

APPENDIX 6 - NES-F REGULATIONS

REGULATIONS 70, 71

70 Permitted activities

- (1) The placement, use, alteration, extension, or reconstruction of a culvert in, on, over, or under the bed of any river or connected area is a permitted activity if it complies with the conditions.

Conditions

- (2) The conditions are that—
- (a) the culvert must provide for the same passage of fish upstream and downstream as would exist without the culvert, except as required to carry out the works to place, alter, extend, or reconstruct the culvert; and
 - (b) the culvert must be laid parallel to the slope of the bed of the river or connected area; and
 - (c) the mean cross-sectional water velocity in the culvert must be no greater than that in all immediately adjoining river reaches; and
 - (d) the culvert's width where it intersects with the bed of the river or connected area (s) and the width of the bed at that location (w), both measured in metres, must compare as follows:
 - (i) where $w \leq 3$, $s \geq 1.3 \times w$;
 - (ii) where $w > 3$, $s \geq (1.2 \times w) + 0.6$; and
 - (e) the culvert must be open-bottomed or its invert must be placed so that at least 25% of the culvert's diameter is below the level of the bed; and
 - (f) the bed substrate must be present over the full length of the culvert and stable at the flow rate at or below which the water flows for 80% of the time; and
 - (g) the culvert provides for continuity of geomorphic processes (such as the movement of sediment and debris).

Information requirements

- (3) See also [regulations 62](#) and [63](#) for information requirements that apply to the permitted activity (unless the activity is use).

71 Discretionary activities

- (1) The placement, use, alteration, extension, or reconstruction of a culvert in, on, over, or under the bed of a river is a discretionary activity if it does not comply with any of the conditions in [regulation 70\(2\)](#).

Conditions required in resource consent

- (2) A resource consent granted for the discretionary activity must impose the conditions required by—
- (a) [regulations 62](#) and [63](#) (information about structures and passage of fish and about culverts), unless the activity is use; and
 - (b) [regulation 69](#) (monitoring and maintenance).

REGULATIONS 62, 63, AND 69

62 Requirement for all activities: information about structures and passage of fish

- (1) This regulation applies to any activity that—
 - (a) is the placement, alteration, extension, or reconstruction of any of the following structures in, on, over, or under the bed of any river or connected area:
 - (i) a culvert;
 - (ii) a weir;
 - (iii) a flap gate (whether passive or non-passive);
 - (iv) a dam;
 - (v) a ford; and
 - (b) is a permitted activity, or a class of activity that requires a resource consent, whether under this subpart or otherwise.
- (2) The information specified in this regulation must be collected and provided to the relevant regional council, together with the time and date of its collection, within 20 working days after the activity is finished,—
 - (a) for a permitted activity; or
 - (b) as a condition of a resource consent granted for the activity, for another class of activity.
- (3) The information is—
 - (a) the type of structure;
 - (b) the geographical co-ordinates of the structure;
 - (c) the flow of the river or connected area (whether none, low, normal, or high);
 - (d) whether the water is tidal at the structure's location;
 - (e) at the structure's location,—
 - (i) the width of the river or connected area at the water's surface; and
 - (ii) the width of the bed of the river or connected area;
 - (f) whether there are improvements to the structure to mitigate any effects the structure may have on the passage of fish;
 - (g) whether the structure protects particular species, or prevents access by particular species to protect other species;
 - (h) the likelihood that the structure will impede the passage of fish;
 - (i) visual evidence (for example, photographs) that shows both ends of the structure, viewed upstream and downstream.

63 Requirement for culvert activities: information about culverts

- (1) This regulation applies to any activity that—
 - (a) is the placement, alteration, extension, or reconstruction of a culvert in, on, over, or under the bed of any river or connected area; and
 - (b) is a permitted activity, or a class of activity that requires a resource consent, whether under this subpart or otherwise.
- (2) The information specified in this regulation must be collected and provided to the relevant regional council, together with the time and date of its collection, within 20 working days after the activity is finished,—
 - (a) for a permitted activity; or
 - (b) as a condition of a resource consent granted for the activity, for another class of activity.
- (3) The information is—
 - (a) the culvert's asset identification number, if known:
 - (b) whether the culvert's ownership is—
 - (i) held by the Crown (for example, the Department of Conservation), a regional council, a territorial authority, the New Zealand Transport Agency, or KiwiRail Holdings Limited; or
 - (ii) held publicly by another person or organisation; or
 - (iii) held privately; or
 - (iv) unknown:
 - (c) the number of barrels that make up the culvert:
 - (d) the culvert's shape:
 - (e) the culvert's length:
 - (f) the culvert's diameter or its width and height:
 - (g) the height of the drop (if any) from the culvert's outlet:
 - (h) the length of the undercut or erosion (if any) from the culvert's outlet:
 - (i) the material from which the culvert is made:
 - (j) the mean depth of the water through the culvert:
 - (k) the mean water velocity in the culvert:
 - (l) whether there are low-velocity zones downstream of the culvert:
 - (m) the type of bed substrate that is in most of the culvert:
 - (n) whether there are any remediation features (for example, baffles or spat rope) in the culvert:
 - (o) whether the culvert has wetted margins:
 - (p) the slope of the culvert:
 - (q) the alignment of the culvert:
 - (r) the numbers of each other type of structure to which this subpart applies, or of wingwalls or screens, on the culvert:
 - (s) if there is any apron or ramp on the culvert, the information required by [regulation 68](#) for each of them.

69 Condition of resource consent for activities: monitoring and maintenance

- (1) This regulation applies to any activity that—
 - (a) is the placement, use, alteration, extension, or reconstruction of any of the following structures in, on, over, or under the bed of any river or connected area:
 - (i) a culvert;
 - (ii) a weir;
 - (iii) a flap gate (whether passive or non-passive);
 - (iv) a dam;
 - (v) a ford; and
 - (b) is a class of activity that requires a resource consent, whether under this subpart or otherwise.
- (2) A resource consent granted for the activity must impose conditions that—
 - (a) require monitoring and maintenance of the structure that is sufficient to ensure that its provision for the passage of fish does not reduce over its lifetime; and
 - (b) require a plan for that monitoring and maintenance that includes—
 - (i) how the monitoring and maintenance will be done; and
 - (ii) the steps to be taken to avoid any adverse effects on the passage of fish; and
 - (iii) the steps to be taken to ensure that the structure's provision for the passage of fish does not reduce over its lifetime; and
 - (iv) how often, as specified by the consent authority, the information must be provided under paragraph (c) (for the purposes of reassessing the structure's effect on the passage of fish); and
 - (v) a process for providing that information; and
 - (c) require an updated version of the information relating to the structure that was required for the original resource consent to be provided to the consent authority at the following times:
 - (i) at the intervals required by the plan; and
 - (ii) each time a significant natural hazard affects the structure.