour stormwater sites and whether these locations were assessed for potential penguin habitat.

Specialist/NZTA responses and actions

Regarding the habitat modification area, the report has been updated to specify that the modification extends 10 metres to either side of the outfall. The report has also been updated to reflect the recolonisation rate used in the compensation model.

NZTA maintains that their compensation approach is consistent with good practice and reflects other recent applications, including for kororā at Wellington Airport, and therefore no change is required.

On the disagreement about compensation versus offsetting, NZTA's position is based on NPS-IB principles and other guidance, citing the GWRC Marine Offsetting and Compensation report (2023) and the Kennedy Point case study as precedent for treating nest boxes as compensation rather than like-for-like offsetting.

Regarding concerns about the biodiversity compensation model inputs, the report has been updated to include detailed survey information, clearly cite all datasets used, explain that the 2-year survey recommendation supports the contingency score, document the conservative burrow scoring approach, and confirm that the model accounts for all habitat loss types with wording made consistent across all documents.

Regarding kororā habitat at Lambton Harbour stormwater sites, NZTA confirmed that the assessment was conducted on the basis that while kororā habitat exists near the outfall, no physical works are planned in that habitat, and the effects would be "very low" with mitigation – so no further effects management is necessary. However, NZTA has added additional text to clarify this further.

Kororā Management Plan

Summary of DoC comments

DoC noticed inconsistencies on whether habitat clearance would be avoided during breeding and moulting season, and that this needs to be clarified.

DoC noted that the section on enabling works lacks a definition of what activities are covered and doesn't specify when kororā surveys will occur (once off or daily), and what the risks/mitigations are if working over multiple days.

Also requested was the number and dates of dog and visual surveys be documented to determine actual site value, that “construction period” is more explicitly defined, and for surveys before revetment removal to occur on the morning of each day of the works and not just prior to removal starting.

DoC noted that the 20 metre zone of influence lacks justification and needs to be considered in the context of anticipated construction noise levels and whether these extend beyond 20 metres.

DoC shared concerns:

- That the potential effects section hadn't considered impacts on kororā productivity (feeding and breeding) as a result of the Project.
- The proposed compensation site being in a highly public location, with risks from human disturbance and dogs, and suggested integrating concrete burrows into the revetment crest rather than creating more exposed habitat that puts kororā at risk.

In regard to footnote 5 which references “predicted peak of activity”, DoC noted that the report doesn't clarify if this refers to kororā or construction activity. If it refers to kororā activity, DoC stated that March isn't appropriate timing and that the baseline survey should also include the proposed relocation site to determine which nest boxes have been visited that season and therefore shouldn't be used for relocation, i.e. nest boxes showing kororā sign within the last 2 years should be excluded from relocation use.

DoC requested clarification about the proposal to modify habitat within 10 metres of the construction footprint, as kororā should not be within that area, and asked for explanation on the different exclusion methods which trigger different compensation requirements.

DoC noted that surveys before any modification should be conducted by protected species dog teams on every day of the works, and that confirmation is required that no breeding or moulting birds will be removed.

DoC recommended that the KMP define what constitute “unexpectedly high numbers” requiring relocation and requested that when two birds are found in a burrow together, than they are transported and released together.

DoC questioned the proposal to compensate temporary habitat loss through coastal planting for shade, as existing burrows in the revetment are already shaded.

DoC noted that the objective of post-construction monitoring is unclear.

DoC noted that the statement about reconsidering predator control if Predator Free Wellington operations cease should use stronger language to provide a guarantee.

DoC also requested a clear table referencing Schedule 7 FTAA requirements.

Specialist/NZTA responses and actions

NZTA clarified that the KMP already addresses seasonal constraints in relation to breeding and moulting, and therefore no update is required.

In reference to the enabling works and survey timing, NZTA clarified that the requested information is already listed in sections 3.3-3.5 of the KMP.

It was determined that no changes to the compensation site location will be made, with NZTA maintaining that the site is in a dog-controlled area consistent with other kororā effects management sites around the harbour. Proposed fencing, planting, and educational signage are expected to mitigate human and dog disturbance and has been demonstrated at other monitored Wellington sites.

NZTA noted that the Section 7 FTAA information is included in the Wildlife Approval application, so it doesn't need to be duplicated in the KMP.

NZTA has updated the KMP to include a lighting and planting cover assessment and confirmed that the compensation site location will remain unchanged. Monitoring of the compensation site is addressed separately.

NZTA has updated the KMP to include survey frequency, methodology, and dates.

NZTA also clarified how the 20 metre zone of influence was determined, based on the 90 dB noise limit. The KMP was updated to include effects on feeding productivity, with NZTA noting that the report already assessed impacts on both feeding and breeding productivity.

The KMP was updated to clarify that the “predicted peak of activity” refers to avoiding off season surveys. The relocation site has been explicitly included in the baseline survey requirements. NZTA also updated the KMP to include wording that surveys will “be repeated prior to the commencement of the activity on every day the activity is due to occur.”

Regarding compensation, NZTA noted that temporary exclusion of 30m² of revetment for 12 months has already been conservatively accounted for in the biodiversity compensation model.

The KMP has been updated to clearly identify risks and mitigation measures occurring over several days. NZTA has included all survey findings to date as well as defined thresholds for consulting on increased relocation numbers. NZTA confirmed that nest boxes with kororā sign in the last two years won't be used for relocation and that birds relocated from the same burrow will be relocated together.

NZTA has updated the KMP to include the word “temporary” when discussing habitat loss compensation. NZTA maintains that all lost habitat, both permanent and temporary, has already been accounted for in the compensation model. It has also been specified that nest box entrances will be at least 2 metres apart where practicable.

The KMP has been updated to clarify that the “intended outcome” is that burrows will, on average, meet the value described in the biodiversity compensation model. Monitoring will align with maintenance activities to identify drivers and provide physical solutions within the Project's control. NZTA maintains that if compensation is delivered as intended and factors beyond the Project's control affect outcomes, additional compensation cannot be reasonably expected.

In regard to Predator Free Wellington, NZTA has updated the wording from “should be” to “will be” concerning the reconsideration of predator control should Predator Free Wellington operations cease.