



Coastal structure maintenance

Guidance for planning works
with regard to Kororā/Little Blue Penguins



April 2022

Guidance for planning works with regard to kororā (Little Blue Penguins)

If you're maintaining or altering a structure on the coastline, you must ensure that your project does not adversely affect significant indigenous biodiversity.

This leaflet gives guidance on what you should do to avoid disturbing or harming little blue penguins, or kororā, which nest along much of the Taranaki coastline and are particularly vulnerable to disturbance.

There are several kororā hotspots along the Taranaki coast, mostly in and around estuaries and built-up areas around New Plymouth, such as Port Taranaki. The known hotspots are mapped in the Taranaki Regional Council (TRC) Biodiversity Portal. Go to www.trc.govt.nz/seabird-areas (select 'Layers', then 'Biodiversity', then 'Coastal bird feeding and nesting areas', then 'Little blue penguin'). However, more hotspots may exist in other areas that are yet to be identified.

Kororā commonly burrow in and among man-made coastal structures such as rock walls, as well as natural coastal habitats. So they can be right in among structures that may require maintenance works at some time.



Protecting kororā is your legal obligation

While you generally don't need a resource consent to carry out maintenance, minor alterations or minor extensions to a structure which may be partly or entirely in the coastal marine area (the 'wet bit' below high-tide mark), there are still conditions you must follow. The key one is that the work must have 'no adverse effects on significant indigenous biodiversity'. That includes kororā.

It's all set out in Rule 38 of the Taranaki Regional Council's *Proposed Coastal Plan for Taranaki*, which has the force of regulation under the Resource Management Act. Non-compliance with Coastal Plan rules may result in enforcement action up to and including prosecution.

Taranaki Regional Council (TRC) and the Department of Conservation

The TRC manage activities in the coastal marine area such as structures and disturbances that may affect the kororā. However, the Department of Conservation (DOC) has separate responsibilities in protecting kororā under the Wildlife Act.

If you have concerns about the welfare of native wildlife please contact **DOC's hotline 0800 DOC HOT (0800 362 468)**.

Separately, the *Wildlife Act 1953* classifies blue penguins as absolutely protected, making it an offence to interfere, handle, injure or kill them or to disturb or destroy their nests.

For some infrastructure, ongoing maintenance of a structure may be a requirement of the consent. However, all maintenance works must be consistent with the rules of the Plan.

So it's worth taking the time to understand the TRC and communities expectations for how maintenance works should be managed to keep kororā safe, and the process to follow if the kororā are discovered.

Notification required



You must give the TRC at least five working days' notice before beginning any maintenance, minor alterations or minor extensions to a coastal structure, however, the TRC recommends that you provide notice as early as possible.

Follow the link at www.trc.govt.nz/notifycouncil.

You must tell us what you're planning to do, and where and when. This includes a description of the area and any assessments on whether significant indigenous species, including kororā, are in the locality. Attaching images or drawings to the notification form can be helpful for explaining the proposed works. Such an assessment is critical to ensuring the avoidance of adverse effects. If no assessment has been made, we will advise you to undertake one consistent with the recommendations included in this guidance before continuing with the work.

If no assessment is carried out and the work results in adverse effects to significant indigenous biodiversity, the TRC will take enforcement action for not complying with conditions of the rule.



How to tell if penguins are near

Kororā burrows are typically occupied for most of the year, except for a short window in autumn when kororā remain out at sea. During burrow occupation, there are two distinct life stages of kororā – nesting (breeding) from winter to spring and moulting in summer as shown in Table 1 below.

Therefore, the TRC will recommend that in most cases work be preferentially planned for late summer-autumn, and that no work is planned for the winter-spring nesting season.

Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
●●	●	●			●	●	●	●	●	●●	●●
● – Nesting ● – Moulting											

Table 1. Note that this table is indicative only and generally shows nesting and moulting for kororā across a year. Depending on seasonal variability exact timing may vary; therefore these timings should not be solely relied upon.



During the nesting season, kororā are particularly vulnerable to disturbance. If disturbed, nests can be abandoned and the probability of chick survival is greatly reduced.

During the moulting period, kororā remain in their burrows without going out to sea to fish while their new feathers come through. Although this is also a sensitive time, by this point the chicks have fledged and so nest abandonment is not such a significant concern, however, they cannot swim and therefore are unable to feed so are still sensitive.

Burrows are typically well hidden under rocks and scrub, and penguin movements occur under the cover of darkness, so they're often difficult to detect.

The TRC's biodiversity portal contains identified kororā ('Little Blue Penguin') hotspots. These are areas where communities of kororā are known to congregate and confirmed sightings have been made. Other hotspots may become established over time or their range may extend so remember to check back regularly whenever you are thinking about undertaking maintenance or alteration works.

