Technical Evaluation to Accompany an Application for a Wildlife Approval for Proposed Construction Works at the Port of Tauranga

Contract Report No. 7339b

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February 2025

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1.0 Introduction

Port of Tauranga Limited (**POTL**) is seeking approval for the Stella Passage Development (the Project) via the Fast-track Approvals Act 2024 (**FTA**). The Project will involve dredging, reclamations and wharf extensions.

Port of Tauranga (**the Port**) is located within the eastern side of Tauranga Harbour, a large tidal estuary that supports locally, nationally, and internationally significant populations of many shorebird and wetland bird species. Within and surrounding the Port, there are kororā/blue penguin (*Eudyptula minor iredalei*; At Risk – Declining), tarāpunga/red-billed gull (*Chroicocephalus novaehollandiae scopulinus*, At Risk – Declining), as well as smaller numbers of several other Nationally Threatened and At Risk species that regularly breed and roost.[1]

As part of the FTA, a stand-alone report is required under Schedule 7 to seek approval to catch kororā/blue penguin within the Mount Maunganui port extension and reclamation area. The wildlife approval can be applied for under Section 42(4)(h) of the FTA, which requires '*a wildlife approval as defined in Clause 1 of Schedule 7*'.

2.0 Information requirements

This application addresses the requirements set out in Clause 2(1) of Schedule 7 of the FTA:

1 Information required for application for wildlife approval

For the purposes of section 43(3)(h), application for a wildlife approval must—

(a) specify the purpose of the proposed activity:

(b) identify the actions the applicant wishes to carry out involving protected wildlife and where they will be carried out (whether on or off public conservation land):

(c) include an assessment of the activity and its impacts against the purpose of the Wildlife Act 1953:

(d) 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:

(e) outline impacts on threatened, data deficient, and at-risk wildlife species (as defined in the New Zealand Threat Classification System):

(f) state how the methods proposed to be used to conduct the actions specified under paragraph (b) will ensure that best practice standards are met:

(g) describe the methods to be used to safely, efficiently, and humanely catch, hold, or kill the animals and identify relevant animal ethics processes:

(h) state the location or locations in which the activity will be carried out, including a map (and GPS co-ordinates if available):

(i) state whether authorisation is sought to temporarily hold or relocate wildlife:

[1] Threat classifications and common names are from Robertson et al. (2021).

(j) list all actual and potential wildlife effects (adverse or positive) of the proposed activity, including effects on the target species, other indigenous species, and the ecosystems at the site:

(k) where adverse effects are identified, state what methods will be used to avoid and minimise those effects, and any offsetting or compensation proposed to address unmitigated adverse effects (including steps taken before the project begins, such as surveying, salvaging, and relocating protected wildlife):

(l) state whether the applicant or any company director, trustee, partner, or anyone else involved with the application has been convicted of any offence under the Wildlife Act 1953:

(m) state whether the applicant or any of the company director, trustee, partner, or anyone else involved with the application has any current criminal charges under the Wildlife Act 1953 pending before a court:

(n) provide proof and details of all consultation, including with hapū or iwi, on the application specific to wildlife impacts:

(o) provide any additional written expert views, advice, or opinions the applicant has obtained concerning their proposal.

Wildland Consultants Ltd have been commissioned to provide a technical report to support an application for a Wildlife Approval for the works to be carried out. The following sections have been arranged to address each of the specific requirements set out above.

3.0 Purpose of the proposed activity

a) *Specify the purpose of the proposed activity:*

The purpose of the Project is to better meet increasing shipping demands by providing more space for larger and additional vessels. This will be achieved by the construction of new wharfs and mooring and berthing dolphins, as well as by reclamation and dredging activities.

This application requires the removal of the section of rock wall at the Mount Maunganui wharves where tarāpunga/red-billed gulls (At Risk – Declining) currently nest. A new purpose-built rock wall will be constructed and every effort will be made to attract the gulls to this new site. The modified rock wall will be constructed at the southern end of the existing rock wall and will be approximately 200 metres long or equivalent surface area. This will enable the gulls to shift their present colony location to an adjacent, largely identical, site. The purpose-built rock wall will be constructed one year before any work is undertaken on the existing rock wall. The existing rock wall will be dismantled outside of the breeding season, while the birds are not nesting.

The section of rock wall at the Mount Maunganui wharves also contains nesting habitat for kororā/blue penguin (*Eudyptula minor iredalei*; At Risk – Declining). New nesting boxes will be constructed at Butters Landing during the pre-construction phase. This will allow kororā/blue penguin to potentially find the site naturally, prior to dismantling the Mount Maunganui rock wall. Furthermore, the purpose-built replacement rock wall for the tarāpunga/red-billed gulls will also have concrete pipes installed as alternative nesting sites for kororā.

