Resource Consent Application Form 37

Placement, use, alteration, extension, or reconstruction of a culvert in, on, over or under the bed of any river or connected area

Otago Regional Council

This application is made under Section 88 of the Resource Management Act 1991

Phone: 0800 474 082

Website: www.orc.govt.nz

IMPORTANT NOTES TO THE APPLICANT

Consent for culverts is required under Clause 71 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020. Consent for culverts may also be required under the Regional Plan Water for Otago.

This form is to be used for culvert activities that require consent. Refer to Section A.2 below for the consent triggers under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020. If your activity does not trigger any of the matters set out in Section A.2, your activity is likely to be permitted under Clause 70 of the National Environmental Standards for Freshwater.

This form may also be used to apply for consents if your culvert activity triggers consent under the Regional Plan Water for Otago in addition to clause 71 of the National Environmental Standards for Freshwater. If you culvert activity is permitted under clause 70 but requires consents under the Regional Plan Water please complete form 10A.

Ensure that you complete this Application Form 37 and Resource Consent Application Form 1 in full.

Apron: Means a hard (generally concrete) surface layer constructed at the entrance or outlet of a structure to protect the structure from erosion.

Bed substrate: Means the material that makes up the bed of any river or connected area (for example, sand, silt, gravel, cobbles, boulders, bedrock).

Culvert: Means a pipe, box, structure, or covered or arched channel that has an inlet and outlet that is in, and that connects the water or bed of, the same river of connected area.

River or connected area: Means –

a. a river; or

b. any part of the coastal marine area that is upstream from the mouth of a river

Wetted margin: For a structure in any river or connected area, means an area that—

a. has shallower water that flows at low velocity; and

b. is at the edges of the water flow; and

c. is continuous over the length of the structure; and

d. is suitable for the passage of climbing species of fish.

For the consent application to be processed efficiently in the minimum time and at minimum cost, it is critical that as much relevant information as possible is included with the application. If all the necessary information is not entered on the form or supplied with the application then Otago Regional Council may return your application, request further information, or publicly notify your application. This will lead to delays in the processing of your application and may increase processing costs. This application form, when properly completed, should provide an adequate "Assessment of Effects on the Environment" (AEE) where the adverse effects of a proposal are not significant. However, this can only be determined on application.

You may wish to provide a separate AEE using this form as template.

PART A: GENERAL

A.1 Is this application (tick which applies):

☐ For a NEW consent to place, use, alter, extend, or reconstruct a culvert?

☐ To REPLACE a current consent to place, use, alter, extend, or reconstruct a culvert?

Current consent number: _____

Expiry date: _____

A.2 What is the reason you require consent?

Consent Requirements under the National Environmental Standards for Freshwater.

If you don't meet any of the criteria below, your culvert activity may be permitted under Clause 70 of the National Environmental Standards for Freshwater.

☐ The culvert will not provide for the same passage of fish up and downstream as would occur without the culvert (except as required to place, alter, extend, or reconstruct the culvert)

☐ The culvert will not be laid parallel to the slope of the bed of the river or connected area

☐ The mean cross-sectional water velocity in the culvert will be greater than that in the immediately adjoining river reaches

☐ The culvert does not meet the following guides

where w = bed width, in metres, and s = culvert width where it intersects the bed, in metres

- where w (bed width, in metres) ≤ 3m, s ≥ 1.3 x w
- where w > 3m, s ≥ (1.2 x w) + 0.6

☐ The culvert is not open bottomed, and the invert is placed such that less than 25% of the diameter is below the level of the bed

☐ The bed substrate will not be present over the full length of the culvert when the flow rate is at or below the flow for 80% of the time

☐ The culvert does not provide for continuity of geomorphic processes, such as the movement of sediment and debris.

Consent Requirements under the Regional Plan Water for Otago

In addition to the requirements under clause 71 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 consents may also be required under the Regional Plan Water for Otago. If consent is also required under the Regional Plan Water for Otago please complete the section below:

Please explain why the proposed works cannot meet any of the permitted activity Rules 13.2.1.1 through to 13.2.1.8, or Rules 13.3.1.1, 13.3.1.2 or 13.4.1.1 of the Regional Plan: Water.

_____

_____

_____

_____

Does the disturbance of the bed of the waterbody associated with the proposed works comply with permitted activity Rule 13.5.1.1 of the Regional Plan: Water?

☐ Yes

☐ No (specify why)

- ☐ there will be an increase in scale of an existing structure
- ☐ bed disturbance will be wider than the general area of the structure
- ☐ bed disturbance will cause flooding or erosion
- ☐ time to complete the work in the wetted bed will exceed 10 hours
- ☐ sediment discharge associated with bed disturbance will result in a conspicuous change in colour or water clarity more than 200 m downstream
- ☐ a lawful water take will be adversely affected
- ☐ site will not be left tidy upon completion
- ☐ there will be a change to the hydrological function of a Regionally Significant Wetland
- ☐ there will be damage to fauna, or New Zealand native flora, in or on a Regionally Significant Wetland

Will there be any discharge of concrete or any other contaminant to water as a result of the proposed works?