To find the kororā 'Little Blue Penguin' layers go to www.trc.govt.nz/seabird-areas (select 'Layers', then 'Biodiversity', then 'Coastal bird feeding and nesting areas', then 'Little blue penguin' see Figure 1 below).

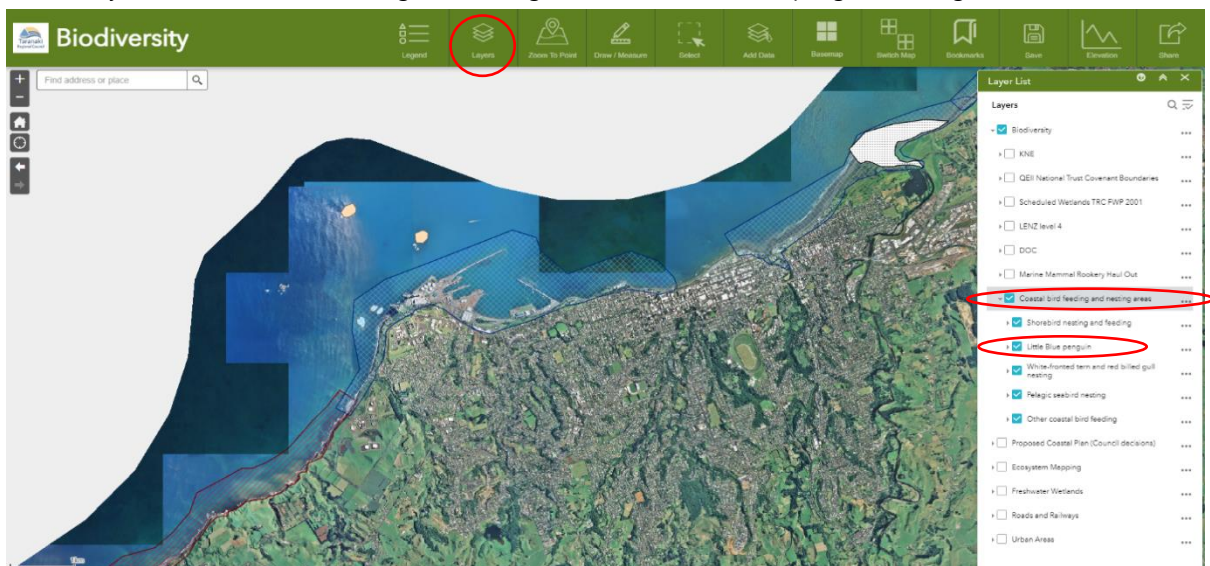


Figure 1 Screen shot of the biodiversity portal with coastal bird feeding and nesting areas selected

Kororā/Penguin presence assessment



It is best to get in contact with the marine ecologist at the Council in the early stages of planning the maintenance in order to discuss the penguin assessment. It is recommended that you conduct your own initial assessment using the information below, however, note that the Council may make additional recommendations on a case-by-case basis.



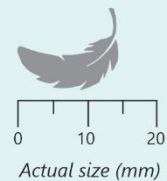
INSPECT

Go to the location several days before planned works. Look for any open crevices, dug areas or scrub that a kororā could fit into. Kororā are small, only 25 cm tall, so they can fit into lots of small spaces. Get right in close and take your time. Undertake another full assessment immediately prior to undertaking works to ensure that no kororā have taken up residence in the meantime.



FEATHERS

Feathers may be present during moulting months (November to March) when adults and chicks moult their non-waterproof feathers which can be found in and around their burrows.



FOOTPRINTS

Kororā footprints are easiest to spot after sunrise, before the wind or tide can erase them. They typically go straight from the sea to the burrow and vice versa. They are about 5.5 cm in length. Look for three distinctive claw marks and a well rounded heel. The angle of each footprint (between the 1st and 3rd toe) is about 75° and is narrower than most other coastal birds.



DETECTION DOG

The most reliable assessment for kororā is carried out by a penguin detection dog and handler. These specially trained dogs can detect occupied burrows.

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Image: Sharyn Smart

SOUND

Kororā have a distinct call. They can call on both the exhale and the inhale. Familiarize yourself with the different types of Kororā calls at NZ Birds Online nzbirdsonline.org.nz/species/little-penguin



GUANO

Check for guano (kororā droppings) on and between rocks. Kororā guano is white, generally found in little spots and may smell quite strong. Look for any sign of flies as an indication of where guano may be present.



Will the works occur in a known kororā hotspot?

Check the Council website: www.trc.govt.nz/seabird-areas

YES

NO

What time of year are the works planned for?