Two surveys will be undertaken by a conservation dog trained to locate kororā/penguin burrows during the breeding season. During the non-breeding and outside of the moulting period, each potential burrow will be surveyed by the conservation dog and checked with a burrowscope. Any kororā/blue penguin that are found during the pre-construction survey, will be translocated to the nesting box

colony at Butters Landing. Handling of kororā/blue penguins will be undertaken by permitted handlers. Once each burrow is cleared, the burrow will be blocked to prevent any kororā/blue penguins from using the site.

POTL's Blue Penguin and Aviation Management Plan includes measures that mean that physical removal of kororā/blue penguins is unlikely to be required. However, in the unlikely event that relocation of kororā/blue penguins is necessary a wildlife approval is sought under s 42(4)(h) of the FTA to catch this species so that they can be relocated to purpose built habitats a short distance south of the current Mount Maunganui rock wall's location.

4.0 Actions to be carried out

b) ***Identify the actions the applicant wishes to carry out involving protected wildlife and where they will be carried out (whether on or off public conservation land):***

A general summary of the Project's scope of works is described below. Drawings of the proposed works are in Appendix 1:

- Mount Maunganui Wharf Extension – Stage 2:
  - Wharf extension: 315 metres.
  - Installation of mooring and breasting dolphins as an alternative to reclamation and wharf construction.
  - Development at Butters Landing limited to minor structures.

The Project will be implemented over several years. Wharf construction is proposed to occur at both the Sulphur Point Wharf and the Mount Maunganui Wharf, on each side of Stella Passage. However, habitat removal, and thus this application, is only relevant to the Mount Maunganui Wharf Extensions.

The specific actions that will affect protected wildlife relevant to this application includes:

- Removal of an approximately 315-metre-long length of rock wall where kororā/blue penguin burrows, and a large tarāpunga/red-billed gull nesting colony, are present. The locations of these colonies are shown in Figure 1. Dismantling of the existing rock wall will occur outside of the avifauna breeding season.
- The equivalent of 200 metres of the existing rock wall used by the gulls will be re-constructed at the southern end of the Mount Maunganui Wharves - near Butters Landing; Appendix 1 - prior to any rock wall removal where tarāpunga/red-billed gulls and kororā/blue penguins roost or breed. Construction of this alternative habitat will be timed to avoid effects during the breeding season. Gull decoys and a stereo system to play recordings of tarāpunga/red-billed gull calls will be installed to attract tarāpunga/red-billed gulls to the new habitat, before the existing rock wall habitat is removed. Concrete pipe burrows will also be installed into the modified rock wall, to provide habitat for kororā/blue penguins to roost and breed.
- Prior to the rock wall removal, a new nesting box colony will be developed and landscaped ready to receive kororā/penguins at Butters Landing. The new nesting site will be located south of Berth 16, immediately adjacent to the Butters Landing offices and workshop (Appendix 1).
- The Project's area and bird colony locations - kororā/blue penguin and tarāpunga/red-billed gulls - are shown in Figure 1 below.

5.0 Impact Assessment

c) ***Include an assessment of the activity and its impacts against the purpose of the Wildlife Act 1953***

The Wildlife Act 1953 does not include a dedicated purpose statement. However, the Supreme Court has identified the relevance of the long title of the Act ("*An Act to consolidate and amend the law relating to the protection and control of wild animals and birds, the regulation of game shooting seasons, and the constitution and powers of acclimatisation societies*" to identifying the Act's purpose, and has concluded that "The purpose of the Act is to protect wildlife"[2].

If individual korōra/blue penguins do not relocate of their own accord to the replacement rock wall area or the new nesting box colony, POTL's consulting specialist bird handler will capture and relocate the bird(s). As such, a wildlife approval must be procured, as a precaution in case capture and relocation turns out to be necessary.

The proposed methods to catch birds are detailed at section 9 (Methods to catch, hold or kill) of this document. The actual and potential effects of the activity are detailed in section 12 (Actual and Potential Effects) of this document. Measures to manage the identified effects are set out in section 13 (Methods to Avoid/Minimise Adverse Effects).

With POTL's implementation of the approaches and well-proven management measures detailed in the sections mentioned above, adverse effects on korōra/blue penguins will be avoided. The temporary effects of capture and relocation of individual birds (if this action is needed at all) will be less than minor.

The proposed effects mitigation measures will enhance the outcomes for all birds, by way of the improved habitat that will be provided.

Consequently, the project is assessed as consistent with the protective purpose of the Act, as this has been articulated by the Supreme Court.

[2] Shark Experience Limited v Pauamac5 Incorporated [2019] NZSC 111 [11 October 2019] at paragraph 66.


