

National Environmental Standards

Freshwater Stock Exclusion Regulations

In early September 2020 central government's national direction for halting the degradation of our rivers, lakes and streams was announced. The following policies and legislation came into effect:

- National Environmental Standards for Freshwater 2020 (NES-FW)
- Stock Exclusion s360 Regulations Resource Management Act (RMA)
- Measurement and Reporting of Water Takes s360 Regulations (RMA)
- National Policy Statement for Freshwater Management 2020 (NPS-FM)

Horizons Regional Council is currently working through the requirements and implications for monitoring and enforcement. We encourage all landowners to become familiar with what is required. A good starting point for this are the Ministry for the Environment's policies and regulations factsheets and your industry representatives.

For links to the relevant central government documents listed above head to www.horizons.govt.nz.

Horizons has started the process of reviewing this Essential Freshwater package. Here is our initial summary and advice relating to stock exclusion requirements.

Why are there stock exclusion regulations?

Livestock entering water bodies contaminate the water directly, this is particularly high risk with cattle, deer and pigs. Stock also trample the banks and beds of water bodies, breaking down the streambank leading to sediment runoff and habitat damage. Excluding stock from natural wetlands, lakes, and rivers more than one metre wide is intended to reduce freshwater pollution, prevent bank erosion and sediment loss, and allow riparian plants to grow. Fencing waterways is one of the simplest and most direct ways of keeping stock out of rivers, lakes, streams, their banks and margins.

These regulations include rules for stock exclusion from lakes, wide rivers, and wetlands, and apply to any person who owns or controls beef cattle, dairy cattle, dairy support cattle, deer and pigs.

Two important notes:

- If you have a resource consent that includes conditions requiring stock be excluded from waterways and those requirements are more stringent than the new regulations then the resource consent conditions apply.
- Sheep and feral animals are excluded from these stock exclusion rules.

There are three parts to this document and each are important for you to understand.

- **Part 1** provides the relevant definitions, so you know 'what' is included or not.
- **Part 2** provides details on relevant requirements for stock exclusion.
- **Part 3** provides some Frequently Asked Questions and responses.





PART 1: Important definitions

'Low slope' land Rules around the exclusion of beef cattle and deer that are not 'intensively grazed' (defined below), and rules relating to the exclusion of stock from some wetlands rely on whether your farm is classified on the Ministry for the Environment's (MfE) map as 'low slopes'. For more information see <https://bit.ly/MFE-lowslope-map>.

Regardless of the actual slope of your paddocks or farm – for the purpose of these regulations:

- If your land is highlighted on MfE's map in green, it is considered 'low slope land'
- If your land is not highlighted in green, it is not considered to be 'low slope land' for the purposes of the exclusion regulations.

Wide river means a river (as defined in the RMA) with a bed that is wider than 1 metre anywhere in a land parcel.

River means a continually or intermittently flowing body of fresh water; and includes a stream and modified watercourse; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal).

Lake is any body of fresh water which is entirely or nearly surrounded by land.

Natural wetland is a wetland that is NOT the following:

1. A wetland constructed by artificial means (unless it was constructed to offset impacts on, or restore, an existing or former natural wetland); or
2. A geothermal wetland; or
3. Any area of improved pasture that, at 3 September 2020, has more than 50 per cent of exotic pasture species and is subject to temporary rain-derived water pooling.

Dairy cattle are cattle farmed for producing milk, including any bull on the farm whose purpose is mating with those cattle, and includes the unweaned calves of those cattle. This excludes dairy support cattle.

Dairy support cattle are cattle farmed for producing milk but are not being milked (e.g. heifers or dairy cattle dried off) that are grazed on land that is not grazed by dairy cattle.

Beef cattle are those reared for producing meat, excluding dairy and dairy support cattle.

Intensive grazing for the purpose of the stock exclusion rules is break feeding, or grazing on annual forage crops, or grazing on pasture that has been irrigated with water in the previous 12 months.

One Plan Horizons' Regional Policy and Regional Plan which sets out an integrated framework for management of the environment.



PART 2:

Requirements for stock exclusion

Who must comply

The regulations apply to any person that owns or controls deer, pigs, dairy support cattle, dairy cattle and beef cattle. Sheep are not subject to the requirements.

