

APPENDIX 4

Applications for complex freshwater fisheries approvals

Clause 3 of Schedule 9 FTAA outlines the information required in an application for complex freshwater fisheries activity approval. Note that 'fish' includes freshwater molluscs and crustaceans in this context.

Table 4

Relevant section	Is the information present?	Application document reference	Is the information provided in sufficient detail?	Comment
Clause 2 and 3 Schedule 9 FTAA - For the purpose of section 43(3)(j), an application for a complex freshwater fisheries activity approval must include the following information:				
Clause 3 of Schedule 9 for listed and referred projects				
(a) in relation to the structure and any fish facility:				
(i) a description of the type of structure or fish facility:	Yes	A.13, pp. 1005-1019 and 1022-1028; B.11, pp. 4-22 and 30-32; G.11, pp. 6-8 and 16-23.	No	The application is interpreted as being for the following complex freshwater fisheries activity approvals (CFFAA) that would otherwise be sought under the Freshwater Fisheries Regulations: (a) reg 42 approval to construct culverts that impede fish passage at the UWHR and MFS Access Road and at Pest Exclusion Fences, and (b) reg 43 dispensation from the requirement to provide a fish facility at diversion structures being clean water diversion drains.

Relevant section	Is the information present?	Application document reference	Is the information provided in sufficient detail?	Comment
				It is unclear why the applicant has provided conditions for the 12 culverts that will provide fish passage (A.13A). Box and pipe culverts and conceptual kōura-passage methods are described; however, final structure-specific designs are not provided for all culverts, particularly those associated with pest-exclusion fences. The general purpose and design methodology for clean-water diversion drains are described, but information is lacking to identify the individual structures and assess how each structure would provide for or impede fish passage. The project involves the loss and diversion of 17.1 km of existing stream, yet no CFFAA approval is sought for these diversions. The detailed designs are not provided for the reconstructed (diverted) stream channels.
(ii) the dimensions of the structure or fish facility:	Yes	A.13, pp. 1020-1021, Table 13-3; A.13A, pp. 1-2; A.13B, 00. 1-2, condition KOU4; B.11, pp. 22, table 4.	No	Anticipated dimensions are provided for the 12 culverts that will provide fish passage. Final dimensions are not provided for the 47 culverts that will not provide for fish passage, nor for the pest-exclusion fence culverts, or clean-water diversions.

Relevant section	Is the information present?	Application document reference	Is the information provided in sufficient detail?	Comment
(iii) the design of the structure or fish facility:	Yes	A.13, pp. 1016–1021 and 1022–1028; B.10, pp. 14–17; B.11, pp. 16–22; G.05, pp. 25–28; G.11, pp. 6–7 and 16–22.	No	Information describes embedded natural-bed culverts, roughened internal surfaces and generic design methodologies for culverts, channels and pipelines. However, detailed designs are deferred and no structure-specific designs are provided for pest-exclusion fence culverts or clean-water diversions.
(iv) the placement of the structure or fish facility:	Yes	A.13, pp. 1011–1027; A.13A, pp. 1–8; A.13B, pp. 1 and 4–12; B.11, pp. 24–32.	No	The 59 UWHR and MFS road culverts are identified, with coordinates provided for those 12 that provide for kōura passage. Specific location information is not provided for clean-water diversion drains. A.13 states that “no approvals or dispensations under the Freshwater Fisheries Regulations 1983 are sought for the Stockton or Cypress sub-areas” (p 998). DOC understands from the maps in A.13B, however, that approval is sought to construct culverts impeding fish passage at all intersections between pest-exclusion fenced areas and waterways, including those in Stockton and Cypress areas.
(v) the water flows:	Yes	A.13, pp. 1007–1008 and 1028; B.11, pp. 12–20 and 30–32; B.16, pp. 49–55; G.11, pp. 9–17.	Yes	General information on flows is provided but is not readily provided for each road culvert, pest-exclusion-fence culvert or clean-water diversion structure.

Relevant section	Is the information present?	Application document reference	Is the information provided in sufficient detail?	Comment
				B.16 describes the hydrological setting and water-management arrangements for MFS, UWHR and ESE, including clean-water diversions, but states that individual catchment runoff assessments will be undertaken during detailed design. General information is provided on flows in the upper Waimangaroa catchment. G.11 provides methods and assumptions for calculating design flows rather than completed structure-specific calculations.
(vi) the operating regime:	N/A	N/A	N/A	This requirement is more relevant to actively operated structures or fish facilities, such as dams, fish passes or fish screens.
(b) the freshwater species and values present (with particular focus on threatened, data-deficient, and at-risk species as defined in the New Zealand Threat Classification System):	Yes	B.08, pp. 29–77; B.50, pp. 35–38, 70–71, 73–86 and 113; A.13, pp. 1001–1004 and 1007–1008; G.05, pp. 15–20 and 39–41.	Yes	Information on freshwater species and values is provided for the Denniston and Stockton plateaux, including fish and kōura distribution, conservation status, aquatic habitat and ecological values. This information can be linked generally to the identified road culverts and the proposed pest-exclusion fences. Overall, it can be inferred but is not expressly presented for each structure that CFFAA is sought for.

Relevant section	Is the information present?	Application document reference	Is the information provided in sufficient detail?	Comment
(c) the water quality and quantity in the surrounding habitat (at the proposed structure location, upstream and downstream):	Yes	B.08, pp. 29–77; B.50, pp. 35–38, 70–71, 73–86 and 113; A.13, pp. 1001–1004 and 1007–1008; G.05, pp. 15–20 and 39–41.	No	Extensive project-wide and catchment-scale water-quality and hydrological information is provided. However, clause 3 requires information at each proposed structure location and upstream and downstream. Structure-specific water quality, water quantity and habitat information is not provided for the full set of culverts or clean-water diversions.
(d) how the passage of fish will be provided for or impeded.	Yes	A.13, pp. 999–1000, 1004–1005 and 1016–1028; A.13A, pp. 1–4; A.13B, pp. 1–3; B.10, pp. 14–17; B.11, pp. 16–22 and 30–32; B.08, pp. 84–92; G.05, pp. 25–28 and 45–47; B.50, pp. 35–38, 70–71 and 73–86.	No	The screening approach and proposed kōura-passage measures are described for the 12 road culverts that will provide fish passage. The pest exclusion fence culverts and clean-water diversions rely on broad assumptions or future investigation. Although some detail is provided in the Aquatic Ecology Management Plan which states that New Zealand Fish Passage Guidelines will be followed for culverts, the A13.B complex freshwater fisheries conditions proposed by the applicant do not require adherence to the management plans or guidelines.