☐ Yes
☐ No (specify why)

_____

_____

_____

_____

If water is to be dammed or diverted as a result of the proposed works, will the damming / diversion comply with permitted activity Rule 12.3.2.1 or 12.3.2.3 of the Regional Plan: Water?

☐ Yes

☐ No (specify why)

- ☐ the size of the catchment upstream is more than 50 hectares in area
- ☐ the depth of water immediately upstream of the dam will be more than 3 metres deep or more than 20,000 cubic metres in volume
- ☐ the course of water will not remain within the bed of the waterbody
- ☐ the course of water will not be returned to its normal course
- ☐ a lawful water take will be adversely affected
- ☐ a Regionally Significant Wetland will be affected
- ☐ the damming / diversion will cause erosion, land instability, sedimentation or property damage
- ☐ the damming / diversion is prohibited by Rules 12.3.1.1 to 12.3.1.4

PART B: LOCATION OF THE ACTIVITY

B.1 Location where culvert will be installed

Name of owner(s):

_____

Address/Location:

_____

_____

_____

_____

Legal description(s) of the location (as shown on Certificate of Title)

Please attach a current (less than 3 months old) Certificate of Title to the application.

_____

_____

_____

_____

B.2 River or connected area where culvert is or will be

Name of the river or connected area:

_____

Geographic co-ordinates for the location of the culvert within the river or connected area:
If the exact location is not yet known, please provide an estimate

_____

The flow of the river or connected area:
For example, none, low, moderate, high

_____

Is the river or connected area tidal?

☐ Yes

☐ No

If yes, please describe:

_____

Where the culvert is or will be, what is the width of the river or connected area at the water's surface?

_____

Where the culvert is or will be, what is the width of the bed of the river or connected area?

_____

What type of fish are present in the waterbody?

_____

_____

B.3 Map or aerial image

Please provide a map or aerial image showing:

☐ The river or connected area where the culvert is or will be located

☐ Within and near the area where the culvert is or will be located, identify:

- Any known habitat areas
- Any other water bodies (including rivers, lakes, ponds, and streams)
- Any wetlands
- Any structures, utilities or infrastructure that may be affected by the culvert

☐ A north symbol (oriented to the top of the page if possible) and scale bar

B.4 Additional information regarding the culvert location

In addition to the map or aerial image required in B.3, you may also provide some photos of the river or connected area where the culvert is or will be installed. You may also provide some photos of existing culverts and associated works, if these reflect how the proposed activity will be managed.

Description of any photos included:

_____

_____

_____

_____

_____

_____

_____

PART C: NATURE OF THE CULVERT ACTIVITIES

C.1 What aspects of the culvert require consent?

Most consents will likely cover the ongoing use of culverts. Depending on whether the culvert has already been placed, other aspects may also be required.

☐ Placement

☐ Use

☐ Alteration

☐ Extension

☐ Reconstruction

C.2 Has the culvert already been placed?

☐ Yes

☐ No

If yes, when was the culvert placed?

_____

If no, when is the culvert intended to be placed?

_____

C.3 Nature of the culvert

Some of these matters may be more relevant to culverts that have already been placed. If the culvert has not yet been placed, please answer as best possible, or advise if not known or not applicable

Asset identification number of the culvert (if known):

_____

Ownership of the culvert:

For example, held by the Crown, regional council, territorial authority, New Zealand Transport Authority, KiwiRail Holdings Limited, publicly by another person or organisation, privately or unknown

_____

Number of barrels that (will) make up the culvert:

_____

Shape of the culvert:

_____

Length of the culvert:

_____

Culvert diameter, or width and height:

_____

Height of the drop (if any) from the culvert outlet:

_____

Length of the undercut or erosion (if any) from the culvert outlet:

_____

Material from which the culvert is made:

_____

Mean depth of water through the culvert:

_____

Mean water velocity through the culvert:

_____

Are there any low-velocity zones downstream of the culvert?

☐ Yes

☐ No

If yes, please describe:

_____

_____

What is the bed substrate that is in most of the culvert?
For example, gravel, silt, sand

_____

_____

What is the slope of the culvert?

_____

_____

Describe the alignment of the culvert:

_____

_____

Are there any remediation features in the culvert?
For example, baffles or spat rope

☐ Yes

☐ No

If yes, please describe:

_____

_____

_____

Does the culvert have wetted margins?

☐ Yes

☐ No

If yes, please describe:

_____

Describe any structure associated with the culvert, such as wingwalls, screens, aprons or ramps

For these associated structures, please include details of length, drop height (if any), construction material, slope and surface, water velocity, bed substrate

PART D: MANAGEMENT OF THE CULVERT

D.1 Placement of the culvert

This section only applies if the culvert hasn't been placed yet. If the culvert has already been placed, please continue to part D.2.

