

Resource Consent Application Form 38

Placement, use, alteration, extension, or reconstruction of a weir 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 weirs is required under Clause 73 of the [Resource Management \(National Environmental Standards for Freshwater\) Regulations 2020](#).

This form is to be used for weirs that require consent. Refer to Section A.2 below for the consent triggers. 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 72 of the National Environmental Standards for Freshwater.

Ensure that you complete this Application Form 38 and Resource Consent Application Form 1 in full.

Weir: Means an open-topped structure across the full width of any river or connected area that—

- a. alters the water level and the flow characteristics of the water; and
- b. allows water to flow passively through or over the top

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).

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 weir?
- To REPLACE a current consent to place, use, alter, extend, or reconstruct a weir?

Current consent number: _____

Expiry date: _____

A.2 What is the reason you require consent?

If you don't meet any of the criteria below, your weir activity may be permitted under Clause 72 of the National Environmental Standards for Freshwater.

- The weir will not provide for the same passage of fish up and downstream as would occur without the weir (except as required to place, alter, extend, or reconstruct the weir)
- The fall height of the weir will be more than 0.5 m
- The slope of the weir must be steeper than 1:30
- The weir will not have roughness elements to create a hydraulically diverse flow structure across the weir
Roughness elements are mixed grade rocks of 150 to 200 mm diameter, irregularly spaced no more than 90 mm apart
- The weir's lateral profile will not:
 - o be V-shaped;
 - o be sloping up at the banks;
 - o have a low-flow channel in the centre; or
 - o have a lateral cross-section slope between 5° and 10°

PART B: LOCATION OF THE ACTIVITY

B.1 Location where weir is or 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 weir is or will be

Name of the river or connected area:

Geographic co-ordinates for the location of the weir 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:

	<p>Where the weir is or will be, what is the width of river or connected area at the water's surface?</p> <hr/> <p>Where the weir is or will be, what is the width of the bed of the river or connected area?</p> <hr/> <p>What type of fish are present in the waterbody?</p> <hr/> <hr/> <hr/>
<p>B.3</p>	<p>Map or aerial image</p> <p>Please provide a map or aerial image showing:</p> <p><input type="checkbox"/> The river or connected area where the weir is or will be located</p> <p><input type="checkbox"/> Within and near the area where the weir is or will be located, identify:</p> <ul style="list-style-type: none"> <input type="radio"/> Any known habitat areas <input type="radio"/> Any other water bodies (including rivers, lakes, ponds, and streams) <input type="radio"/> Any wetlands <input type="radio"/> Any structures, utilities or infrastructure that may be affected by the weir <p><input type="checkbox"/> A north symbol (oriented to the top of the page if possible) and scale bar</p>
<p>B.4</p>	<p>Additional information regarding the weir location</p> <p>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 weir is or will be installed. You may also provide some photos of existing weirs and associated works, if these reflect how the proposed activity will be managed.</p> <p>Description of any photos included:</p> <hr/> <hr/> <hr/> <hr/> <hr/>

PART C: NATURE OF THE WEIR ACTIVITY

C.1 What aspects of the weir require consent?

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

- Placement
- Use
- Alteration
- Extension
- Reconstruction

C.2 Has the weir already been placed?

- Yes
- No

If yes, when was the weir placed?

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

C.3 Nature of the weir

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

Asset identification number of the weir (if know):

Ownership of the weir:

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

The type of weir:

Shape of weir's crest:

Height of the weir:

Width of the weir:

Material from which the weir is made:

What is the bed substrate that is present across most of the weir?

For example, gravel, silt, sand

Slope of the weir:

Backwater distance from the weir:

The backwater distance means the distance furthest upstream where the water level is influenced by the weir

Are there any remediation features in the weir?

For example, baffles or spat rope

Yes

No

If yes, please describe:

Does the weir have wetted margins?