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Legend
Red-billed gull colony
Blue penguin burrows
Sand pile
Mount Maunganui Wharf
Sulphur Point Wharf
Data Acknowledgment
Figure 1: Port of Tauranga key bird locations
Wildlands
Scale: 1:10,000
Date: 10/10/2024
Cartographer: DBM/LD
Format: A4

6.0 Protected wildlife

d) ***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:***

Tarāpunga/red-billed gull (*Chroicocephalus novaehollandiae scopulinus*, At Risk – Declining)

The tarāpunga/red-billed gull colony is estimated to have up to 800 individuals and more than 250 nests (Port of Tauranga survey data 2022-2024), representing 1.8% of the national breeding population, and is located along the rock wall at the Mount Maunganui Wharves. A new 200 metre long modified rock wall area will be established prior to any rock wall removal, which will allow tarāpunga/red-billed gulls to start using the new site. As works will be undertaken outside of the breeding season, and tarāpunga/red-billed gulls mostly leave the breeding colony during the non-breeding season, the disturbance and removal of the current roosting location may displace up to 50% of the colony.

Kororā/northern blue penguin (*Eudyptula minor iredalei*, At Risk – Declining)

Kororā/blue penguins nest in the proposed area of works. A penguin survey of the Port was undertaken by DabchickNZ (Joanna Sim and her conservation dog Rua) in August 2019. The dog detected the presence of 16 kororā/blue penguin burrows within the rock wall at the Mount Maunganui Wharves, within the footprint of the tarāpunga/red-billed gull colony. It is anticipated that all birds within the rock wall (approximately 32 adults) will be impacted by the proposed works as their current burrows will no longer be present and they will have to find new roosting and nesting sites. However, the actual number to be potentially affected can only be confirmed once the survey with the trained kororā/penguin dog has been completed. To be conservative, there is a potential for up to 50 individuals to be affected.

All kororā/penguin detections in the existing Mount Maunganui seawall were in deep burrows beneath rocks, or in sandy substrates underneath the asphalt road surface. Because of this, no kororā/penguins were seen, although faeces and feathers were observed.[3] However, sightings of kororā/blue penguins have been made at night by sweeper operators. Kororā/penguins may also nest under some of the logs and shipping containers.

7.0 Impacts on Threatened, Data Deficient and At Risk species

e) ***Outline impacts on threatened, data deficient, and at-risk wildlife species (as defined in the New Zealand Threat Classification System):***

Descriptions of the qualifiers applicable to the threat status of tarāpunga/red-billed gull and kororā/northern blue penguin in the NZTCS are provided in Appendix 3.

Tarāpunga/red-billed gull (*Chroicocephalus novaehollandiae scopulinus*, At Risk – Declining)

Climate Impact.

[3] Memo from Joanna Sim, 2019, discussing the results of the penguin survey, with a map provided by Port of Tauranga.

Kororā/northern blue penguin (*Eudyptula minor iredalei*, At Risk – Declining)

Climate Impact, Conservation Research Needed, Data Poor: Size, Data Poor: Trend

Potential Impacts

Key potential impacts include:

- Loss of roosting and nesting habitat for tarāpunga/red-billed gulls.
- Loss of kororā/penguin burrows and potential mortality of any birds that are in the active construction zone.
- Additional information is provided below on the following.
  - Meeting best practise standards.
  - Methods to catch, hold or kill.
  - Proposed activity location.
  - Holding and relocating wildlife.
  - Actual and potential effects.
  - Methods to avoid/minimise adverse effects.

8.0 Meeting best practice standards

f) ***State how the methods proposed to be used to conduct the actions specified under paragraph (b) will ensure that best practice standards are met:***

A Management Plan (Wildland Consultants 2024) has been prepared to formalise existing practices and to provide enhanced management measures to protect bird colonies and avoid adverse effects during Port operations and the proposed development work. Implementation of the Management Plan will safeguard avifauna utilising the Port as a breeding site. The Management Plan will be revised and updated every five years, or sooner if required, to address changes in breeding success or population trends.

The Management Plan comprises the following four sections:

- Ecological Management Plan for the Port of Tauranga Sand Pile at Sulphur Point.

  The Management Plan provides prescriptions for the sand pile dimensions, noise, pest animal and pest plant control, and bird monitoring. The Management Plan has been compiled based on best practice standards and is designed to avoid adverse impacts on roosting, nesting, and breeding birds. The Management Plan should be reviewed every five years or more frequently if there are substantial changes to the Port activities, population abundances, or pest threats.

- Korarā/Blue Penguin and Avian Management Plan for the Proposed Mount Maunganui Wharf Extension at the Port of Tauranga.

  The Management Plan provides clear guidelines on when works can be undertaken, what management measures are required to avoid or minimise adverse effects and habitat restoration, e.g. kororā/penguin nesting box colony and installation of concrete pipes and modified rockwall for tarāpunga/red-billed gulls.

- Monitoring of Coastal Birds at the Port of Tauranga.

  The monitoring plan prescribes the collection of data from 10 locations around the Port. Assessment of this data will allow for the evaluation of nesting success and population trends around the Port. This information will help to inform decisions about future Port management options. Annual reports should summarise the main findings and identify any trends or changes over time. These reports should be made available to interested parties and provided on the Port of Tauranga's website.

- Assessment of lighting at the Port of Tauranga.

  The management plan provides guidelines and suggested prescriptions for lighting limits.

