

Works Within A Watercourse

Consent Requirements

When do I need a consent for working in a stream, river or lake?

You will need to apply for an Auckland Regional Council (ARC) Land Use Consent: Works within a Watercourse when you are proposing an activity within the bed of a **Category 1** stream or lake and the activity does not meet the requirements of a 'Permitted Activity' which are listed in the Proposed Auckland Regional Plan: Air, Land and Water (PARPALW).

In addition, some activities may require resource consents from your city or district council.

What is defined as the bed of a stream?

The bed means the area the stream covers at its fullest flow without overtopping its banks.

What is the definition of a Category 1 River or Stream?

Consents for Works within a Watercourse generally only apply to 'Category 1 Streams'. If a stream meets any one or more of the following criteria then it is classed as a Category 1 Stream:

- (a) has continual flow; or
 - (b) has natural stable pools having a depth at their deepest point of not less than 150 millimetres and a surface area of not less than 0.5 square metres present throughout the period commencing 1 February and ending 30 April of any year;
- or

- (c) has any of the following aquatic biota at any time of year:
 - eels; bullies; kokopu; crayfish; shrimp
 - mayflies, stoneflies or caddisflies
 - oxygen weed species (Elodea sp., Egeria sp. and Lagarosiphon sp).
 - pondweed species (Potamogeton sp).

Note, this definition does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply for electricity power generation, and farm drainage canal); or any stream which does not meet criterion (a) or (b) of the definition and which only meets criterion (c) because there is a dam or artificial pond (on the stream) containing any of the listed fauna and flora. It does include unmodified and modified watercourses. Most, but not all, streams which appear as blue lines on Map Series 1 of the Proposed Auckland Regional Plan: Air, Land and Water are Category 1 rivers or streams. In addition some Category 1 rivers or streams do not appear on this map series.

Category 2 streams do not require a consent and works within these types of streams can be carried out as a Permitted Activity. However, the activity should meet the requirements of the Auckland Regional Plan: Sediment Control (ARPSC) and additional consents may need to be applied for.

What if the area of works is a wetland rather than a 'stream'?

If a wetland is associated with part of a Category 1 stream/river or lake then it is subject to the same consenting requirements outlined in the PARPALW as a stream/river.

If a wetland is separate from the bed of a lake, river or stream (such as those found in areas where the groundwater table is close to the land surface) then the requirements of the Auckland Regional Plan: Sediment Control apply, and consent under this plan may also be required.

What information do I need to provide?

When applying for Regional Council consents your proposed project can be assessed more quickly when accurate and detailed information is provided. Therefore, always be sure to include with your application at least the following basic information, as outlined in the Works in a Watercourse application form. This can be found on our website at www.arc.govt.nz or by contacting us at 09-3662000.

All applications must include:

- a location plan;
- an accurate description of the proposed work;
- a record of any consultation that has been undertaken with affected parties; and
- an assessment of the likely effects on the environment, both positive and negative. This must include effects on the stream and a description of what you intend to do to minimise any adverse effects.

You should discuss the scope and contents of the information relating to your application with Regional Council staff or consultants, especially for more complex matters such works within sensitive areas. A site visit by ARC staff will be necessary to assess your application.

Even if ARC approves your project, you must still make certain you obtain any necessary consents required by the local or district councils. You can make it easier by identifying all the consents you require when you first make an application. It is a good idea to talk to local contractors, engineers and regulators to be certain all aspects of your project are planned properly.

Further Information and References

The Auckland Regional Council has a number of technical publications relating to works within a watercourse including fish passage, sizing and design suggestions and appropriate models of stream diversions available for viewing at the Internet link: <http://www.arc.govt.nz/arc/about-arc/publications/> There are also further fact sheets available on related topics such as, Sediment Management: Site staging and stabilisation, Streamworks methodology and Fish passage or for further information contact the Sediment Management Team on (09) 366 2000.