Yes

No

	<p>If yes, please describe:</p> <hr/> <hr/> <hr/> <p>Describe any structure associated with the weir, such as wingwalls, screens, aprons or ramps <i>For these associated structures, please include details of length, drop height (if any), construction material, slope and surface, water velocity, bed substrate</i></p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
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PART D: MANAGEMENT OF THE WEIR ACTIVITY

<p>D.1</p>	<p>Placement of the weir</p> <p><i>This section only applies if the weir hasn't been placed yet. If the weir has already been placed, please continue to part D.2.</i></p> <p>How will you manage the placement of the weir?</p> <p><i>Please provide details of how you will manage the placement of the weir. This may include:</i></p> <ul style="list-style-type: none"> ○ <i>timing of the placement</i> ○ <i>flow conditions and rain flow</i> ○ <i>equipment used to place the weir</i> ○ <i>preparation works to place the weir</i> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
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<p>D.2</p>	<p>Ongoing use of the weir</p> <p>Describe any maintenance for the weir:</p> <p><i>This may include:</i></p> <ul style="list-style-type: none"> ○ <i>Fencing to avoid stock damage, in accordance with the Resource Management (Stock Exclusion) Regulations 2020</i> ○ <i>Regular checks of the weir</i> ○ <i>Clearing of the weir</i> ○ <i>Clearing the upstream area of debris</i> ○ <i>Actions taken during high rainfall events</i> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<p>D.3</p>	<p>Alteration, extension, or reconstruction of the weir</p> <p><i>This section only applies if you seek to make changes to the weir. If no changes to the weir are sought now or in the future, please continue to Part E.</i></p> <p>What changes will you be making to the weir?</p> <p><input type="checkbox"/> Altering the weir</p> <p><input type="checkbox"/> Extending the weir</p> <p><input type="checkbox"/> Reconstructing the weir</p> <p>Describe the nature of the proposed changes:</p> <p><i>This may include:</i></p> <ul style="list-style-type: none"> ○ <i>type of changes to be made</i> ○ <i>timing of the placement</i> ○ <i>equipment used to make the changes</i> ○ <i>preparation works for the changes</i> <hr/> <hr/> <hr/> <hr/>

	<p>Describe the reason for the proposed changes:</p> <hr/> <hr/> <hr/> <hr/> <hr/>
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PART E: ASSESSMENT OF ENVIRONMENTAL EFFECTS

<p>E.1</p>	<p>Describe the actual and potential effects your weir 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 weir.</p> <p><i>Weirs have the potential to affect the river catchments. This may include:</i></p> <ul style="list-style-type: none"> ○ <i>Upstream and downstream effects from construction and ongoing use</i> ○ <i>Flood flows and low flow events</i> ○ <i>Subsidence and erosion</i> ○ <i>Aggradation and/or degradation</i> <p><i>In this section, describe how your weir activity will be managed to ensure adverse effects on river form are avoided or minimised as best possible.</i></p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
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<p>E.2</p>	<p>Are there any structures in/over/next to the weir?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>
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	<p>If yes, describe the actual and potential effects your weir may have on those structures.</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<p>E.3</p>	<p>Describe the actual and potential effects your weir may have on fish passage.</p> <p><i>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.</i></p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<p>E.4</p>	<p>Describe the cumulative effects of your weir.</p> <p><i>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.</i></p> <hr/> <hr/> <hr/> <hr/> <hr/>

E.5	<p>Describe the actual and potential effects your weir may have on Kai Tahu cultural and spiritual beliefs, values and uses.</p> <p><i>Weirs have the potential to impact Kai Tahu values. In this section, describe any nearby Rūnanga sensitive receptors (Statutory Acknowledgements, wāhi tapu etc), and how your weir might affect these features and the associated cultural values.</i></p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
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E.6	<p>Describe the actual and potential positive effects of your weir.</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
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PART F: ALTERNATIVES

F.1	<p>Have any alternatives to the weir been considered? If so, why is the weir being utilised over those alternatives?</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
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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