

Rules

Grazing and Stock in the Beds of Surface Water Bodies

Advisory Note

- 1 For the avoidance of doubt, BW R37 to BW R40 do not apply to ephemeral flowpaths and artificial watercourses.

BW R37 (Rule 6)

Permitted – Controlled Stock Crossings of the Bed of a Stream or River

The disturbance of the bed of any permanently flowing river or stream by livestock resulting from a controlled stock crossing, that is not prohibited by BW R39, is a permitted activity subject to the following conditions:

- 1 Where the activity is in a river or stream in the catchment of the Rotorua Lakes, the activity shall be provided for by a Regional Council Environmental Programme or Property Plan that addresses the adverse effects of stock in surface water bodies.
- 2 Where the activity is in a river or stream where the water quality classification is Water Supply, the activity shall be provided for by a Regional Council Environmental Programme or Property Plan that addresses the adverse effects of stock in surface water bodies.
- 3 For any other river or stream not listed in BW R39, or 1 or 2 above, the activity shall comply with either 4 or 5 below:
- 4 The landowner implements, maintains and complies with an active Farm Quality Programme that addresses the adverse effects of stock in the beds of surface water bodies in a manner that complies with the provisions of this regional plan. A Farm Quality Programme can be any one of the following:
 - (a) An operative Environmental Programme or Property Plan; or
 - (b) An operative Quality Assurance Programme with a robust environmental component that is operated by an appropriate sector of the farming industry that is listed in Schedule 8; or
 - (c) A specific, operative environmental management plan for an area of land, where the plan is listed in Schedule 8.

Or

- 5 The activity complies with the following conditions:
 - (a) Where the stock crossing occurs more than twice per week on any one stream or river, the stock crossing shall not occur:
 - (i) In a river or stream in the catchment of a Rotorua Lake after 1 July 2006.
 - (ii) In a river or stream in the catchment of Tauranga Harbour after the 1 July 2007.
 - (iii) In a river or stream in the catchment of Ohiwa Harbour after 1 July 2007.

- (iv) In a stream or river with Aquatic Ecosystem (Bay of Plenty) water quality classification, as shown on the Water Quality Classification Map, that is not otherwise in the catchments specified in (i) to (iii), after 1 July 2010.
- (b) The stock crossing shall be made at, or near, right angles to the flow of water in the river or stream.
- (c) The stock crossing approach shall be on a shallow slope.
- (d) All practicable steps shall be taken to divert stormwater away from the stock crossing approach. This is to prevent stormwater from adjacent land and stock races from flowing directly into a stream or river via the stock crossing approach.
- (e) All practicable steps shall be taken to avoid, remedy or mitigate the increase of nutrient, urine or faecal matters in water from the stock crossing.
- (f) All practicable steps shall be taken to avoid, remedy or mitigate the release of sediment during the stock crossing, and no clearly discernible change in the visual clarity of the water shall occur beyond a distance of 100 metres downstream of the stock crossing site.
- (g) The stock crossing shall not contaminate a bathing site listed in Schedule 10 in the period between 1 November and 30 April, inclusive.
- (h) The stock crossing shall not cause or induce erosion to the bed or banks of the surface water body.
- (i) Erosion includes:
 - (i) Instability of the banks or channel.
 - (ii) Scour to the bed of the river or stream.and results in the deposition or discharge of sediment in the river or stream.
- (j) The stock crossing shall not damage or destroy a wetland, or a whitebait spawning site identified in Schedule 1C.

Advisory Note

- 1 Landowners are advised to contact Land Resources staff at the Regional Council for further information about Environmental Programmes or Property Plans.
- 2 Stock grazing in an ephemeral flowpath is addressed by LM R17.
- 3 It should not be presumed that fencing is required to meet the conditions in 2 above.
- 4 The Regional Council staff and information sheets are available to advise on appropriate best management practices to achieve the conditions in 5.