Stock exclusion from lakes and wide rivers

The following stock need to be excluded from lakes and wide rivers, with a 3 metre setback from the edge of the bed of these waterways, by the dates specified in the table below:

1. All dairy cattle, dairy support cattle and pigs, regardless of intensity or terrain
2. Beef cattle and deer, if they are intensively grazed, on any terrain
3. Beef cattle and deer, if they are located on the mapped 'low slope land'.



Excluding stock from lakes and rivers wider than 1m anywhere in a land parcel	Slope	Timeframe
Dairy cattle (not dairy support) and pigs	All slopes	By 1 July 2023
All cattle and deer on land used for fodder or break feeding and on irrigated pasture	All slopes	By 1 July 2023
All dairy support cattle	All slopes	By 1 July 2025
All beef cattle and deer	Mapped low slope < 10°	By 1 July 2025

Requirements for stock crossing over waterways

All pigs and cattle (dairy, dairy support and beef) must cross a lake or wide river using a dedicated bridge or culvert unless they are supervised, and actively driven across the lake or wide river AND do not cross the same lake or wide river (directly through water) more than twice in any month.

Exceptions to the stock crossing rules

Requirements do not apply to stock crossing a wide river, if it is too difficult to install a dedicated bridge or culvert because the river has a highly mobile bed AND the stock are supervised and actively driven across the river. (Rules also do not apply to sheep and deer).

Fencing types and existing fences

You do not have to put in new fences to exclude stock from a lake or wide river if, at 3 September 2020, you have:

A permanent fence that 'effectively excludes' stock from the bed of the river or lake that is:

- a. a post and batten fence with driven or dug fence posts; OR
- b. an electric fence with at least 2 electrified wires and driven or dug fence posts; OR
- c. a deer fence.



Riparian vegetation that 'effectively excludes' stock from the bed of the river or lake.

If your existing fence or riparian planting does not 'effectively exclude' stock from accessing waterways and riparian margins, you must ensure that it does meet the requirement to exclude stock.

Stock exclusion from wetlands

All stock must be excluded from those natural wetlands that meet the following criteria by the dates specified in the table below:

Excluding stock from wetlands	Timeframe
All stock from wetlands identified in a regional or district plan.	By 1 July 2023
All stock from wetlands identified in a regional plan that gives effect to the new NPS-FM.	By 1 July 2025
All stock from wetlands greater than 0.05ha on low slope.	By 1 July 2025

1. The natural wetland has been identified in Horizons' Regional Policy and Regional Plan (collectively referred to as the One Plan);
2. The natural wetland supports a population of threatened species as described in the National Policy Statement for Freshwater Management (NPS-FM) where that wetland has the critical habitats and conditions necessary to support the presence, abundance, survival, and recovery of the threatened species and;
3. The natural wetland is greater than 0.05 hectares and identified as 'low slope land' in the MfE map of 'low slope land', located at <http://bit.ly/MFE-lowslope-map>.

PART 3:

Frequently asked questions

I have a river that is under a metre wide except in a couple of places, where it is just over 1 metre wide. Is this counted as a 'wide river' under the stock exclusion rules?

Yes. The definition of a wide river means that if a waterway is wider than 1 metre (measured as the bed width bank-to-bank), anywhere within a land parcel the stock exclusion rules apply to the length of that river.

Where do I measure the bed of a river, lake, drain or wetland from?

Under the RMA, 'bed' is defined as the space of land which the water of the river covers at its fullest flow without overtopping its banks. You would measure the edge of the bed from here.

For example, think of stream width as being the width during high flows (small flood) which occur on an annual basis rather than during dry periods.

Do I have to move my existing fences?

In relation to wide rivers and lakes, you do not need to move an existing fence irrespective of whether it meets the 3m setback rule, provided it is a permanent fence that 'effectively excludes' stock, and is a fence that meets the criteria outlined in Part 1: Important definitions, under the heading 'Fencing types and existing fences'.

What kind of fence do I need to meet the stock exclusion regulations?

There are criteria for existing fences in relation to stock exclusion from rivers and lakes (please see question above). Otherwise, the regulations require that you exclude stock from lakes, wide rivers and wetlands. They do not specify how stock are to be excluded, as long as they are effectively excluded.

Does a 1 wire electric fence count?

If the 1 wire fence was installed after 3 September 2020, excludes stock identified under the regulations, and is 3 metres back from the stream edge then yes. If it existed prior to 3 September 2020 then no. However, if the fence was placed prior to 3 September 2020, is 3 metres back, and excludes the stock in the regulations then a pragmatic approach would be yes.

Do I have to fence or are other exclusion options available to me?

