

West Coast Regional Council Enforcement Policy for Stock Crossings

The West Coast Regional Council is concerned about the actual and potential effects of stock crossings on water quality in our Region. There will be significant costs involved in providing bridges and culverts for stock to cross waterways, but the Council needs to ensure our waterways are sustainably managed. In order to achieve this, the Council has adopted this Policy to provide a reasonable time frame for farmers to voluntarily comply with the requirements of the RMA and encourage the installation of bridges and culverts before it takes formal enforcement action.

This Policy applies only to existing stock crossings that were being regularly used prior to December 2006. Any new dairy raceway crossing constructed after that date must be bridged or culverted prior to use in order to prevent animal effluent entering waterways.

1. For the purpose of this Policy the Council considers that in circumstances where a farmer causes a herd of cattle to cross any river or permanently flowing creek, at any farm raceway crossing¹, more than ten times in any month for herds larger than 500 cattle, or more than 20 times in any month for herds of less than 500 cattle², this will or will likely contravene section 15(1) of the RMA. In those circumstances a resource consent would be required to authorise the resulting discharge of contaminants to water.
2. In order to allow a reasonable time to complete the construction of culverts and bridges, the Council will not take formal enforcement action under this Policy until after 31 December 2007. Where more than one crossing structure is needed on any farm, the most frequently used crossing must be bridged or culverted by December 31 2007; but no formal enforcement action in relation to any second or subsequent crossing points will be taken until 31 December 2008.
3. After 31 December 2007 (or 31 December 2008 in the case of any second and subsequent crossings) Council will require immediate compliance with this Policy. Both landowners and farm managers will be issued with abatement notices, infringement notices for ongoing non-compliance, and in serious cases prosecutions may be taken, to address any unauthorised discharge of contaminants to water after these dates.
4. In situations where the 31 December 2007 (or 2008) deadlines cannot be met, but where there are genuine plans in place to construct a bridge or culvert, a farmer may write to Council Chair to request additional time to allow construction to occur. The granting of such requests will not be unreasonably withheld.
5. In situations where the construction of a bridge would be unreasonably expensive compared to the effects of the discharge, Council may consider granting a resource consent to a farmer to continue using a ford crossing, based on a detailed assessment of its effects on the environment including:
 - Frequency of use and size of herd;

¹ The policy addresses formed crossing points along dairy farm raceways in particular. It is not intended to apply to occasional stock access to waterways along unfenced river margins.

² A crossing is one-way only. Cattle crossing twice (a return trip) counts as two crossings.

- Measures of contaminant loadings and effects on water colour and clarity;
 - Likely effects on downstream instream values & other river users;
 - Any cumulative effects and precedent effects, if applicable; and
 - proposed mitigation measures, including farm race re-design.
6. Although this policy primarily targets dairy herds, Council are also concerned about dry stock repeatedly crossing a waterway in large numbers. Council will enforce this policy in any situation where more than 50 animals cross any river or permanently flowing creek more than 20 times per month.
7. Nothing in this Policy derogates from the general duty in the Resource Management Act of every person to avoid, remedy or mitigate adverse effects on the environment.

This Policy now forms a formal part of the Council's Enforcement Policy.

Chris Ingle
Chief Executive