How will you manage the placement of the culvert?

Please provide details of how you will manage the placement of the culvert. This may include:

- *timing of the placement*
- *flow conditions and rain flow*
- *equipment used to place the culvert*
- *preparation works to place the culvert*

D.2 Ongoing use of the culvert

Describe any maintenance for the culvert:

This may include:

- *Fencing to avoid stock damage, in accordance with the Resource Management (Stock Exclusion) Regulations 2020*
- *Regular checks of the culvert*
- *Clearing of the culvert*
- *Clearing the upstream area of debris*
- *Actions taken during high rainfall events*

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_____

_____

D.3 Alteration, extension, or reconstruction of the culvert

This section only applies if you seek to make changes to the culvert. If no changes to the culvert are sought now or in the future, please continue to Part E.

What changes will you be making to the culvert?

☐ Altering the culvert

☐ Extending the culvert

☐ Reconstruction the culvert

Describe the nature of the proposed changes:

This may include:

- *type of changes to be made*
- *timing of the placement*
- *equipment used to make the changes*
- *preparation works for the changes*

_____

_____

_____

_____

Describe the reason for the proposed changes:

PART E: ASSESSMENT OF ENVIRONMENTAL EFFECTS

E.1 Describe the actual and potential effects your culvert activity may have on river form. This includes during works related to the placement, alteration, extension, or reconstruction, as well as the ongoing use of the culvert.

The culvert activity has the potential to affect the river catchments. This may include:

- *Upstream and downstream effects from construction and ongoing use*
- *Flood flows and low flow events*
- *Subsidence and erosion*
- *Aggradation and/or degradation*

In this section, describe how your culvert activity will be managed to ensure adverse effects on river form are avoided or minimised as best possible.

E.2 Are there any structures in/over/next to the culvert activity?

☐ Yes

☐ No

If yes, describe the actual and potential effects your culvert activity may have on those structures.

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_____

_____

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_____

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_____

E.3 Describe the actual and potential effects your culvert activity may have on fish passage.

Section 3.26 of the National Policy Statement for Freshwater Management requires that instream structures maintain or improve fish passage, except where it is desirable to prevent the passage of some fish species in order to protect desired fish species, their life stages or their habitats.

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E.4 Describe the cumulative effects of your culvert activity.

Cumulative effects are effects which arise over time, in combination with other effects. While the effects of your activity on its own may be environmentally acceptable, cumulative effects recognise that similar effects over time from many activities may not be acceptable.

E.5 Describe the actual and potential effects your culvert activity may have on Kai Tahu cultural and spiritual beliefs, values and uses.

The culvert activity has the potential to impact Kai Tahu values. In this section, describe any nearby Rūnanga sensitive receptors (Statutory Acknowledgements, wāhi tapu etc), and how your culvert activity might affect these features and the associated cultural values.

E.6 Describe the actual and potential positive effects of your culvert activity.

PART F: ALTERNATIVES

F.1 Have any alternatives to the culvert activity been considered? If so, why is the culvert being utilised over those alternatives?

PART G: CONSULTATION

G.1 Please describe any consultation undertaken with persons/parties potentially affected by your proposed discharge.

Potentially affected parties may include Public Health South, landowners (if farm is leased), neighbours, Aukaha, Te Ao Marama, Fish and Game Otago and Department of Conservation.

G.2 Written approvals

Were any written approvals obtained as part of this application?

☐ Yes

☐ No

If yes, please describe who written approval was obtained from, and why.

_____

_____

_____

_____

_____

Please attach any written approvals received to the application.

Please note that the Council only accepts unconditional written approvals and any conditions proposed by affected parties need to be agreed to and incorporated into the application.

PART H: DEPOSIT

A deposit is required upon lodgement of your application. Refer to the fees on Form 1. This deposit is not the final or maximum cost of your application. Further charges are incurred in accordance with Councils scale of fees and charges.

PART I: CHECKLIST

I.1 Use the checklist below to ensure you've provided all of the relevant information to complete your application.

To keep consent processing costs to a minimum it is strongly recommended that the checklist is complete and all items required are attached before you lodge your application to the Otago Regional Council.

☐ Fully completed this application form and Form 1?

☐ Attached Certificate of Title(s) less than 3 months old? Refer to B.1

☐ Attached a detailed site map? Refer to B.3

☐ Attached any relevant photos? Refer to B.4

☐ Attached any written approvals? Refer to G.2

☐ Paid your deposit? Refer to Part H

☐ Attached a completed planning assessment sheet, or an assessment of the activity against the relevant parts of the RMA, National Policy Statement for Freshwater Management 2020, Regional Policy Statement (Operative and Partially Operative) and Regional Plan: Water for Otago

If you have any queries relating to information requirements, please contact the Otago Regional Council Offices:

Freephone: 0800 474 082
Website: www.orc.govt.nz
Email: consent.enquiries@orc.govt.nz