9.0 Methods to catch, hold or kill

g) ***Describe the methods to be used to safely, efficiently, and humanely catch, hold, or kill the animals and identify relevant animal ethics processes:***

Tarāpunga/red-billed gull

Tarāpunga/red-billed gulls will not be caught, held or killed during the Project. However, they will undergo some disturbance as they find their previous nesting site is not available and that they are required to relocate to the newly modified rock wall.

Kororā/northern blue penguin

Prior to wrapping of a section of the rock wall, burrow sites identified during the survey prior to removal of the rock wall will be checked using a burrowscope. It is unlikely that kororā/penguins will be found on nests given this work will occur outside of the breeding and moult seasons. If a burrow is found to be active, three main actions will be implemented, subject to the contents of the burrow:

- One or two resting adults (no down feathers present): ensure that the nest site does not contain eggs or chicks.
  - If adult(s) can be reached by hand, capture and box the adult(s) and relocate to the nest box colony. This would be undertaken by someone with a permit to handle kororā/blue penguins.
  - After the relocation of any birds to the nest box colony, ensure that all burrows and wall section has been wrapped by the end of the day to prevent birds from re-entering.
  - If adult(s) are present but cannot be reached, move further along the rock wall and confirm no birds are present before wrapping. The new section being assessed should be at least a minimum of 10 metres away from the occupied nest, or 15 metres where practicable.
  - Return to the occupied burrow the following day to check on the inhabitants. Continue work when the adults have left.

- One or two moulting adults: if the moult is near completion (new feathers are evident over most of the body), transfer the bird(s) to the nest box colony by someone with a permit to handle kororā/blue penguins.
  - If adult(s) can be reached by hand, box the adult(s) and relocate to the nest box colony. This would be undertaken by someone with a permit to handle kororā/blue penguins.
  - If adult(s) cannot be reached, return to the burrow the following day to check on the inhabitants. Note that the moulting period lasts 10-18 days. Continue work when the adults have left.

  - After the relocation of any birds to the nest box colony, ensure that the burrow and wall section has been wrapped by the end of the day to prevent birds from re-entering.

- Egg and/or chick: Avoid the area until the nest is complete, i.e. a chick has fledged. Wrapping of the rock wall will commence within another section that is at least a minimum of 10 metres away from the nest, or 15 metres where practicable.

For rock wall removal/creation, the following measures will be implemented:

- Excavation around the revetment, and placement of new rocks on the existing rock wall, will be undertaken using an excavator and a highly-skilled operator. Any removal or addition of rocks using the excavator must be done carefully, to avoid rolling or movement of other rocks. All work must be based on the assumption that kororā/penguins may be present in other parts of the rock wall but were not identified in previous surveys.

- If an adult does manage to find a gap in the wrapped wall and is uncovered while the rock wall is being dismantled, all work will cease until a person with a kororā/penguin handling permit indicates that the work can start again.

- The permitted handler will be in attendance during all deconstruction activity and will be fully equipped to deal with all possible outcomes. Equipment will include:

  - Gloves.

  - Special boxes for the transfer of adults.

  - Nets with a long pole for the retrieval of moulting birds from the water if they initially elude capture.

- If a kororā/penguin is injured then it must be taken immediately to the Tauranga Animal Rescue and Rehabilitation Centre.[4] Further assistance can be provided by the Western Bay Wildlife Trust[5] who have permitted penguin handlers. The local Department of Conservation office must be notified immediately (0800 ASK DOC [0800 275 362] or info@doc.govt.nz). If advice is required on management of a particular bird, specialist veterinarians at the Auckland Zoo[6] can also be consulted.

- If a kororā/penguin is killed, the local Department of Conservation office must be notified immediately.

10.0 Proposed activity locations

h) ***State the location or locations in which the activity will be carried out, including a map (and GPS co-ordinates if available):***

The locations of the proposed activities are on the Mount Maunganui Wharf front, as shown in Appendix 1.

[4] Tauranga Animal Rescue and Rehabilitation Centre, 56 Fraser Street, Tauranga 3112; phone (07) 579 9115.
[5] Western Bay Wildlife Trust; phone 0800 Sick Penguin (0800 742 573).
[6] Auckland Zoo, Motions Road, Western Springs, Auckland 1022; phone (09) 360 3805

11.0 Holding or relocating wildlife

i) ***State whether authorisation is sought to temporarily hold or relocate wildlife:***

Authorisation is sought for a trained kororā/penguin handler to relocate kororā/penguin from the Mount Maunganui rock wall being dismantled to a newly constructed nest box site at Butters Landing (described below; Appendix 2).

Tarāpunga/red-billed gulls will not be temporarily held or manually relocated.

12.0 Actual and potential effects

j) ***List all actual and potential wildlife effects (adverse or positive) of the proposed activity, including effects on the target species, other indigenous species, and the ecosystems at the site:***

An assessment was undertaken to address potential effects on avifauna to result from the proposed activities for the Mount Maunganui Wharf Extension (Stage 2) (Wildland Consultants 2024a).

