Independent Review of "Assessment of Potential Effects on Birds of Proposed Port of Tauranga Stella Passage Development" by Wildlands Consultants Limited.

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1. Executive Summary

Green Inc Ltd was engaged by Port of Tauranga Ltd (**POTL** or **the Port**) to provide an independent review of the *Assessment of Potential Effects on Birds of Proposed Port of Tauranga Stella Passage Development* (report 7339a) (**Avifauna AEE**) prepared by Wildlands Consultants Ltd in relation to POTL's proposed Stella Passage Development.

Green Inc's peer review work has involved a site visit and reading and commenting on a draft of the Avifauna AEE and associated Management Plans (report 5154f). This included discussions with the Avifauna AEE author, Dr Della Bennet.

This independent review concludes that the Avifauna AEE is thorough and well constructed. It provides appropriate information on the potential effects of the proposed works. As recorded, these effects will be short lived and less than minor.

A detailed Management Plan demonstrates how all effects can be managed in ways that avoid any potential long term adverse effect. The proposed construction of a new rock wall for nesting red-billed gull colonies and nest boxes and nest pipes for little penguins will greatly enhance the habitat for both species.

In addition, the Avifauna AEE records the current management of the Port creates a safe and desirable habitat for birds. The enhanced nesting areas along with increased pest control detailed in the Management Plan will ensure that the proposed development will be an advantage for the birds. The Avifauna AEE also recommends a balanced approach for managing birds in ways that safeguards the health of port workers as well. It also recommends that the sand pile is managed for the dual outcome of beach enhancement and as a desirable roosting site for birds.

2. Introduction

The Avifauna AEE has collated considerable information on the species and numbers of birds using different parts of the Port of Tauranga over the last 15 years. The Avifauna AEE also

provides additional information on the threat status of the different species and their recent history as a justification of the threat status.

The Port is used by a large number of birds, most of which have a form of threat status. The Port is fully fenced and so excludes people and dogs. There is also some pest control. These factors make the Port a safe and highly attractive place for birds. In contrast, surrounding areas such as Sulphur Point and Pilot Bay, which are freely used by people and their dogs, have few birds.

As the Avifauna AEE acknowledges, a number of the bird species potentially affected by the Stella Passage Development are known to make use of safe areas constructed by people. Red-billed gulls and black-billed gulls have been recorded establishing roosts and breeding colonies on roofs, other ports and other structures that are fenced or not available to people and dogs. New Zealand dotterel also nest in considerable numbers in safe fenced areas such as Marsden Point tank farm and Auckland airport. Hence buildings and other infrastructure developments can provide positive effects and productive habitat for even threatened or at risk bird species.

Assessment of effects typically requires observation of change. Attributing any change to a development can be difficult. As Table 1 of the Avifauna AEE records, numbers of the different species using the Port can change considerably between years and between days - as the Avifauna AEE records for godwits in Section 3.2.2. In addition, Lallas et al. (2022)[1] recorded considerable changes in red-billed gull colonies between years in Otago. In my own backyard at Pataua, the local, red-billed gull colonies have more than halved in 2024 even though there has been no development in the area. Hence, attribution of change to a known cause is problematic.

Despite this difficulty, using the outcomes at other developments allows confidence around predictions of the potential severity of effects. For example, the provision of nest boxes for little penguins on Tiritiri Matangi Island and on the foreshore at Oamaru resulted in immediate use by penguins and an increase in population. The construction of houses and a golf course at Tara Iti (Te Arai) was feared to be detrimental to New Zealand dotterel. In contrast, with pest control and exclusion of cats and dogs, the sand bunkers on the golf course have become desired nest sites for the at risk dotterel. When development of wharves in the Viaduct Basin in Auckland was required for hosting the America Cup racing, an existing red-billed colony had to be moved. Immediate adoption of the newly prepared area assisted by the use of models and sound recordings showed the flexibility of gulls. The Avifauna Management Plan appended to the Avifauna AEE builds on these methods to ensure future enhancement of habitat for gulls and penguins will result from the proposed Stella Passage Development.