It is required that stock identified in the regulations are excluded from waterways. For example, you could choose to keep stock out of paddocks which have waterways, as defined under these regulations, rather than fencing the stream off. However, please be aware of what changes this may require to your farming operation and that stock will need to be kept 3 metres from the waterway once the time periods come in. This means that occasionally grazing cattle in the paddock to prevent grass getting away will not be allowed unless the cattle are somehow excluded from the water.

My farm is identified as low slope however, the paddock with the waterway is greater than 10 degrees. Do I still have to exclude stock from the waterway?

Yes – the low slope map is included in the regulations and is not something that the Regional Council has discretion over. To remove land parcels requires a change to the regulations.

I will need to install a culvert for the stock crossing. Do I need a resource consent?

Maybe – under the One Plan it could be a permitted activity provided it meets a number of conditions. In addition the NES-FW and fish passage requirements contain a number of parameters that also need to be met for a permitted activity. However, larger culverts and some areas (flood control and drainage areas) will require resource consents. If in doubt contact our consents team on freephone 0508 800 800.

Are sheep included in these regulations?

No, sheep are not included in the definition of 'stock' for the purpose of these regulations. However, sheep are included in the rules on intensive winter grazing under the NES-FW.

I have excluded stock from all my streams under the Sustainable Dairying: Water Accord do I have to do additional work?

Possibly – the definition of a waterway is different between the two requirements. The most stringent of the requirements will apply.

I now need a reticulated water scheme as stock can no longer access the waterway for water. Can I take water from my local stream?

The One Plan has a permitted volume of water that can be taken per property subject to a number of requirements. If you need more water than the permitted volume you will need to apply for a resource consent. Please contact Horizons to see if water is available in the water management zone in which you own land. Call our consents team on freephone 0508 800 800.

Can I straighten my stream so that I can reduce the number of angles in my fence?

Not without a resource consent. The One Plan contains a number of rules which relate to stream straightening. Provisions in the NPS-FM also actively discourage stream straightening from occurring. Please contact our consents team on freephone 0508 800 800 prior to undertaking any such works.



The stream that runs through my property holds a value for flood control and drainage in the One Plan. Do I require a resource consent prior to undertaking fencing along these waterways?

Yes – activities such as the erection of a fence within 10 metres of the bed of a river valued for flood control/ drainage within the One Plan requires a resource consent for the works to be undertaken.

What if I can't meet the stock crossing rules, which limit crossing of the same lake or wide river to no more than twice a month?

The stock exclusion rules, including requirements for stock crossing, apply to everyone who owns or controls stock with the exception of those who meet the criteria noted under Part 2, 'Exceptions to the stock crossing rules'. Under the regulations, Horizons does not have the ability to issue a permit for additional crossings.

What if a staff member is in charge of the stock?

The regulations apply to 'a person who owns or controls stock'. If a staff member is in control of the stock, the rules apply to that staff member. Please ensure staff are made aware of these requirements, and their responsibilities under these regulations.

What is a natural wetland? How do I know if I have a natural wetland on my property?

All stock must be excluded from any natural wetland identified in a district plan, or in Horizons' One Plan, that is operative as of 3 September 2020. You can find out more about how to identify a 'natural wetland' in the Part 1: Important definitions section of this information sheet.

Note: Stock exclusion from wetlands on existing farms is not required until 1 July 2025. However, the rules apply as of 3 September 2020 for new farms.

How do I know if a wetland on my property has been identified through regional or district plan or a regional policy statement?

Contact Horizons' science team for advice via email at biodiversity@horizons.govt.nz.

What are 'threatened species'? How do I find out if I have a wetland with 'threatened species'?

The definition of threatened species is in the NPS-FM rather than these regulations.

A threatened species is defined as "any indigenous species of flora or fauna that:

- a. relies on water bodies for at least part of its life cycle; AND
- b. meets the criteria for nationally critical, nationally endangered, or nationally vulnerable species in the New Zealand Threat Classification System Manual" - <https://bit.ly/NZ-Threat-Classification>.

Is funding available to help with fencing?

