

Stream clearance guidance note

Stream clearance involves the mechanical removal of sediment and vegetation (macrophytes) that has accumulated and may be causing flooding and erosion on a property. Mechanical clearance of this material can have potentially negative impacts on aquatic ecology, including the release of suspended sediment, reduction in available oxygen, the loss of habitat that vegetation provides and the physical removal of aquatic fauna from the area.

There is no permitted activity under the Regional Plan: Water for Otago, and therefore resource consent is required to undertake stream clearance, no matter the scale.

The rules in the Regional Plan: Water only relate to '[rivers](#)'. There are no rules relating to drains therefore you have the ability to maintain farm drains as required. If doing works in drains please check that the [Flood Protection Bylaw](#) is not triggered.

What can I do as a permitted activity?

There are some activities in watercourses that you can do without requiring resource consent. We encourage you to explore these options and see if these would work in your circumstance. These include:

Spraying vegetation: There are provisions to spray vegetation and remove the material without disturbing the bed of the watercourse. If operating under this method please ensure you are compliant with the rules in 12.B.1 of the RPW.

Maintaining structures: Under rule 13.5.1.1 of the RPW it is a permitted activity to undertake bed disturbance for the purpose of clearing debris and alluvium from within or immediately surrounding any structure in order to safeguard the function or structural integrity of a structure (e.g. culvert, bridge, water intake structure). Please note there are a number of provisions to this rule that must be met so you should read in full before undertaking work in accordance with this rule. There is also no set distance on this however it must be limited to the extent necessary to undertake the work.

Riparian planting: Good margins (buffers/ gaps) between waterways and productive land are important for ecosystem health. Fencing off waterways and creating a riparian buffer ensures a barrier between stock and the waterways and will help trap and filter run-off sediment from pasture. Planting provides shading and food for aquatic species and encourages biodiversity in rivers and streams which generally supports water quality. Further to this, new [Government stock exclusion regulations](#) came into force on 3 September 2020.

What happens if I need a consent?

You can apply for consent ranging from a single site as a one-off activity to a whole farm application with works spanning over a number of years. The level of information required is dependent on the scale and nature of the activity being applied for.

We have application forms on our website which will assist in preparing an application. You will need to complete Form 1 and Form 10B in full.

If you have any questions about the consent process and would like to set up a pre application meeting either at ORC offices or on site please contact public.enquiries@orc.govt.nz

Consenting considerations

Key matters that would be assessed when an application is lodged include matters such as:

- The type of watercourse (e.g. whether the watercourse has permanent flows or not);
- The length of work proposed and proposed gradient of the bed once works are completed;
- What ecological values are in the watercourse (e.g. based on data from a fish survey);
- What cultural values are associated with the watercourse;
- Whether there are any nearby wetland values;
- Potential downstream effects including effects on other water users or downstream property owners.

There are a number of mitigation measures that you could consider incorporating into your application to reduce effects. These could include:

- Only undertaking works during periods of low/no flow.
- Undertaking works outside of fish spawning season;
- Leaving an area of refuge proportionate to the area where disturbance takes place (e.g. clear 10 metres then leave the next 10 metres);
- Not undertaking works in areas where there are pools to provide refuge for any species present
- Employing sediment control measures such as haybales or silt fences.

What about wetlands?

Regionally Significant Wetlands:

Schedule 9 of the RPW contains a list of wetlands that are considered Regionally Significant. Any wetlands higher than 800 metres above sea level are also considered Regionally Significant. Although works may not be proposed within a Regionally Significant Wetland, if any work could impact on the wetland (e.g. increasing flows out of wetland that could lead to drainage) then information on the wetland and the potential effect on the wetland is required. Policy 10.4.2 of the RPW states that adverse effects on a Regionally Significant Wetland or on its value must be avoided, apart from particular circumstances. If you are doing works near a Regionally Significant Wetland you may want to consult with a suitably qualified expert to confirm adverse effects will be avoided.

Natural Wetlands:

A [Natural Wetland](#) is defined in the National Policy Statement for Freshwater Management 2020 (NPSFM) as:

Natural wetland means a wetland (as defined in the NPSFM) that is not:

- (a) a wetland constructed by artificial means (unless it was constructed to offset impacts on, or restore, an existing or former natural wetland); or
- (b) a geothermal wetland; or
- (c) any area of improved pasture that, at the commencement date, is dominated by (that is more than 50% of) exotic pasture species and is subject to temporary rain-derived water pooling

The [National Environmental Standards for Freshwater \(NES-FW\)](#) contains provisions around works around natural wetlands