

Resource Consent Application Form 43

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

This form is to be used for passive flap gate activities that require consent.

Ensure that you complete this Application Form 43 and Resource Consent Application Form 1 in full.

Passive flap gate: Means a flap gate whose opening or closing—

- a. is caused by a positive head differential on the upstream or downstream side, respectively; and
- b. is not controlled by an automated and powered system (for example, electric or hydraulic) when the water reaches certain levels.

Non-passive flap gate: Means a flap gate whose opening and closing is controlled by an automated and powered system (for example, electric or hydraulic) when the water reaches certain levels.

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 passive flap gate?

To REPLACE a current consent to place, use, alter, extend, or reconstruct a passive flap gate?

Current consent number: _____

Expiry date: _____

PART B: LOCATION OF THE ACTIVITY

B.1 Location where passive flap gate 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.

<p>B.2</p>	<p>River or connected area where passive flap gate is or will be</p> <p>Name of the river or connected area:</p> <p>_____</p> <p>Geographic co-ordinates for the location of the passive flap gate within the river or connected area: <i>If the exact location is not yet known, please provide an estimate</i></p> <p>_____</p> <p>The flow of the river or connected area: <i>For example, none, low, moderate, high</i></p> <p>_____</p> <p>Is the river or connected area tidal?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p>If yes, please describe:</p> <p>_____</p> <p>Where the passive flap gate is or will be, what is the width of the river or connected area at the water's surface?</p> <p>_____</p> <p>Where the passive flap gate is or will be, what is the width of the bed of the river or connected area?</p> <p>_____</p> <p>What type of fish are present in the waterbody?</p> <p>_____</p> <p>_____</p> <p>_____</p>
<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 passive flap gate is or will be located</p> <p><input type="checkbox"/> Within and near the area where the passive flap gate 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

	<ul style="list-style-type: none"> ○ Any structures, utilities or infrastructure that may be affected by the passive flap gate <input type="checkbox"/> A north symbol (oriented to the top of the page if possible) and scale bar
B.4	<p>Additional information regarding the passive flap gate 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 passive flap gate is or will be installed. You may also provide some photos of existing passive flap gates and associated works, if these reflect how the proposed activity will be managed.</p> <p>Description of any photos included:</p> <p>_____</p> <p>_____</p> <p>_____</p>

PART C: NATURE OF THE PASSIVE FLAP GATE ACTIVITIES

C.1	<p>What aspects of the passive flap gate require consent?</p> <p><i>Most consents will likely cover the ongoing use of passive flap gates. Depending on whether the passive flap gate has already been placed, other aspects may also be required.</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> Placement <input type="checkbox"/> Use <input type="checkbox"/> Alteration <input type="checkbox"/> Extension <input type="checkbox"/> Reconstruction
C.2	<p>Has the passive flap gate already been placed?</p> <ul style="list-style-type: none"> <input type="checkbox"/> Yes <input type="checkbox"/> No <p>If yes, when was the passive flap gate placed?</p> <p>_____</p> <p>If no, when is the passive flap gate intended to be placed?</p> <p>_____</p>

C.3

Nature of the passive flap gate

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

Asset identification number of the passive flap gate (if known):

Ownership of the passive flap gate:

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

Type of flap gate:

Height of the flap gate:

Width of the flap gate:

Material from which the flap gate is made:

Describe any structures associated with the flap gate, 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 PASSIVE FLAP GATE

D.1 Placement of the passive flap gate

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

How will you manage the placement of the passive flap gate?

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

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

D.2 Ongoing use of the passive flap gate

Describe any maintenance for the flap gate:

This may include:

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

D.3

Alteration, extension, or reconstruction of the passive flap gate

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

What changes will you be making to the passive flap gate?

- Altering the flap gate
- Extending the flap gate
- Reconstruction the flap gate

Describe the nature of the proposed changes:

This may include:

- o *type of changes to be made*
- o *timing of the placement*
- o *equipment used to make the changes*
- o *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 passive flap gate 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 passive flap gate.

The passive flap gate 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 flap gate 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 passive flap gate?

Yes

No

If yes, describe the actual and potential effects your passive flap gate may have on those structures.

E.3 Describe the actual and potential effects your passive flat gate may have on fish passage.

	<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/>
<p>E.4</p>	<p>Describe the cumulative effects of your passive flap gate.</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/> <hr/> <hr/> <hr/>
<p>E.5</p>	<p>Describe the actual and potential effects your passive flap gate may have on Kai Tahu cultural and spiritual beliefs, values and uses.</p> <p><i>Passive flap gates 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 passive flap gate might affect these features and the associated cultural values.</i></p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<p>E.6</p>	<p>Describe the actual and potential positive effects of your passive flap gate.</p>

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PART F: ALTERNATIVES

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

PART G: CONSULTATION

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

	<p>Were any written approvals obtained as part of this application?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p>If yes, please describe who written approval was obtained from, and why.</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Please attach any written approvals received to the application. <i>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.</i></p>
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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

<p>I.1</p>	<p>Use the checklist below to ensure you've provided all of the relevant information to complete your application. <i>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.</i></p> <p><input type="checkbox"/> Fully completed this application form and Form 1?</p> <p><input type="checkbox"/> Attached Certificate of Title(s) less than 3 months old? Refer to B.1</p> <p><input type="checkbox"/> Attached a detailed site map? Refer to B.3</p> <p><input type="checkbox"/> Attached any relevant photos? Refer to B.4</p> <p><input type="checkbox"/> Attached any written approvals? Refer to G.2</p> <p><input type="checkbox"/> Paid your deposit? Refer to Part H</p> <p><input type="checkbox"/> 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</p>
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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