- 5 The preferred option for crossing stock over a stream or river is to install a culvert or single-span bridge.
- 6 In relation to condition 5(d), the use of cut-off drains and diversion drains can be used to achieve the requirement.
- 7 In relation to condition 5(a);
 - (a) Where a stock crossing occurs less than twice per week on any one stream or river, the activity is permitted subject to conditions (a) to (i).
 - (b) Where a stock crossing occurs more than twice per week in the areas listed in (a)(i) to (iv), the activity is not permitted after the dates specified in the Rule. Until the specified dates, the activity is permitted subject to conditions (b) to (i).
 - (c) Where the stock crossing occurs more than twice per week outside the areas listed in (a)(i) to (iv), the activity is permitted subject to conditions (b) to (i).
- 8 Stock crossings that do not comply with BW R37, and are not prohibited activities under BW R39, are discretionary activities under BW R40.

Explanation/Intent of Rule

To control the adverse effects of stock crossings in the beds of flowing surface water bodies (including streams and rivers), while recognising that the provision of alternative stock crossings may not be practicable in some circumstances, the Regional Council will encourage landowners to retire and fence riparian areas, and install single span bridges or culverts through non-regulatory methods. This rule is a means of addressing the adverse effects of the activity. Any stock crossings that are not permitted by BW R37 or prohibited by BW R39 are discretionary under BW R40. Farm Quality Programmes listed in Schedule 8 comply with WQ M10. Refer to Flow Diagram BW 1 to assist reading of this rule.

BW R38 (Rule 7)

Permitted – Stock in the Bed of a River or Stream

The disturbance of the bed of any permanently flowing river or stream by livestock, excluding controlled stock crossings addressed by BW R37 and stock access prohibited by BW R39, is a permitted activity subject to the following conditions:

- 1 Where the activity is in a river or stream in the catchment of the Rotorua Lakes, the activity shall be provided for by a Regional Council Environmental Programme or Property Plan that addresses the adverse effects of stock in surface water bodies.
- 2 Where the activity is in a river or stream where the water quality classification is Water Supply, the activity shall be provided for by a Regional Council Environmental Programme or Property Plan that addresses the adverse effects of stock in surface water bodies.
- 3 For any other river or stream not listed in BW R39, or 1 or 2 above, the activity shall comply with either 4 or 5 below:

- 4 The landowner implements, maintains and complies with an active Farm Quality Programme that addresses the adverse effects of stock in the beds of surface water bodies in a manner that complies with the provision of this regional plan. A Farm Quality Programme can be any one of the following:
- (a) An operative Environmental Programme or Property Plan; or
 - (b) An operative Quality Assurance Programme with a robust environmental component that is operated by an appropriate sector of the farming industry that is listed in Schedule 8; or
 - (c) A specific, operative environmental management plan for an area of land, where the plan is listed in Schedule 8.

Or

- 5 The activity complies with the following conditions:
- (a) All practicable steps shall be taken to avoid, remedy or mitigate the increase of nutrient, urine or faecal matters in water from the stock access to the surface water body.
 - (b) All practicable steps shall be taken to avoid, remedy or mitigate the release of sediment during the stock access, and no clearly discernible change in the visual clarity of the water shall occur beyond a distance of 100 metres downstream of the site where stock have access to the surface water body.
 - (c) The stock access shall not contaminate a bathing site listed in Schedule 10 in the period between 1 November and 30 April, inclusive.
 - (d) The stock access shall not cause or induce erosion to the bed or banks of the surface water body.

Erosion includes:

- (i) Instability of the banks or channel.
- (ii) Scour to the bed of the river or stream.

and results in the deposition or discharge of sediment in the river or stream.

- (e) The stock access shall not damage or destroy a wetland.
- (f) The activity shall not damage or destroy:
 - (i) Significant aquatic indigenous vegetation, or
 - (ii) Aquatic habitat or spawning areas of indigenous species, or
 - (iii) Significant habitats of trout, as identified in Schedule 1.

