

Auckland Unitary Plan

Standard Conditions Manual

Fish Passage Conditions

Disclaimer

The information in this Standard Conditions Manual is, according to Auckland Council's best efforts, accurate at the time of publication. Auckland Council makes every reasonable effort to keep it current and accurate. However, users of the Conditions Manual are advised that:

- *Although the conditions are “standardised”, in the sense that they should be applied consistently where they are required, this does not mean that they should all be applied in every instance. Applicants need to consider the nature of the activity, and the characteristics of the site and its surroundings in considering whether to apply each and every condition.*
- *The standard conditions should be used with caution as a starting point from which appropriate conditions for the individual consent should be drafted to align with the requirements of ss108, 108AA and 220 of the Resource Management Act 1991.*
- *Further guidance as to whether to apply the conditions are included in the guidance notes that accompanies each condition.*
- *Users should take specific advice from qualified professional people before undertaking any action as a result of information obtained in this Standard Conditions Manual.*
- *Auckland Council does not accept any responsibility for, or liability whatsoever whether in contract, tort, equity or otherwise (including negligence) arising from the use of, or reliance on, this Standard Conditions Manual. This includes, without limitation, any liability arising from any error, or inadequacy, deficiency, flaw in or omission from the information provided.*

Introduction

These conditions relate to structures with the potential to block or impede fish passage. The [Resource Management \(National Environmental Standards for Freshwater\) Regulations 2020](#) (NES FW) require applicants to provide information about the structure. The purpose of the information requirements is to ensure that the council obtains information on the design and performance of structures in relation to the passage of fish.

The NES FW requirements apply to the placement, use, alteration, extension, or reconstruction in, on, over, or under the bed of any river or connected area of the following structures:

- (a) a culvert;
- (b) a weir;
- (c) a flap gate (whether passive or non-passive);
- (d) a dam;
- (e) a ford,
- (f) an apron,
- (g) a ramp.

Information about the structure must be provided to the council within 20 working days after the activity is finished. The information needs to include the structure's location, width and photographs so the council can assess what maintenance the structure will need.

The NES FW also imposes maintenance and monitoring requirements that must be reflected in the structure's consent conditions. These are specified in Reg 69(2) of the NES FW, which provides:

- (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.

These conditions will be placed on consents under the direction of a specialist (earth and stream works) in the council's Earth, Stream and Trees team.

Condition 1

Within twenty (20) working days following completion of the installation of the new (*culvert, weir, flap gate, dam, ford, apron and ramp*) structure, the consent holder must submit to the council the information required by regulations 62, 63 (*culverts*), 64 (*weirs*), 65 (*flap gates*), 66 (*dams*), 67 (*fords*) and 68 (*aprons and ramps*) of the National Environmental Standard for Freshwater (2020), specifying the time and date of collection.

Condition 2

Within twenty (20) working days following completion *of the* [insert structure type] structure, the consent holder must submit a Fish Passage Monitoring and Maintenance Plan (FPMMP) to the council for certification. The FPMMP must specify the ongoing monitoring and maintenance measures of the [insert structure type]

structure to ensure fish passage is maintained and does not reduce over the lifetime of the **[insert structure type] structure**, and include the following detail and processes:

- a. Specific aspects of the structure to be monitored to ensure that the structure's provision for the passage of fish does not reduce over its lifetime.
- b. Programme and frequency of routine monitoring and maintenance.
- c. Method of visual inspection of the structure within 5 days following a significant natural hazard, or events that may otherwise affect the **structure's** provision for fish passage.
- d. Record keeping of monitoring results including photos,
- e. Follow up actions including the preparation of as-built plans and supporting information, further steps, and remediation measures.

Condition 3

If any of the routine monitoring or visual inspections identify that provision for fish passage has been reduced, or the **[insert structure type] structure** is damaged, the consent holder must undertake maintenance or remediation works as soon as practicable to remedy the issues identified.

Advice Note:

Prior to any remedial works being undertaken, the consent holder should assess whether the works meet the permitted activity regulations in the Resource Management (National Standards for Freshwater) Regulations 2020.

Condition 4

The consent holder must maintain a record of:

- i. All placement, alteration, extension and reconstruction works for the **[insert structure type] structure**, including when the works commence, how long they take, and when the works are completed; and
- ii. Details of all monitoring and maintenance works undertaken on the **[insert structure type] structure** in accordance with condition **2**, including photos and evidence of any maintenance works undertaken.

If requested, the consent holder must provide this record to the Council within 10 working days of the date of request.

Condition 5

Within twenty (20) working days of any changes to the structure or detail as submitted within condition 1 above, as a result of routine monitoring and maintenance, or following a significant natural hazard or event that may otherwise affect the *structure's* provision for fish passage, the consent holder must provide:

- a) Updated as-built information of the structure and associated fish passage, and
 - b) Further steps to be taken to ensure that the structure's provision for the passage of fish does not reduce over its lifetime.
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Condition 6

Fish passage must be maintained through the [insert structure type] *structure* in perpetuity, and monitoring, maintenance and remediation measures must be undertaken in accordance with the FPMMP throughout the lifetime of the [insert structure type] *structure*.

Guidance note:

Replace the blue text with the relevant structure that is being consented and the relevant regulations that apply to that structure. (Regulations 62, 63 (culverts), 64 (weirs), 65 (flap gates), 66 (dams), 67 (fords) and 68 (aprons and ramps))