Kororā/blue penguins

POTL estimates that construction or extension of the Mount Maunganui wharf will take approximately 18-24 months to complete. Dismantling of the rock wall and construction of the wharf will be staged, starting and finishing one section at a time. Alternatively, the rock wall will be removed, and the revetment made inaccessible prior to wharf construction, e.g. the revetment will be wrapped, preventing access, or the large boulders will be removed to the high-water line and lowered into the water as part of the construction programme.

At the time when removal of the rock wall commences (e.g. early April), all or most chicks will have fledged, and adults that have bred may be moulting or heading out to sea for several weeks following their moult, or may be resting in a burrow. This means that the proposed rock wall removal is unlikely to affect active nests, but could affect adults if they are present in the burrows. Worst-case scenarios include the loss of late-season nests or fledglings that should have fledged, due to rolling rocks or entrapment, or forcing a moulting adult to escape to the sea, where it will not survive without waterproof feathers. These effects will be avoided by following the guidelines in the Avifauna Management Plan (e.g. undertaking searches of the rock wall and relocating birds to the nesting box colony before the rock wall is wrapped and dismantled). Additionally, excavation around and creation of the new rock wall will be undertaken by a highly skilled operator, avoiding rolling or movement of other rocks. All work will be undertaken based on the assumption that kororā/penguins are likely to be present in other parts of the rock wall, even if not identified in previous surveys.

Tarāpunga/red-billed gulls

Construction of the Mount Maunganui wharf extension will remove the existing rock wall where tarāpunga/red-billed gulls currently roost and nest, requiring the colony to relocate elsewhere, e.g. the sand pile, or elsewhere within or outside of the Port environs.

The gull colony is likely to attempt to re-establish in relatively close proximity to its last location, such as further south along the rock wall, a cargo shed roof, the Sulphur Point sand pile or another relatively undisturbed location with suitable surfaces for breeding. Alternatively, if no suitable habitats exist within the Port, birds will move elsewhere.

The colony's current location within the Port is likely to provide the birds with considerable protection from predation by terrestrial mammals. If birds re-establish outside of the Port, this protection may be lost, and productivity may be reduced as a result. The gull colony may remain at the present location to breed while construction is occurring nearby. In this case, the colony will be subjected to increased levels of disturbance, which may lead to reduced productivity for one or two seasons during construction works.

13.0 Methods to avoid/minimise adverse effects

k) ***Where adverse effects are identified, state what methods will be used to avoid and minimise those effects, and any offsetting or compensation proposed to address unmitigated adverse effects (including steps taken before the project begins, such as surveying, salvaging, and relocating protected wildlife):***

Potential adverse effects have been addressed and mitigation measures provided in the Management Plan (Wildland Consultants 2024; Sections 2 and 3).

Proposed management measures are summarised below:

Tarāpunga/red-billed gulls

- Prior to wall removal: POTL will either retain 200 metres of the existing rock wall, or modify a section of the existing wall to provide the same footprint, or construct a purpose-built rock wall south of the dismantled wall, closer to the Tanker Berth. This area will provide tarāpunga/red-billed gull with a site further along the rock wall to roost and breed. The modification will involve increasing the height of the wall as it is currently too low for tarāpunga/ red-billed gulls to use.

- During rock wall removal: Partial construction of the southern Mount Maunganui Wharf extension and building activity will influence birds returning to the Port for the breeding season to seek an alternative roosting and nesting site. This disturbance will displace birds, which are likely to roost and breed further along the rock wall within the modified area.

Kororā/blue penguin

- Prior to Mount Maunganui rock wall removal: the Mount Maunganui Wharf kororā/penguin population, including the area to be affected (Appendix 1), will be surveyed twice during the breeding season (October and December) using a conservation dog trained to locate kororā/penguin burrows. GPS coordinates will be recorded for all burrows. A survey was undertaken in August 2019, at the beginning of the breeding season, where a trained kororā/penguin dog indicated 16 active sites along the Mount Manganui rock wall. More birds would be expected to be located during the peak of the breeding season in October to December.

  Prior to wall removal: a new nesting box colony will be developed and landscaped ready to receive kororā/penguins. Potential burrows in the affected area will be located by a trained kororā/penguin dog during the start of the non-breeding season (April to June) and checked using a burrowscope. All burrows will be made inaccessible by rock wall wrapping, including any potential roosting crevices. Any kororā/penguins which are detected within the rock wall will be relocated to the nesting box colony.

- During Mount Maunganui rock wall dismantling: a kororā/penguin handler will be available to relocate any kororā/penguins which are incidentally detected within the rock wall area and relocated to the nesting box colony.

- Action plan: to manage all situations (e.g. resting, breeding and moulting) where kororā/penguins, their chicks or eggs are discovered within the rock wall to be affected (described above in Section 9.0).