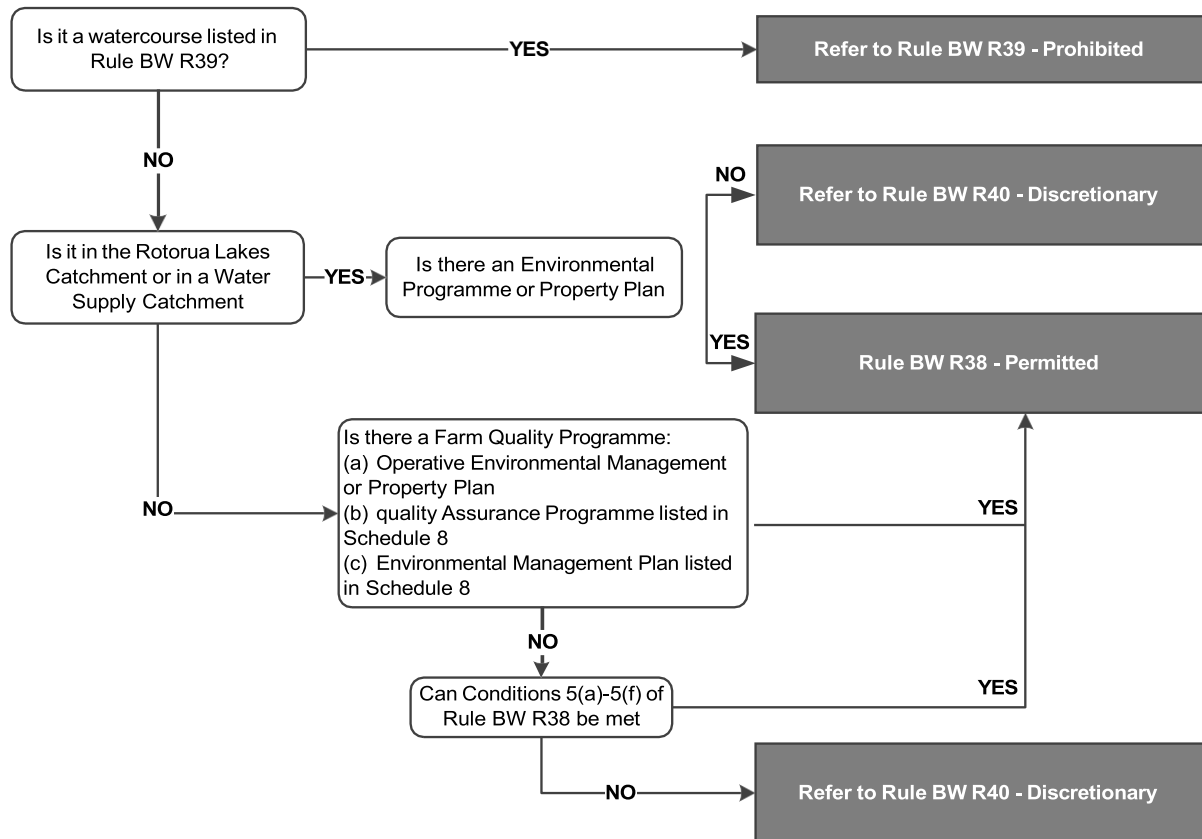
Advisory Note

- 1 Landowners are advised to contact Land Resources staff at the Regional Council for further information about Environmental Programmes or Property Plans.
- 2 Stock grazing in an ephemeral flowpath is addressed by BW R40.
- 3 It should not be presumed that fencing is required to meet the conditions in 5 above.
- 4 The standing of stock in rivers and streams to cool animals is unlikely to comply with the conditions of this rule. Landowners are advised to use alternative stock management measures to prevent stock overheating, including provision of shade trees.
- 5 The Regional Council staff and information sheets are available to advise on appropriate best management practices to achieve the conditions in 5 above.
- 6 Any of the following measures are considered acceptable to achieve the retirement of riparian margins from stock grazing, however, the measures are given in order of preference:
 - (a) Permanent stock-proof fencing with adequate riparian margin distance, and appropriate riparian planting to intercept nutrients and sediment in overland flow from adjoining pastoral land. Different fence types are more appropriate for flood plain areas.
 - (b) Alternative land use, other than stock grazing, in riparian areas.
 - (c) Permanent fencing with adequate riparian margin distance that prevents stock access to streams, with no riparian planting.
 - (d) Temporary electric fences with adequate riparian margin distance, with no riparian planting, that are sufficient to contain the stock type being controlled. Temporary fences can be shifted, and reused in other areas where stock are grazing.
 - (e) Stock management practices that allow the light grazing of well- managed riparian areas, with stock excluded from the bed of a stream by a fence on the margin of the stream. Note: that it is preferable that long grass is retained adjacent to streams as to buffer surface runoff.

