



Essential Freshwater

# Stock exclusion factsheet

October 2023

**Essential Freshwater is part of a national direction to protect and improve our rivers, streams, lakes and wetlands.**

The 2020 Essential Freshwater package aimed to:

- stop further degradation of our freshwater
- make immediate improvements so water quality improved within five years
- reverse past damage to bring our waterways and ecosystems to a healthy state within a generation.

## **Te Mana o te Wai is fundamental to all freshwater management**

Te Mana o te Wai recognises the vital importance of water. It expresses the special connection that New Zealanders have with freshwater. By protecting the health of freshwater, we protect the health and wellbeing of people and our ecosystems.

When managing freshwater, Te Mana o te Wai ensures the health and wellbeing of the water is protected and human needs are provided for before enabling other uses of water.

Through discussions with regional councils, tangata whenua and communities will have a say on how Te Mana o te Wai is applied in freshwater management locally. More information can be found in the [Te Mana o te Wai factsheet](#).

## **Who should read this factsheet**

This factsheet is part of a [series](#) and provides information on the regulations for stock exclusion. It is primarily intended for council staff and land users, but may also be of interest to iwi, the wider agricultural industry, farm advisors and consultants and anyone else with an interest in freshwater policy.

## What are the regulations?

Regulations have been issued under section 360 of the Resource Management Act 1991 (RMA) to exclude certain types of stock from waterways. For any pastoral system already in place as at 3 September 2020, the provisions take effect at varying dates, depending on the stock type and situation (see below). For any pastoral system established on or after 3 September 2020, the provisions take effect immediately.

Councils may adopt more stringent stock exclusion requirements in their regional plans and any existing rules that are more stringent continue to apply.

## Who must comply?

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

## What must livestock be excluded from?

The regulations apply to any lake (as defined in the RMA), natural wetland (as defined in the regulations), and any river wider than 1 metre anywhere in the land parcel (measured as the bed width bank-to-bank).

Dairy, dairy-support and beef cattle and pigs must not cross lakes and rivers more than twice per month, unless they cross by way of a dedicated culvert or bridge. If they are not crossing on a dedicated bridge or culvert, they must be driven across and supervised when crossing. Where the river has a highly mobile bed and the stock need to cross the river more than twice per month, the stock do not have to cross with a dedicated bridge or culvert, but must be supervised and cross as quickly as possible.

## How must livestock be excluded?

Any method that effectively excludes stock from the lake, river or natural wetland and relevant setback is sufficient. Nothing in the regulations requires the erection of fencing specifically, or any other method of excluding stock.

## What is the 3-metre minimum setback rule?

For all dairy, dairy-support and beef cattle, pigs and deer, there must be a minimum setback of 3 metres from the bed of a lake or river. Stock can enter the 3-metre setback area only when crossing the river or lake.

The regulations provide for an exception to the 3-metre minimum setback where an existing permanent fence or riparian planting already effectively excludes stock. Any existing permanent fences in place on 5 October 2023 do not have to be moved.

## Where do the regulations NOT apply?

- To smaller streams (where the bed of the stream does not reach 1 metre wide at any point in the land parcel, measured as the bed width bank-to-bank), drains, water races, irrigation canals or other artificial watercourses and ephemeral flows.<sup>1</sup>
- To stock that are not cattle, pigs or deer, eg, sheep.
- To beef and deer on land that is not low slope (as mapped and published on the [Ministry for the Environment website](#)) and are not break feeding, or feeding on annual forage crops or irrigated pasture.
- To wetlands less than 500m<sup>2</sup> or on land that is not low slope (as mapped), unless the wetland:
  - is identified in a regional plan as having threatened species, or
  - was listed in a regional plan, district plan, or regional policy statement that was operative as at 3 September 2020.
- The obligation is to exclude particular livestock in particular circumstances. If the livestock are not going to be present at, or the circumstances do not apply to, a part of the lake, river, or wetland, then no barrier is required. Nothing in the regulations requires a barrier to be erected around or along an entire lake, river, or natural wetland.
- The map of low slope land and all associated requirements to exclude stock do not apply to any land that is subject to the following arrangements, if that arrangement limits the number of stock used for grazing that land:
  - a concession document granted under Part 3B of the Conservation Act 1987 for the purpose of grazing stock on public conservation land
  - a pastoral lease, occupation licence, special lease, a discretionary pastoral activity, or an exemption from any stock limitation, within the meaning of the Crown Pastoral Land Act 1998
- Regulations 14 to 18 do not apply to the upper Taieri scroll plain geographic region in Otago (see [upper Taieri scroll plain map](#)).

## Non-compliance

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).

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<sup>1</sup> Ephemeral flows are temporary flows that exist briefly and immediately only after a period of rainfall or snow melt.

# When do the regulations apply to which activities?

## All land slopes

The explanations below apply to all existing pastoral systems. Any new pastoral systems (where land is converted to pastoral land use after the commencement date, 3 September 2020) must comply with the regulations as soon as the pastoral system is initiated.

Where beef cattle and deer are break feeding or grazing on annual forage crops or irrigated pasture, they must be excluded from lakes and rivers more than a metre wide (bank to bank), by **1 July 2023**.

