

Essential Freshwater

Stock exclusion factsheet

December 2022

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

The Essential Freshwater package aims to:

- stop further degradation of our freshwater
- start making immediate improvements so water quality improves 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 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 new 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 that 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 that is 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 they still must be supervised and driven across.

How must livestock be excluded?

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.

However, the regulations provide for an exception where an existing 'permanent fence'¹ or existing riparian planting already effectively excludes stock. These existing permanent fences established as at 3 September 2020 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.²
- To stock that are not cattle, pigs or deer, eg, sheep.

¹ 'Permanent fence' means a post-and-batten fence with driven or dug fence posts, or an electric fence with at least two electrified wires and driven or dug fence posts, or a deer fence.

² Ephemeral flows are temporary flows that exist briefly and immediately only after a period of rainfall or snow melt.

- 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 500m² 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.
- To wetlands 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.
- Nothing in the regulations requires the erection of fencing specifically, or any other particular method, as a mandatory method of excluding stock. Any method that effectively excludes stock from the lake, river, or natural wetland and relevant setback is sufficient.
- Nothing in the regulations requires a barrier to be erected around or along an entire lake, river, or natural wetland. 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.

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).

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 maps form 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 500m² 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 |
|---|---|---|--|
| Excluding all cattle, deer and pigs from lakes and rivers with a bed wider than one metre, with a three-metre minimum setback. | 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"> • dairy cattle (except dairy support cattle) and pigs. • all beef cattle and deer that are break feeding or grazing on annual forage crops or irrigated pasture (note: there are additional restrictions for intensive winter grazing). | By 1 July 2025, the requirements apply to: <ul style="list-style-type: none"> • dairy support cattle (regardless of land slope) • beef cattle and deer when the land is low slope as shown on the map on the Ministry for the Environment website. |
| Requiring cattle and pigs crossing rivers more than twice per month to use a dedicated culvert or bridge. | | By 1 July 2023, the requirements apply to: <ul style="list-style-type: none"> • dairy cattle (except dairy support cattle) and pigs. | By 1 July 2025, the requirements apply to: <ul style="list-style-type: none"> • dairy support cattle (regardless of land slope) |
| Excluding all cattle, deer and pigs from natural wetlands. | 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"> • Natural wetlands that support a population of threatened species as described in the National Policy Statement for Freshwater Management 2020. • Natural wetlands that are more than 500m² on low slope land as shown on the map on the Ministry for the Environment website. |

How does the low slope map apply?

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

In 2021, the Government consulted on proposed changes to the map and, as a result of this consultation, the map has now been updated.

The map now shows land with an average slope less than or equal to 5 degrees using a new mapping methodology, where the average slope is calculated using 'local terrain averaging'. Slope is no longer averaged across a land parcel. Areas over 500m in altitude are also excluded from the low slope map.

For more detailed information about how the map has changed, please refer to the [Regulatory impact statement – changes to the map of low slope land in stock exclusion regulations](#).

For more information about the methodology used to create the maps, see the [Method for deriving the stock exclusion low slope land map factsheet](#).

If you believe there is an anomaly or mistake on the map, you can email freshwater@mfe.govt.nz with information about the exact location of the land and any contact details so that the Government can investigate the extent of any issues.

Why these regulations?

Livestock entering water bodies contaminate the water directly, and damage the banks of the water body. This is particularly serious 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 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.

Factsheets in this series

The full set of Essential Freshwater factsheets is available [on our website](#).

Find out more and give us feedback

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