- Nest box colony: POTL will construct a nest box colony within the Port environs to offset the permanent loss of nesting habitat within adjacent revetments. This will be developed and landscaped ready to receive kororā/penguins prior to removal of the existing wall. It is suggested that the colony could be located south of Berth 16, immediately adjacent to the Butters Landing offices and workshop. An existing rock wall at this site faces south and west. However, the existing rock wall at this site is not suitable for kororā/penguins to form burrows within the structure. Modification of the site is required. Kororā/penguins may also choose to nest under the Butters Landing office building, and the area should be fenced off. The nesting box colony site should be covered with soil, grassed, and planted with indigenous shrubs and flaxes (e.g. *Phormium cookianum*), to provide shade and shelter. Approximately 13 boxes will be established to provide burrow habitat for translocated penguins and individuals looking for a new nesting site prior to and during rock wall covering and replacement may also utilise these boxes. This colony would provide the opportunity to transfer resting or near moult completion kororā/penguins from the affected revetment area, if they are present. Moulting kororā/penguins from the Mount Maunganui Wharf site will be translocated to this nest box colony, which is a short distance from the construction site.

- Concrete pipes will be provided as nest sites within the new Mount Maunganui rock wall: during construction of the new Mount Maunganui Wharves, large concrete pipes (*c.*300 millimetre diameter) will be embedded in the new wall approximately one metre above mean high tide and angled to allow any water to drain. Each of the 20 pipes will be located approximately every 10 metres along the rock wall. Furthermore, the replacement rock wall will be constructed with rocks of a similar size to the existing rock wall, allowing kororā/penguins to establish new burrows as the wall is completed. These concrete pipe burrows can also be established in the Sulphur Point rock wall or strategically within the sand pile.

- Post-construction: kororā/penguin population will be surveyed twice during the first two breeding seasons after construction of the Mount Maunganui Wharves has been completed (October and December), to confirm whether kororā/penguins have taken up residence in any new wall structures (e.g. in the new purpose-built rock wall for red-billed gulls south of the dismantled wall, closer to the Tanker Berth).

14.0 Offences and current charges

l) ***State whether the applicant or any company director, trustee, partner, or anyone else involved with the application has been convicted of any offence under the Wildlife Act:***

No such convictions have been recorded.

m) ***State whether the applicant or any of the company director, trustee, partner, or anyone else involved with the application has any current criminal charges under the Wildlife Act pending before a court:***

No such changes are pending.

15.0 Proof of consultation

n) ***Provide proof and details of all consultation, including with hapū or iwi, on the application specific to wildlife impacts:***

Consultation was undertaken prior to the Environment Court direct referral hearing for Stella Passage. Following the first interim decision of the Court in December 2023, POTL undertook further consultation in relation to the Blue Penguin and Avian Management Plan as directed by the Court. That consultation resulted in amendments to the Blue Penguin and Avian Management Plan, and the management of avifauna generally within the Port operational area.

POTL consulted widely on the project, including seeking the views of and procuring cultural values assessments from iwi and hapū groups, in the manner detailed in section 8 of the overarching application report for the project.

16.0 Additional supporting documentation

o) ***Provide any additional written expert views, advice, or opinions the applicant has obtained concerning their proposal:***

This application has been prepared by Dr Della Bennet, on behalf of the Port of Tauranga Limited. Dr Bennet is a Senior Avifauna Ecologist and Ecological Team Leader with a well-known professional consultancy firm, Wildland Consultants Limited.

As part of the FTA application for the Stella Passage Development associated with this wildlife approval application, Dr Bennet also prepared an 'Assessment of Potential Effects on Birds' which contains more detail in relation to the management of avifauna within the Port of Tauranga and associated with the development proposal. This Assessment was then peer reviewed by Dr John Craig, who prepared a report that was also lodged with this application.