Mar – May

Works may be undertaken (noting points below)

- Kororā may or may not be present (and may still be moulting)
- Must engage DOC and TRC to develop a strategy in order to carry out works safely
- Work area may need to be surveyed for burrows (if it hasn't been already) to inform maintenance strategy



Jun – Feb



Do not undertake works

- Reschedule works to take place in Mar – May
- Must engage DOC and TRC to develop a strategy in order to carry out works safely
- Work area may need to be surveyed for burrows (if it hasn't been already) to inform maintenance

If penguins are encountered during work, the work must stop and the Department of Conservation must be contacted immediately. **0800 DOC HOT (0800 362 468)**



Kororā are present (or signs of kororā)

Kororā may still be present; please assess

Unless you are certain that kororā couldn't be present in the work area, a penguin survey may be required.



Can't be sure

- Please contact the Council, a thorough survey may be necessary to assess whether kororā are present in the work area or likely to be present
- Depending on the circumstances, a trained conservation dog may be required



No kororā (or any signs of kororā)

Definitely no kororā

- Not a known kororā hotspot, and
- Very small work area, and
- Work area has been thoroughly inspected and it can be confidently determined that there are no kororā or potential burrows in the proposed work area.

Works may be undertaken (in a careful manner)

- The works still require notification to Council at least five days in advance.
- If work will last longer than one day, measures must be taken to prevent penguins from entering the area overnight
- Work must stop and DOC must be contacted if kororā are encountered



Structure maintenance minor alteration or minor extension

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of control/discretion	Policy reference
<p>Maintenance, minor alteration or minor extension of an existing lawfully established structure</p> <p>and any associated:</p> <p>(a) occupation of space in the common marine and coastal area;</p> <p>(b) disturbance of the foreshore or seabed;</p> <p>(c) deposition in, on or under the foreshore or seabed; and</p> <p>(d) discharge of sediment.</p> <p><i>Note (1): If the activity does not come within or meet the standards, terms and conditions in this Rule refer to Rule 39 and 40 for network utility structures, Rule 41 and 42 for Port structures, and Rule 43 or Rule 44 for other structures depending on the coastal management area involved.</i></p> <p><i>Note (2): Iwi authorities that have requested to be informed of this activity will be advised by the Council.</i></p>	38	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast Port	Permitted	<p>(a) Minor extensions are incidental to maintenance or alteration activities and the structure, including length, width and height, does not increase beyond 5% of the original size;</p> <p>(b) for existing communications cables, electricity transmission or distribution lines the activity does not cause an increase in the design voltage above 33kV and the new or altered cables or lines are not lower in height above the foreshore or seabed;</p> <p>(c) materials used match the existing materials in form and appearance;</p> <p>(d) for structures identified in Schedule 6A and B [Historic heritage]:</p> <p>(i) there are no changes to the existing surface treatment of fabric, painting of any previously unpainted surface, or the rendering of any previously un-rendered surface;</p> <p>(ii) there are no changes to the design, texture, or form of the fabric; and</p> <p>(iii) there is no abrasive or high-pressure cleaning method, such as sand or water blasting, used;</p> <p>(e) after reasonable mixing, any discharge does not give rise to:</p> <p>(i) any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;</p> <p>(ii) any conspicuous change of colour or visual clarity; or</p> <p>(iii) any emission of objectionable odour;</p> <p>(f) the extent of disturbance of the foreshore and seabed is limited to the minimum required to undertake the activity and is restored to its previous state 48 hours following the completion of the activity;</p> <p>(g) the activity complies with general standards in Section 8.6;</p> <p>(h) the activity does not have an adverse effect on significant indigenous biodiversity, including those identified in Schedule 4 [Significant indigenous biodiversity];</p> <p>(i) the activity does not have a significant adverse effect on the values associated with taonga species identified in Schedule 5 [Taonga species];</p> <p>(j) no fuelling of vehicles or machinery occurs in the coastal marine area, other than in the Port coastal management area. This restriction does not apply to ships; and</p> <p>(k) Taranaki Regional Council is informed of the activity at least five working days before commencement by entering details of the activity at www.trc.govt.nz/informcouncil.</p>		



More information

Visit these websites for downloadable pdfs and helpful details

www.trc.govt.nz/council/plans-and-reports/resource-user-guidance/biodiversity-guides/biodiversity-information-sheets/

www.trc.govt.nz/assets/Documents/Guidelines/Biodiversity-infosheets/BioInfoSheet34-SeabirdAreas.pdf

www.inaturalist.nz/taxa/3817-Eudyptula-minor

www.doc.govt.nz/nature/native-animals/birds/birds-a-z/penguins/little-penguin-korora/

www.nzbirdsonline.org.nz/

www.findinglittleblue.nz/

Contact us

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 Private Bag 713, Stratford 4352

 0800 736 222 - we can give you more information

Version	Date	Amendment
1	Nov 2021	First publish version.
2	April 2022	Update to rule references and rule table.