Explanation/Intent of Rule

To control the adverse effects of stock presence in the beds of flowing surface water bodies (including streams and rivers). The Regional Council will encourage landowners to protect and fence riparian areas, and install single span bridges or culverts through non-regulatory methods. This rule is a means of addressing the adverse effects of the activity. The disturbance of the bed of a river or stream by stock that is not permitted by BW R37 or BW R38, or prohibited by BW R39 is a discretionary activity under BW R40. Farm Quality Programmes listed in Schedule 8 comply with WQ M10. Refer to Flow Diagram BW 1 to assist reading of this rule.

Flow Diagram BW 1 – Stock in the Bed of a River or Stream



Advisory Note

- 1 This flow diagram is to assist working out which rules apply but does not constitute a part of the rules. If there is any inconsistency between the flow diagram and the rules in the regional plan it refers to, the criteria in the rules prevail.

BW R39 (Rule 8) Prohibited – Stock in the Beds of Rotorua Lakes and Natural State Rivers

The disturbance of the bed of a surface water body by stock, and associated discharge of contaminants (including sediment and faecal material), in:

- 1 Lakes Rotorua, Rotoiti, Rotoehu, Rotoma, Okataina, Okareka, Tikitapu, Rotokakahi, Tarawera, Okaro, Rotomahana, Rerewhakaaitu and Ohau Channel; or
- 2 A river or stream where the water quality classification is Natural State (River) (as shown on the Water Quality Classification map),

Is a prohibited activity from the date that this regional plan becomes operative.

Advisory Note

- 1 Stock presence in the Coastal Marine Area is prohibited by Rule 58 (14.2.4(K)) of the Operative Regional Coastal Environment Plan.

Explanation/Intent of Rule

To prevent the adverse effects of stock crossings, access and presence to surface water bodies where the receiving environment has been identified as of particular concern.

BW R40 (Rule 9) Discretionary – Stock in the Beds of Surface Water bodies

The disturbance of the bed of a surface water body by stock access or a stock crossing that is:

- 1 In a river or stream in the catchment of the Rotorua Lakes, and not provided for by a Regional Council Environmental Programme or Property Plan that addresses the adverse effects of stock in surface water bodies; or
- 2 In a river or stream where the water quality classification is Water Supply, and not provided for by a Regional Council Environmental Programme or Property Plan that addresses the adverse effects of stock in surface water bodies; or
- 3 Not permitted by BW R37 or BW R38;

and the activity is not otherwise prohibited by BW R39, is a discretionary activity.