[1] Lalas, C.; Carson, S.; Perriman, L. 2022. Continued increase in red-billed gulls (*Larus novaehollandiae scopulinus*) at Otago, southern New Zealand: implications for their conservation status and the importance of citizen science.
Notornis 69(2): 81–88.

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3. Assessment of Potential Effects

Disturbance during construction and removal of current nesting sites are the effects recorded in the Avifauna AEE.

Disturbance

As recorded in the Avifauna AEE, the birds are already exposed to considerable daily disturbance from Port activities. During construction of new wharfs, there will be increased activity near both roosting and breeding sites. Birds are known to rapidly habituate to new repeated stimuli and hence the effects (if any) of disturbance are likely to be short lived.

The recent expansion of the red-billed gull nesting areas to the rock wall adjacent to the proposed reclamation at Mount Maunganui may be disturbed most. At worst, the birds may not nest for one season but this is a small and recent extension to nesting. As such, this disturbance is likely to have a minimal effect on the red-billed gull colony at the port. Similarly, a small gull colony has also recently established at Butters Landing where the new little blue penguin nesting boxes will be constructed. For the reasons discussed later in this review, disturbance of this new gull colony is appropriate and the effects of such disturbance can be managed.

Removal of nest areas.

The Mount Maunganui Wharf extension and associated reclamation will require the relocation of the largest red-billed gull nesting area at the Port. The part of the rock wall not currently in use will be reconstructed to provide a larger, more three dimensional nesting habitat that will accommodate all gull pairs currently nesting nearby.

The colony that has newly formed at Butters Landing will be disturbed but the colony is a threat to human health and as outlined in the Avifauna AEE should be removed (see discussion in section 5 below).

Sand storage

The Avifauna AEE records (Section 4) the actions and timing of these to allow use of the area for sand storage as well as removal of sand for beach replenishment. The overview and management recommendations included in Section 4 of the Avifauna Management Plan are well considered and should be adopted. The proposed actions are suitably cautious to ensure that the operations of POTL in relation to the sand pile will not have a negative effect on the birds. Constraining actions at the sand pile to outside the breeding season and to times either side of low tide should preclude negative effects.

4. The New Zealand Coastal Policy Statement 2010 (NZCPS)

The NZCPS requires under Policy 11(a) that adverse effects on threatened and at risk taxa are avoided and further Policy 11(b) that "significant" adverse effects on habitats that are important during vulnerable life stages are avoided.

The Avifauna AEE and associated Management Plans detail actions that will enhance breeding habitat and nest sites rather than result in adverse effects. Currently, breeding sites for both gulls and penguins are limited and birds are attempting to expand into less favourable areas such as Butters Landing. As detailed in the Management Plan appended to the Avifauna AEE the newly constructed wall and the area of penguin nest boxes will be constructed at a time and in a way that eliminates adverse effects on both gulls and penguins.

Increased noise is unlikely to have detrimental effects and is planned to occur at times which will avoid adverse effects. The birds already roost and breed in a noisy environment and they are also known to rapidly habituate to new stimuli that do not immediately affect them physically. It is also highly unlikely that occasional use of the sand pile will deter the birds from using the area.

5. Butters Landing gull colony adjacent to the Butters Amenity Building

The Avifauna AEE records the newly established red-billed gull colony nesting adjacent to the building on Butters Landing. The area is destined for reconfiguring to host the penguin nesting boxes.

As outlined in the Avifauna AEE, this building the new colony surrounds is an amenity building used by Port staff for tea and meal breaks. The building cannot be used with windows open because of smell and the glass is splattered with droppings. The roof, staff cars and walking areas receive gull droppings. Together this makes the area unhygienic and a threat to human health.

I concur with the Avifauna AEE that the current worldwide spread of avian flu, which can infect mammals, increases the health risk associated with this new colony. While New Zealand does not yet have the highly infectious strain of avian flu, it is being moved by migratory birds such as bar tailed godwit that roosts in large numbers on the sand pile.