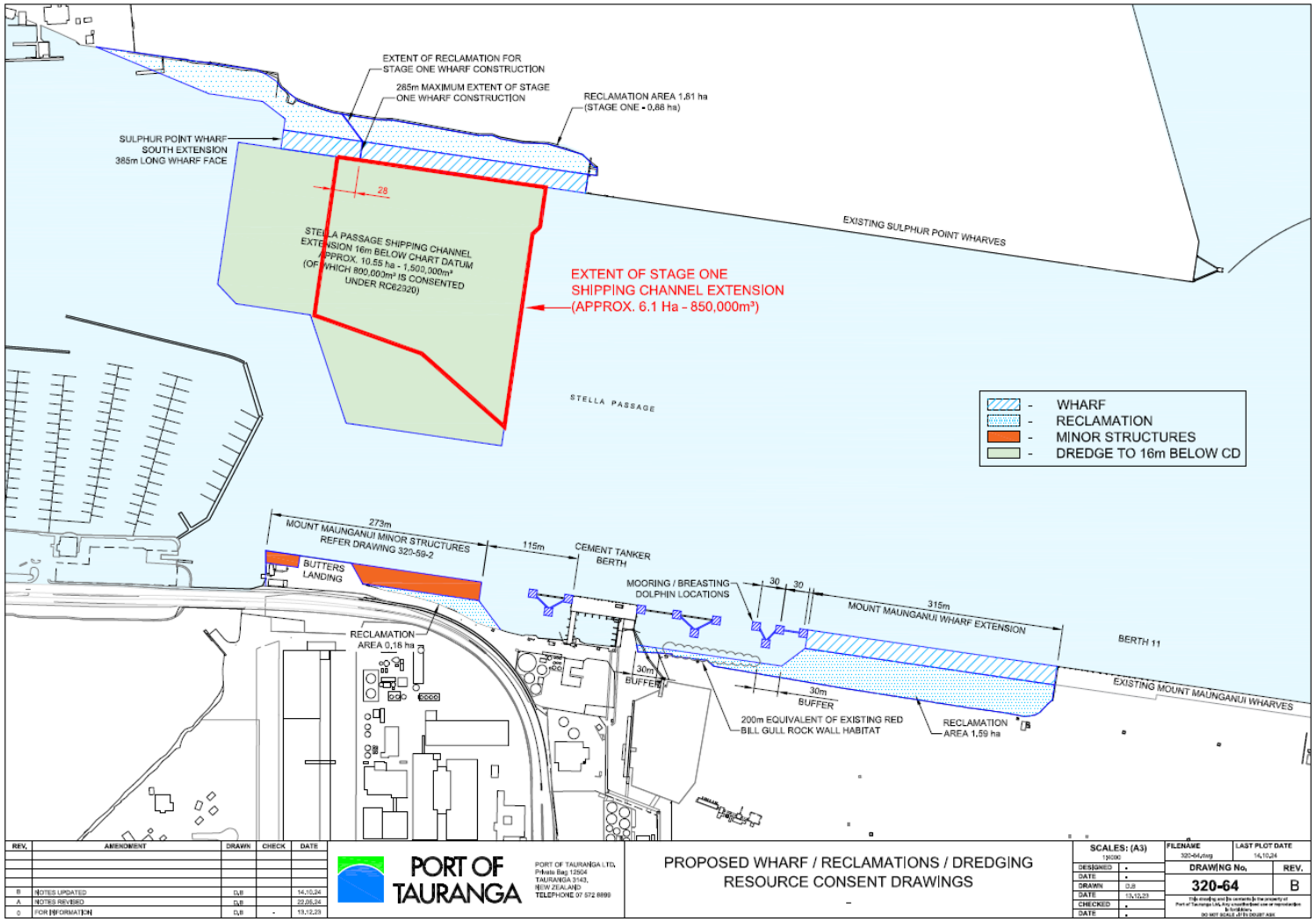
References

Robertson, H. A., Baird, K. A., Elliott, G. P., Hitchmough, R. A., McArthur, N. J., Makan, T. D., Miskelly, C. M., O'Donnell, C. J., Sagar, P. M., Scofield, R. P., Taylor, G. A., & Michel, P. (2021). *Conservation status of birds in Aotearoa New Zealand, 2021*. Department of Conservation.

Wildland Consultants Ltd (2024). Avifauna Management Plan for the Port of Tauranga Sand Storage Site, Wharf Extensions, and Wider Port Environs. *Wildland Consultants Ltd Contract Report No. 5154f*. Prepared for Port of Tauranga Limited. 71pp.

