

Essential Freshwater

The Resource Management (Stock Exclusion) Regulations 2020

Key points:

- Cattle (beef and dairy), deer and pigs are required to be excluded from wetlands, lakes and rivers with a bed width over 1 metre.
- The minimum setback of stock exclusion from the bed is 3 metres, except where existing permanent fencing is in place.
- Sheep and other animals are not included.
- The Regulations also do not apply to beef and deer that are not on low slope land or are not intensively grazing.
- The timeframes for these requirements vary from **1 July 2023 to 1 July 2025** depending on stock type and slope classification, except where the farm is established after 3 September in which case the requirements apply immediately.
- Different regulations apply in different circumstances – guidance for each animal can be found later in this factsheet.

What waterbodies must stock be excluded from?

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

Tributaries are not included if they are not more than 1 metre anywhere within the land parcel.

Definitions

A lake means a body of fresh water which is entirely or nearly surrounded by land.

A river means a continually or intermittently flowing body of fresh water. It 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).

A natural wetland means a wetland (permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions) 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, as at 3 September 2020, is dominated (more than 50 percent) by exotic pasture species and is subject to temporary rain-derived water pooling.

The specifics of when each stock type must be excluded from each waterbody type are set out later in this factsheet.

What does 'intensively grazing' mean?

Intensively grazing means:

- (a) break feeding; or
- (b) grazing on annual forage crops; or
- (c) grazing on pasture that has been irrigated with water in the previous 12 months.

How must livestock be excluded from lakes and rivers?

Where exclusion of stock from lakes and rivers is required there must be a minimum setback of 3 metres.

Nothing in the Regulations requires that fences are erected or any other particular method used to exclude stock. Any method that effectively excludes stock by 3 metres is sufficient. This includes permanent and temporary measures.

Nothing in the Regulations requires a barrier to be erected around or along an entire lake, river, or natural wetland. If there are no livestock present at a particular time then no barrier is required.

Stock may enter the 3 metre set back area only when crossing the river or lake.

I have already excluded stock but the setback isn't 3 metres. Do I have to move it?

If on 3 September 2020 there was a permanent fence or riparian vegetation that effectively excludes stock from a lake or wide river (or part of that lake or river) then you do not need to replace or move your fence. However, the fence and/or vegetation must be maintained to ensure that it continues to exclude stock from the waterway.

What is a permanent fence?

A permanent fence means:

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

Can stock cross waterbodies?

Pigs and dairy, dairy-support and beef cattle 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 they still must be supervised and driven across.

What are the setback requirements from lakes and rivers for dairy cattle?

Reg 9: By 1 July 2023, dairy cattle on any terrain:

- (a) must be excluded from lakes and wide rivers (except when crossing); and
- (b) must cross a lake or wide river by using a dedicated bridge or culvert unless they:
 - (i) are supervised and actively driven across the lake or wide river; and
 - (ii) do not cross the same lake or wide river more than twice in any month.

Note: If land is newly converted to pastoral farming then the setbacks must be immediately in place.

What are the setback requirements from lakes and rivers for pigs?

Reg 10: By 1 July 2023, pigs on any terrain:

- (a) must be excluded from lakes and wide rivers (except when crossing); and
- (b) must cross a lake or wide river by using a dedicated bridge or culvert unless they:
 - (i) are supervised and actively driven across the lake or wide river; and
 - (ii) do not cross the same lake or wide river more than twice in any month.

Note: If land is newly converted to pastoral farming then the setbacks must be immediately in place

What are the setback requirements from lakes and rivers for dairy support cattle?

Reg 11: By 1 July 2025, dairy support cattle on any terrain:

- (a) must be excluded from lakes and wide rivers (except when crossing); and

(b) must cross a lake or wide river by using a dedicated bridge or culvert unless they:

- (i) are supervised and actively driven across the lake or wide river; and
- (ii) do not cross the same lake or wide river more than twice in any month.

Note: If land is newly converted to pastoral farming then the setbacks must be immediately in place.

What are the setback requirements from lakes and rivers for beef cattle?

Reg 12: By 1 July 2023, beef cattle intensively grazing on any terrain:

- (a) must be excluded from lakes and wide rivers (except when crossing); and
- (b) must cross a lake or wide river by using a dedicated bridge or culvert unless they:
 - (i) are supervised and actively driven across the lake or wide river; and
 - (ii) do not cross the same lake or wide river more than twice in any month.

Note: If land is newly converted to pastoral farming then the setbacks must be immediately in place

Reg 14: By 1 July 2025, beef cattle on low slope land:

- (a) must be excluded from lakes and wide rivers (except when crossing); and
- (b) must cross a lake or wide river by using a dedicated bridge or culvert unless they:
 - (i) are supervised and actively driven across the lake or wide river; and
 - (ii) do not cross the same lake or wide river more than twice in any month.

Note: If land is newly converted to pastoral farming then the setbacks must be immediately in place

What are the setback requirements from lakes and rivers for deer?

Reg 13: By 1 July 2023, deer that are intensively grazing on any terrain must be excluded from lakes and wide rivers (except when crossing).

Reg 15: By 1 July 2025, deer on low slope land must be excluded from lakes and wide rivers (except when crossing).

Note: If land is newly converted to pastoral farming then the setbacks must be immediately in place.

Reg 14: By 1 July 2025, beef cattle on low slope land:

- (a) must be excluded from lakes and wide rivers (except when crossing); and
- (b) must cross a lake or wide river by using a dedicated bridge or culvert unless they:
 - (i) are supervised and actively driven across the lake or wide river; and
 - (ii) do not cross the same lake or wide river more than twice in any month.

Note: If land is newly converted to pastoral farming then the setbacks must be immediately in place.

What are the stock exclusion requirements from wetlands?

All cattle, deer and pigs must be excluded from:

Reg 16: Natural wetlands identified in a regional or district plan that is operative on commencement date : by 1 July 2023.

Reg 17: Natural wetlands that support a population of threatened species, by 1 July 2025.

Reg 18: Natural wetlands more than 500m² in area on low slope land by 1 July 2025.

Note: for new pastoral system exclusion applies on and from the commencement date of the stock in new pastoral system.

What is 'low slope' land?

Low slope land means land identified as low slope land in the interactive map found at:

www.mfe.govt.nz/fresh-water/freshwater-acts-and-regulations/stock-exclusion

The Government is aware there are inaccuracies with this dataset and has indicated it is working on improvements.

However, even if the information is inaccurate for your property, you need to comply until the data is officially corrected.

Contact us

If you have any questions on structures in waterbodies, reclamation of rivers or any other aspect of the NES-F please email monitoring@marlborough.govt.nz

Our website at www.marlborough.govt.nz will also be regularly updated with guidance.