The recommendation in the Avifauna AEE is that this colony should be prevented from remaining in this locality. I agree. It is important to record that when red-billed gulls took over roofs of commercial buildings in Oamaru, the Department of Conservation[2] released advice that building owners should disturb the gulls and attempt to drive them away prior to nesting as they could not disturb them once they had started nesting without an appropriate permit under the Wildlife Act. Hence, it is acceptable to scare away non-nesting birds and as recommended in the Avifauna AEE it would be prudent for the ongoing functioning of the Port

[2] See Appendix

that this colony is prevented from continuing at this location. It is likely that many will join the larger colony on the newly constructed rock wall.

Deterrents recorded in Section 15.3 of the Avifauna Management Plan such as trip wires along with the proposed plantings after the penguin boxes have been installed will prevent the colony from remaining. These will deter use by gulls without causing harm. It will be important to also put similar wire deterrents on the roof of the amenity building to prevent gulls from attempting to build nests there.

The recent establishment of this small colony is a direct result of the safe environment provided by the Port and if gull numbers continue to increase, it may be necessary to undertake measures to deter nesting in other parts of the Port.

The Port has created an ideal habitat for threatened and at risk birds and while the Avifauna AEE suggests that it does not matter whether the colony is natural or artificial, health risks putting Port staff at risk must be managed. Creating well designed habitat for birds as is proposed and keeping these areas separate from areas of frequent staff use should be maintained into the future.

6. Conclusions

The Port is used by a number of threatened and at risk bird species, some of which nest there. The proposed Stella Passage Development requires relocation of nesting pairs of two species for which relocation there is a fully developed Management Plan.

The Avifauna AEE concludes that the proposed Stella Passage Development will not result in any unacceptable adverse effects on birds or on their associated important habitats.

In my opinion, the Avifauna AEE and associated Management Plan build on knowledge of proven relocation techniques used elsewhere. The assessment and recommended management measures are well thought through and will result in enhanced habitat for these and other bird species. While there will be a short-lived disturbance, I agree with the conclusion that the adverse effects of the Stella Passage Development on birds will be avoided or less than minor.

7. Appendix

Red-billed gull

Building owners asked to act before gull breeding season in Ōamaru

Archived content: This media release was accurate on the date of publication.

Introduction

Ōamaru building owners are encouraged to regularly check their roofs to prevent red-billed gulls/tarāpunga from settling in for the breeding season.

Date: 21 September 2021

For the last few years, the birds have been setting up breeding colonies on the roofs of buildings in the town's central business district.

Once nesting, the native gulls cannot be moved as they are protected under the Wildlife Act – so it is vital for business owners to take action and set up deterrents before the birds lay eggs.

Department of Conservation (DOC) Ōamaru Ranger Tom Waterhouse says nesting season is about to start, as the gulls have been seen hanging around potential nesting sites and mating.

"DOC and the Waitaki District Council are encouraging building owners to act now to prevent the gulls from calling their roof home for the next five months.

"The best thing people can do now is check their roof and gutters every two or three days to see if gulls are using the roof and remove any debris that could be used as nesting material.

"People should make sure their bins are secure and should not feed the gulls, as this could encourage them to stay. They have not evolved to eat human food and it is not good for them."

"The gulls are noisy neighbours, and their nests can clog gutters and lead to expensive repairs, so it's cheapest and easiest to act early and encourage them to nest elsewhere.

"Luckily, there's free advice on deterrents available on the Waitaki District Council website."

Tenants are advised to let their landlords know as soon as possible if they think there are gulls on the roof.

Find more information on deterrent methods and contractors who can help (external site).

Background information

While red-billed gulls/tarāpunga are commonly seen in coastal areas, they have a threat classification of 'declining'. The size of breeding colonies and breeding success has declined in the past 20 years. The birds typically nest in large colonies near the coast.

Clutches are normally two eggs (though this can range from one to five), which are incubated for about 24 days. Chicks begin to fly at about 30 days old but will stay near the nest to be fed for about another 30 days.

Threats the gulls face include predators such as ferrets, stoats, cats and rats, and fluctuations in krill availability (their main food source during feeding season) due to climate variations.

Tarāpunga are a taonga species to Ngāi Tahu.

Under the Wildlife Act, it is an offense to harass, injure or kill red-billed gulls.

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