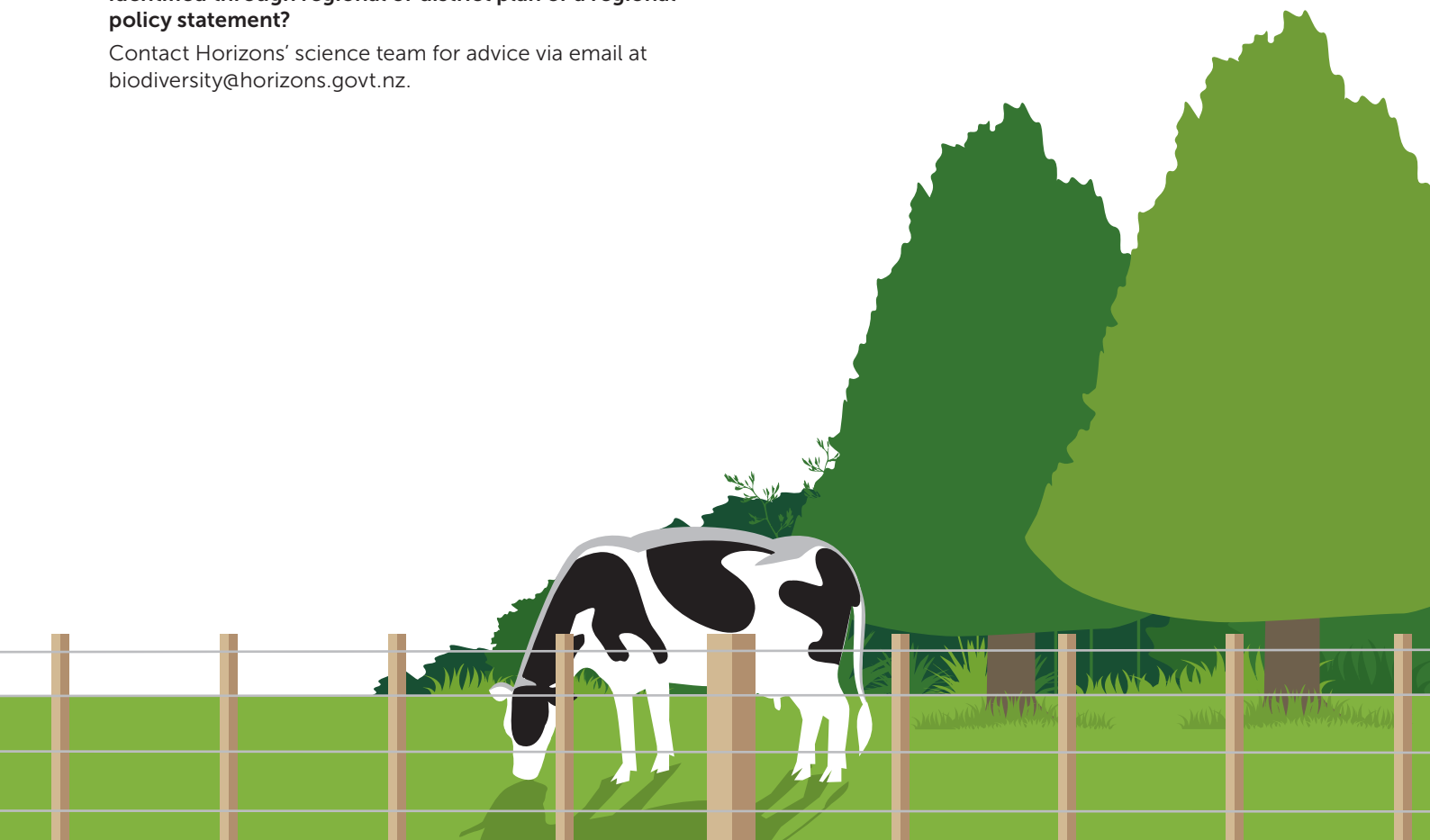
Horizons has limited funding for stream fencing. This is subject to an eligibility criteria and can potentially fund up to 40 percent of the cost. This funding is reviewed on an annual basis and cannot be guaranteed. If you would like to find out more please contact our freshwater team on Freephone 0508 800 800.

What happens if I don't or can't meet these standards or conditions by the timeframes required?

Horizons will generally work with Landowners to help rectify any issues. However under Section 1A of the regulations if you are unable to meet the requirements you may be subject to enforcement action.

Each occasion of non-compliance with the regulations is an offence and carries an infringement fee of \$100 per animal (up to a maximum of \$2,000), or \$2,000 per person, or \$4,000 per non-natural person (for example, a company).

If you have any questions around compliance or need assistance please call Horizons consents monitoring team on freephone 0508 800 800.





For more information visit www.horizons.govt.nz
or freephone Horizons on **0508 800 800**