

Essential Freshwater



River Structures Regulations

Who do the regulations apply to?

Landowners that want to build, alter, or maintain a structure such as a culvert, weir, dam, ford, or flap gate.

Why are there regulations?

To protect indigenous fish, many of which are threatened or at risk of extinction, and enable them to move between habitats such as feeding and spawning sites.

Structures in waterways that prevent fish movement can have major impacts on our fish species by preventing them reaching critical habitats, especially migratory species such as whitebait and eels.

What are the regulations?

Under the National Environmental Standards for Freshwater 2020 (NES-F) and regional rules contained within the pMEP, the installation, alteration, maintenance, and removal of some structures is a permitted activity (and therefore does not need a resource consent) but only if you can meet the specific requirements outlined below:

There are two main requirements under the NES-F:

1. All new structures must be designed, installed, and maintained in a way that will allow for fish passage. Specific design criteria for weirs and culverts must be followed. See the specific guidelines sheet on the MDC website, or the New Zealand Fish Passage Guidelines ([link over page](#)).
2. You will need to provide information about the structure to us within 20 days of installation in accordance with NES-F regulation 6.

Note, whilst the new regulations do not apply to instream structures installed before 3 September 2020, it is still important to ensure those structures provide for fish passage. There are options for remediating or retrofitting structures to help fish passage.

Reporting back to MDC

When installing a structure in a waterway, you must provide information about the structure to Council within 20 days of it being installed. The information must be provided for both permitted and consented activities.

All the information can be collected and submitted to us using the Fish Passage Assessment Tool (FPAT, [link over page](#)), a mobile app maintained by NIWA. It is free to use. It contains the reporting parameters required by the NES-F Regulation 62 ([link over page](#)), so you will be complying with the reporting requirements when using it.

The type of information you will be required to include (which is not an exhaustive list) include:

- The type of structure
- Physical characteristics of the structure
- Physical characteristics of the stream the structures have been installed within, such as flow.
- Likelihood of the structure preventing fish passage
- Visual evidence (photos) both upstream and downstream of the structure.

Through the fish passage project, MDC can offer support to private landowners by assessing any in-stream structures (such as culverts), providing advice and guidance to landowners, and supporting remediation works if within the scope of project funding.

We also have specific guidance documents around how different structures should be installed to support fish passage. Please refer to these to ensure you are meeting fish passage requirements or talk to our Freshwater Ecosystems Scientist.

Are there any other useful resources available?

[NIWA New Zealand Fish Passage Guidelines](#)

[NIWA Fish Passage Assessment Tool](#)

[NES-F Regulation 62](#)

Contact the MDC Freshwater Ecosystems Scientist

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Contact the MDC Environmental Protection Team

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For rural matters: marlborough.govt.nz/environment/marlborough-rural-hub

To notify council of new structures in a riverbed, work in wetlands or for intensive winter grazing, please fill out the form found on our website by clicking the NES-F Forms link below:

[Go to the MDC NES-F Forms webpage](#)