Assessment Criteria

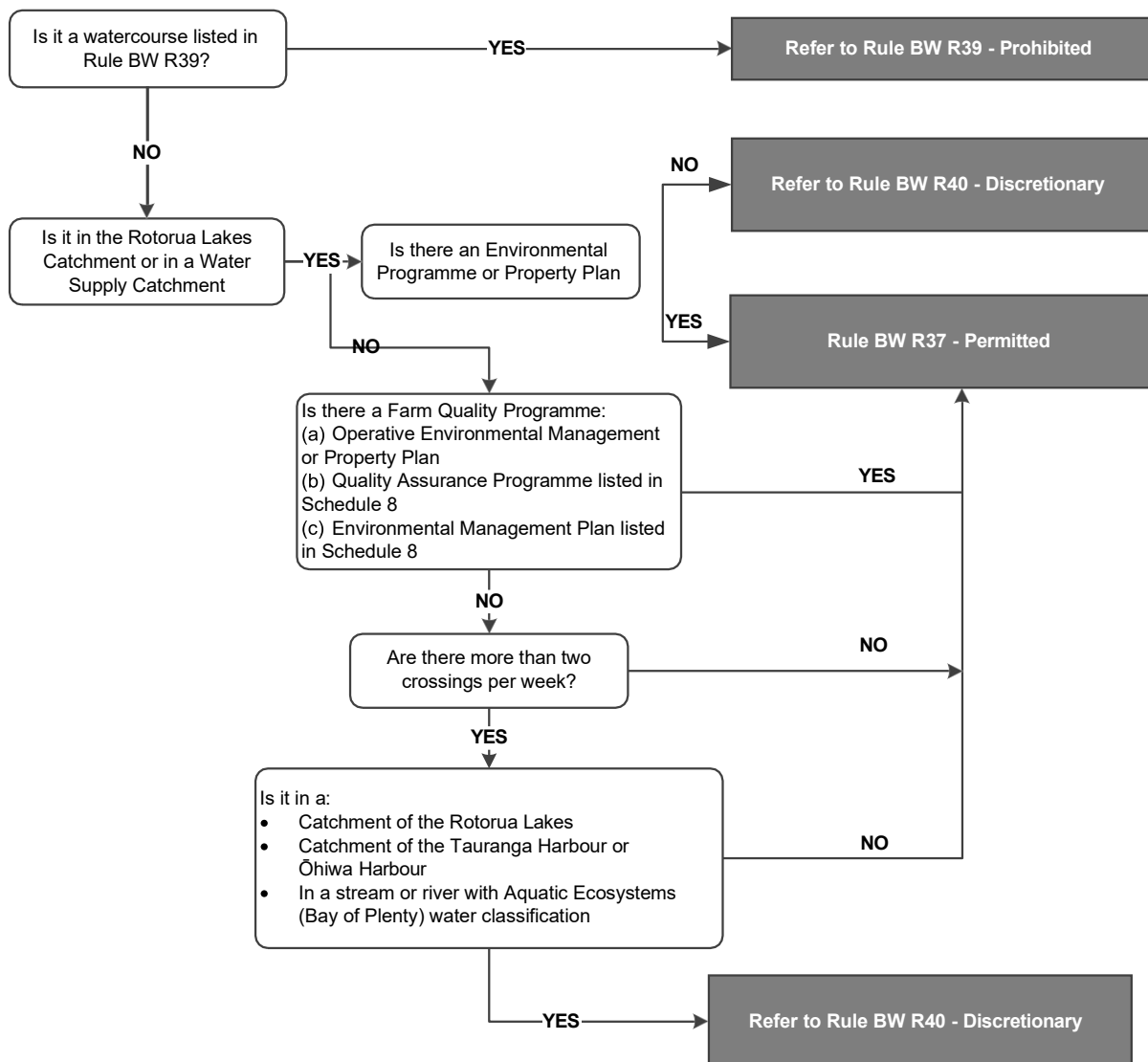
When assessing resource consent applications under this rule, the Regional Council will have particular regard to, but not be limited to, the following provisions:

Objective TH O1, RL O3, OH O1, BW O7, BW O8
Policy BW P2, BW P3, BW P15, BW P16
Method BW M35

Explanation/Intent of Rule

To allow the Regional Council to assess the adverse environmental effects of bed disturbance activities on a case by case basis, where the activity is likely to cause more than minor effects, or there is a high risk to human health.

Flow Diagram BW 2 – Controlled Stock Crossings



Advisory Note

- 1 This flow diagram is to assist working out which rules apply but does not constitute a part of the rules. If there is any inconsistency between the flow diagram and the rules in the regional plan it refers to, the criteria in the rules prevail.