

Draft Stock Exclusion Section 360 Regulations

The following proposals will be considered for drafting as a regulation after consultation, taking into account the feedback received during consultation and the decisions of Ministers.

The description and tables below set out what obligations are proposed to apply to what activities. For more explanation about the proposals, see the [Regulatory Impact Statement](#) and pages 73–76 of the discussion document [Action for Healthy Waterways](#).

Information notes

1. These proposals will not apply to rivers less than one metre wide.
2. On land that is not “low-slope”, these regulations would apply only to high-risk pastoral activities (feeding stock on irrigated pasture or fodder crops) or land with a base carrying capacity of the stated stocking rates. The base carrying capacity is a proxy for the stock the land could carry in an unimproved state.
3. On land that is not “low-slope”, stock would only be excluded from rivers and lakes where the regulation is triggered, for example, where the carrying capacity is high. We are seeking feedback on the appropriate methodology for calculating the base carrying capacity.
4. We are seeking feedback on appropriate criteria for allowing exemptions from the regulations, for example, a river cannot feasibly be fenced.

General stock exclusion requirements

- a) Dairy and beef cattle, and pigs, are not permitted to cross water bodies except by a dedicated culverted or bridged cross point (unless that crossing is no more than twice per month).
- b) Where an existing fence does not comply with setback requirements, it shall be allowed to remain in its current positions until 2025, unless the existing setback has a minimum 2 metre average width and is not less than 1 metre at any point, in which case the setback requirements do not apply until 2035.
- c) Landowners may seek an exemption from stock exclusion requirements, or an extension of the phase-in timeframes.
- d) The following definitions apply
 - i. **Carrying capacity:** means as specified in The Rules for Assessment of Carrying Capacity of Crown Pastoral Land (Rents for Pastoral Leases) published on LINZ’s website <https://www.linz.govt.nz/regulatory/30302>
 - ii. **dairy cattle:** means cattle farmed for milk production, and
 1. includes unweaned calves of dairy cows, and bulls on the farm whose purpose is mating with dairy cows; and
 2. includes dairy cattle not being milked (young animals or mixed-aged cows) that are grazed off the milking platform either temporarily or throughout the year; and
 3. does not include cattle farmed for beef production, or dairy support.

- iii. **dairy support** means dairy cattle that are not being milked (young animals or mixed-aged cows) that are grazed off the milking platform (ie, the area devoted to feeding dairy cows on a daily basis during the milking season) either temporarily or throughout the year.
- iv. **effective hectare** means the area of a farm on which animals are grazed.
- v. **low-slope land** is land that is classified as low-slope land on the NES mapping tool [available on-line]. The map shows land parcels where the average slope at the land parcel scale is less than or equal to 5 degrees [less than or equal to 7 degrees, less than or equal to 10 degrees]
- vi. **non-low-slope land** is land that is not classified as lowland on the NES mapping tool [available on-line] and where the average slope at the land parcel scale is greater than 5 [7, 10]degrees.
- vii. **river**: as defined in the RMA and excludes ephemeral streams
- viii. **setback**: means the distance from the edge of the bed [or edge of the wetted bed] to the exclusion mechanism (eg fence) as averaged across each river or lake on a property
- ix. **wetland**: For the purposes of this policy means a wetland as defined in the Resource Management Act (regardless of whether it is dominated by indigenous or exotic vegetation), except that it does not include
 - 1. wet pasture, or paddocks where water temporarily ponds after rain in places dominated by pasture, or that contain patches of exotic sedge or rush species; or
 - 2. constructed wetlands; or
 - 3. geothermal wetlands

Note: this definition is the same as the definition of a **natural wetland** in the National Policy Statement for Freshwater Management, and the National Environmental Standard – Freshwater

Stock exclusion on “Low-slope” land

Waterbody	Stock	Setback	Timeframe
Wetland	Dairy and dairy support cattle, pigs, beef cattle and deer	5 metres on average across a property (with a minimum width of 1m)	1 July 2021 for wetlands identified in regional or district plans. 1 July 2023 for all other wetlands
Wetland	Any new pastoral system for all cattle, pigs or deer establishing after gazettal	5 metres on average across a property (with a minimum width of 1m)	Immediately
Rivers (> 1 m wide), and lakes	Dairy and dairy support cattle and pigs	5 metres on average across a property (with a minimum width of 1m)	1 July 2021
Rivers (> 1 m wide), and lakes	Beef cattle and deer	5 metres on average across a property (with a minimum width of 1m)	1 July 2023
Rivers (> 1 m wide), and lakes	Any new pastoral system for all cattle, pigs or deer establishing after gazettal	5 metres on average across a property (with a minimum width of 1m)	Immediately
Rivers (> 1 m wide), and lakes	Land where any cattle or deer are feeding on fodder crops, or break feeding, or where pasture is being irrigated, or has been irrigated in the previous 12 months.	5 metres on average across a property (with a minimum width of 1m)	1 July 2021 Unless it is a new pastoral system established after gazettal, in which case, immediately

Stock exclusion from waterways on Non-low-slope land

Waterbody	Stock or land use	Setback	Timeframe
Wetland	Dairy and dairy support cattle, pigs, beef cattle and deer	5 metres on average across a property (with a minimum width of 1m)	1 July 2021 for wetlands identified in regional or district plans. 1 July 2023 for all other wetlands
Wetland	Any new pastoral system for all cattle, pigs or deer establishing after gazettal	5 metres on average across a property (with a minimum width of 1m)	Immediately
Rivers (> 1 m wide), and lakes	Dairy cattle, but not dairy support, and pigs (unless housed)	5 metres on average across a property (with a minimum width of 1m)	1 July 2021 Unless it is a new pastoral system established after gazettal, in which case, immediately
Rivers (> 1 m wide), and lakes	Beef cattle, dairy support cattle, and deer on land with a base carrying capacity <ul style="list-style-type: none"> • of 14SU/ha or more at the farm scale, or • 18 SU/ha or more at a paddock scale if the base carrying capacity is less than 14SU/ha at the farm scale 	5 metres on average across a property (with a minimum width of 1m)	1 July 2023 Unless it is a new pastoral system established after gazettal, in which case, immediately
Rivers (> 1 m wide), and lakes	Land where any cattle or deer are feeding on fodder crops, or break feeding, or where pasture is being irrigated, or has been irrigated in the previous 12 months.	5 metres on average across a property (with a minimum width of 1m)	1 July 2021 Unless it is a new pastoral system established after gazettal, in which case, immediately