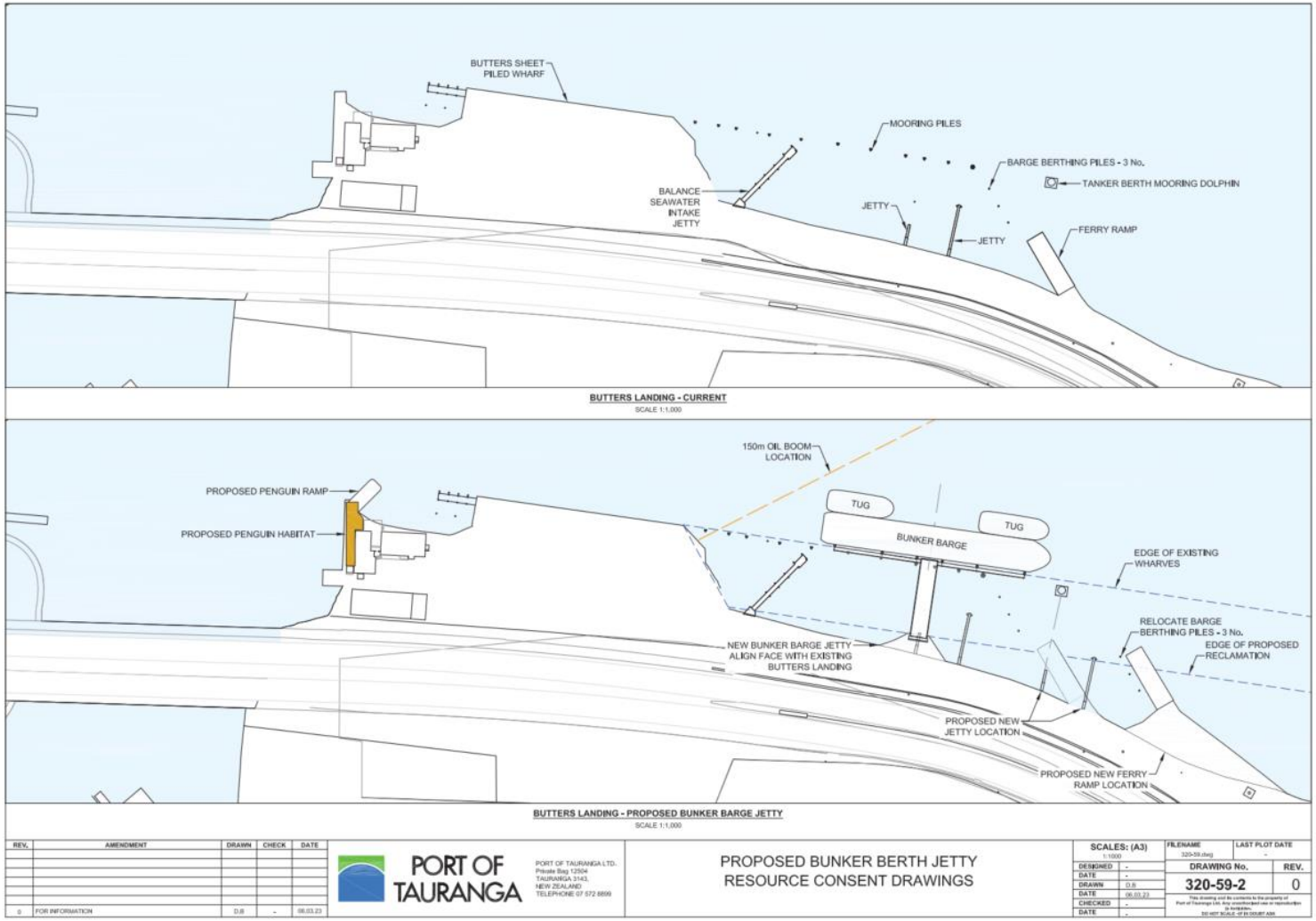
Appendix 1

Wharf, reclamation and dredging plans



Appendix 2

Bunker berth jetty and kororā/blue penguins plans



Appendix 3

Threat ranking qualifiers

The following NZTCS qualifiers apply to tarāpunga/red-billed gull and kororā/northern blue penguin in the NZTCS (taken from https://nztcs.org.nz/content/QUALIFIERS):

Climate Impact (CI): The Climate Impact qualifier is used when a taxon is adversely affected by long-term climate trends and/or extreme climatic events. Variations from 'normal climatic conditions' may include extended periods (e.g. a month, season or year) of higher-than-normal rainfall or below-normal sunshine hours, a short-duration extreme (i.e. rare) event such as an intense tropical storm or 10-day cold spell, or gradual long-term changes to sea level or average temperature due to climate change. The adverse effects of climate change may be direct (e.g. the impact of extreme weather on populations) or indirect (e.g. increased impacts from predators that have benefitted from environmental changes caused by climate change).

The following questions provide a guide to using the Climate Impact qualifier:

- Is the taxon adversely affected by long-term changes in the climate, such as an increase in average temperature or sea-level rise?
  - If NO, no qualifier is given but monitoring and periodic re-evaluation are needed because projected changes to the average climate and sea-level rise may adversely the taxon (including via changes to the distribution and prevalence of pests, weeds, and predators) in the future.
  - If YES, the Climate Impact qualifier is given.

- Is the taxon adversely affected by extreme climate events, such as a drought, storms or heatwaves?
  - If NO, no qualifier is given but monitoring and periodic re-evaluation are required because projected changes to the climate are likely to increase the frequency and/or severity of these events in the future.
  - If YES, the Climate Impact qualifier is given.

Use of the Climate Impact qualifier indicates the need for more in-depth research, ongoing monitoring of climate impacts and potentially a climate change adaptation plan for the taxon. Additional questions that can be used to analyse climate impacts are provided in Rolfe *et al.* 2022[7].

Conservation Research Needed (CR): A taxon is given the Conservation Research Needed qualifier if the causes of its decline and/or solutions for its recovery are poorly understood and research is required.

Data Poor Size (DPS): The Data Poor: Size qualifier indicates that confidence in the assessment is low because of a lack of data on population size.

Data Poor Trend (DPT): The Data Poor: Trend qualifier indicates that confidence in the assessment is low because of a lack of data on population trend.

[7] Rolfe, J.; Hitchmough, R.; Michel, P.; Makan, T.; Cooper, J.A.; de Lange, P.J.; Townsend, C.A.J.; Miskelly, C.M.; Molloy, J. 2022: *New Zealand Threat Classification System manual 2022. Part 1: Assessments.* Department of Conservation, Wellington.

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