Dairy cattle and pigs must be excluded from lakes and rivers more than a metre wide (bank to bank), by **1 July 2023**, regardless of land slope.

Dairy support cattle must be excluded from lakes and rivers more than a metre wide (bank to bank), by **1 July 2025**, regardless of land slope.

## Low slope

Beef cattle and deer must be excluded from lakes and rivers more than one metre wide (bank to bank) by **1 July 2025**, on [low slope land as mapped](#). The map forms part of the regulations and are published on the Ministry for the Environment website.

## Wetlands

All cattle, deer and pigs must be excluded from:

- natural wetlands identified in an operative regional plan, district plan, or regional policy statement as at 3 September 2020, by **1 July 2023** (on any slope of land)
- natural wetlands that support a population of threatened species, by **1 July 2025**. Councils must identify water bodies that support threatened species to give effect to the National Policy Statement for Freshwater Management 2020
- natural wetlands more than 500m<sup>2</sup> in area on low slope land (as mapped) by **1 July 2025**.

# What are the key timelines?

**Table 1: Stock exclusion regulations by type of stock, waterbody, and slope**

	2020–21	2023	2025 and beyond
<b>Excluding all cattle, deer and pigs from lakes and rivers with a bed wider than one metre, with a three-metre minimum setback.</b>	From 3 September 2020, the requirements apply to any new pastoral system.	By 1 July 2023, the requirements apply to: <ul style="list-style-type: none"> <li>dairy cattle (except dairy support cattle) and pigs.</li> <li>all beef cattle and deer that are break feeding or grazing on annual forage crops or irrigated pasture (note: there are additional restrictions for <a href="#">intensive winter grazing</a>).</li> </ul>	By 1 July 2025, the requirements apply to: <ul style="list-style-type: none"> <li>dairy support cattle (regardless of land slope)</li> <li>beef cattle and deer when the land is low slope as shown on the <a href="#">map on the Ministry for the Environment website</a>.</li> </ul>
<b>Requiring cattle and pigs crossing rivers more than twice per month to use a dedicated culvert or bridge.</b>		By 1 July 2023, the requirements apply to: <ul style="list-style-type: none"> <li>dairy cattle (except dairy support cattle) and pigs</li> <li>beef cattle that are break feeding or grazing on annual forage crops or irrigated pasture.</li> </ul>	By 1 July 2025, the requirements apply to: <ul style="list-style-type: none"> <li>dairy support cattle (regardless of land slope)</li> <li>beef cattle when the land is low slope as shown on the <a href="#">map on the Ministry for the Environment website</a>.</li> </ul>
<b>Excluding all cattle, deer and pigs from natural wetlands.</b>	From 3 September 2020, the requirements apply to any new pastoral system.	By 1 July 2023, the requirements apply to natural wetlands identified in an operative regional plan, district plan, or regional policy statement as at 3 September 2020.	By 1 July 2025, the requirements apply to: <ul style="list-style-type: none"> <li>Natural wetlands that support a population of threatened species as described in the National Policy Statement for Freshwater Management 2020.</li> <li>Natural wetlands that are more than 500m<sup>2</sup> on low slope land as shown on the <a href="#">map on the Ministry for the Environment website</a>.</li> </ul>

## Regulations timeline exceptions:

The severe weather events of early 2023 significantly impacted councils and communities in affected areas.

In response, the Government extended several RMA deadlines. This included delaying [Regulation 3](#), subclauses (1)(b), (3)(b) and (5)(b) of the Resource Management (Stock Exclusion) Regulations 2020, for Hawkes Bay and Tairāwhiti/Gisborne. These originally came into force on 1 July, 2023 and will instead be delayed until 1 July, 2025.

You can find the Order here: [Severe Weather Emergency Response \(Resource Management-Time Extensions\) Order 2023](#).

## How does the low slope map apply?

The [low slope map](#) is part of the regulations. Low slope means land identified as low slope on the map.

Beef cattle and deer that are not break feeding, or grazing on annual forage crops or irrigated pasture, must be excluded from lakes and rivers more than one metre wide from 1 July 2025 (except for new pastoral systems, where this applies from 3 September 2020). Anyone can check any location on the map by writing an address or river name in the map's search box.

## Why these regulations?

Livestock entering water bodies contaminate the water and damage the banks of the water body. This is particularly serious when cattle, deer and pigs are involved. 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 a 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 and their banks and margins.

## More about the Essential Freshwater package

The package includes a number of provisions including:

- [National Environmental Standards for Freshwater](#)
- [stock exclusion regulations](#) under section 360 of the Resource Management Act 1991 (RMA)
- amendments to the [Resource Management \(Measurement and Reporting of Water Takes\) Regulations 2010](#)
- the [National Policy Statement for Freshwater Management 2020](#) that replaces the NPS-FM 2017
- [amendments to the RMA](#) to provide for a faster freshwater planning process
- [amendments to the RMA](#) to enable mandatory and enforceable freshwater farm plans, and to allow the creation of regulations for the reporting of nitrogen fertiliser sales.

### Key website links

- [Stock exclusion regulations](#)
- [Stock exclusion implementation guidance](#)

### Questions and feedback

Contact us by emailing [freshwater@mfe.govt.nz](mailto:freshwater@mfe.govt.nz) or visit the [Essential Freshwater](#) page on our website.

