



Stock exclusion

Essential Freshwater

Essential Freshwater came into force in September 2020 and is part of a national direction to protect and improve our rivers, streams, lakes, wetlands and estuaries.

The Essential Freshwater package aims 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).

Where stock need to be excluded, they 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?

Where stock need to be excluded, 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.

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?

Lakes and wide rivers

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**.

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

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**
- 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.

Regulations 16 and 17 do not apply to the upper Taieri scroll plain geographic region in Otago.

What are the key timelines?

Table 1: Stock exclusion regulations by type of stock and water body

	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 3-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
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 beef cattle that are break feeding or grazing on annual forage crops or irrigated pasture. 	By 1 July 2025, the requirements apply to: <ul style="list-style-type: none"> dairy support cattle
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 natural wetlands that support a population of threatened species as described in the National Policy Statement for Freshwater Management 2020.

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 Hawke’s 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](#).

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
- [freshwater farm plans](#)
- amendments to the [Resource Management \(Measurement and Reporting of Water Takes\) Regulations 2010](#)
- the [National Policy Statement for Freshwater Management 2020](#) which 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 the creation of regulations for the reporting nitrogen fertiliser sales.

Key website links

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

Questions and feedback

Contact us by emailing freshwater@mfe.govt.nz, or visit the [Essential Freshwater page](#) on the Ministry for the environment's website.

Disclaimer

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