

## Structures within watercourses

The [Regional Plan: Water](#) for Otago (RPW) and the [National Environmental Standard for Freshwater 2020](#) (NES-FW) contain a number of rules associated with various structures in watercourses. Consent will be required if permitted activity provisions cannot be met. It's important to check both documents as something that may be permitted in the RPW may still require consent under the NES-FW. You may also require consents under our Flood Protection Bylaw, you can find out more information on this [here](#).

### RPW (chapter 13)

The RPW has a number of permitted activity rules associated with placing various structures in the bed of a watercourse. These rules relate to pipes, lines, cables, outlet/ intake structures, maimais, whitebait stands, bridges and culverts and contain specific provisions about size and installation methods. If the structure you are wanting to install is not specifically identified in the plan it will require a consent.

Consent may be required if the bed of the watercourse is to be altered or if works in the bed cannot meet permitted activity rules (found in Chapter 13 of the RPW). There are also rules in the plan associated with temporary damming and diversion while works in the river are being undertaken (found in [Chapter 12 of the RPW](#)).

### [NES-FW Part 3 Subpart 3](#)

The NES-FW 2020 has introduced new provisions relating to fish passage which may require consent in addition to the RPW requirements. This relates to the placement, use, alteration, extension or reconstruction of culverts, weirs, flap gates, dams and fords. Consent is required if the permitted provisions cannot be met. The provisions relate to providing for the same passage of fish upstream and downstream as would exist before the

The NES-FW contains information requirements that must be provided to ORC within 20 working days after the activity is finished. This relates to any of the structures mentioned above, even if the permitted activity criteria can be met. The information requirements are outlined in the regulations and include details on the dimensions of the structure (among other things).

### [Replacing/ maintaining structures](#)

Maintaining a structure is permitted provided there is no permanent change to the scale, nature or functions of the structure. This is similar for reconstructing a structure installed before 2 September 2020 if it is in the same location, however if the structure was installed after this date 2020 a consent will be required under the NES-FW.

## FAQs

Q: What if I need consent under both the NES and the RPW?

A: You will only need to lodge consent applications once. There are forms on the website to assist. Your applications will be processed together, and you will get one consent for the structure that covers both the RPW and NES aspects.

Q: I have an existing culvert that is blocked up. What am I allowed to do without needing a consent?

A: The RPW has a permitted activity provision (13.5.1.1) associated with the clearance of debris and alluvium from within, or immediately surrounding any structure to safeguard the function or structural integrity of the structure, subject to certain provisions in the rule. Therefore, you are able to disturb a river to clear a culvert. The rule does not state a certain distance that you can clear as it is dependent on the river and the gradient of the channel among other things. The key thing here is that it is only the distance required to maintain the function or structural integrity of the structure, it does not allow for general river clearance.

Q: I installed a culvert in 2019 and I want to extend it. What consents do I need?

A: Given the culvert was installed prior to 2 September 2020 you will not need a consent under the NES-FW as well as under the RPW as there will be a change to scale of the culvert.

## Contact us

If you have any questions, please get in touch with our public enquiries team at [public.enquiries@orc.govt.nz](mailto:public.enquiries@orc.govt.nz)