



Wai Māori Mātuatua Essential Freshwater

Intensive winter grazing

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 freshwater
- start making immediate improvements, so water quality improves within five years
- reverse past damage, to bring 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 fact sheet?

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

Why do we need regulations for intensive winter grazing?

Intensive winter grazing is a farming practice in which livestock (cattle, sheep, deer) are confined over winter to outdoor feeding areas planted with annual forage crops (eg, swedes, kale and fodder beet).

Annual forage crops are a part of some pastoral farm-production systems. They provide livestock feed when there is no or low pasture growth and contribute to pasture-renewal rotations for improved production.

However, it is widely acknowledged that, if done poorly or too extensively, intensive winter grazing can have serious negative effects on both animal welfare and the environment, particularly freshwater and estuary health.

Poor management of livestock winter grazing on annual forage crops can result in degradation of ecosystem health. Intensively winter-grazed paddocks increase the risk of sediment runoff into waterways and depleting aquatic life. When animals feed on annual forage crops, their trampling can result in paddocks becoming pugged, damaging soil structure and stripping land of its protective vegetative cover. This results in the increased discharge of nutrients, sediment and microbial pathogens into surface and ground water.

Poor management can lead to animal-welfare issues, which are a concern for the Ministry for Primary Industries (MPI) in administering the Animal Welfare Act 1999, supporting regulations and animal codes.

What are the regulations?

The [Resource Management \(National Environmental Standards for Freshwater\) Regulations 2020](#) (NES-F) include two minimum requirements (regulations 26 and 27) for undertaking intensive winter grazing:

- **Minimum setback:** An area of land that is used for intensive winter grazing on a farm must be located at least 5 metres away from the bed of any river, lake, wetland, or drain (regardless of whether there is any water in it at the time).
- **Critical source area:** The following requirements apply to any critical source area that is within, or adjacent to, any area of land that is used for intensive winter grazing:
 - the critical source area must not be grazed
 - vegetation must be maintained as ground cover over all of the critical source area
 - maintaining that vegetation must not include cultivation or harvesting of annual forage crops.

Intensive winter grazing refers to grazing livestock on an annual forage crop¹ at any time in the period 1 May to 30 September. As such, restrictions relating to an area of land that is used for intensive winter grazing apply during this period.

A failure to meet the minimum setback and critical source area standards allows councils to issue abatement notices and enforcement orders, or undertake prosecution based on non-compliance with regulations.

¹ An annual forage crop is defined in regulation 3 of the NES-F as a crop that is grazed by livestock in the place where it is grown; it excludes pasture or a crop that is grown for arable land use or horticultural land use.

A person using land for intensive winter grazing must provide any information required by a regional council enforcement officer for the purpose of monitoring compliance with pugging and ground cover regulations.

What is a critical source area?

A critical source area means a means a landscape feature such as a gully, swale, or depression that—

- accumulates runoff from adjacent land
- delivers, or has the potential to deliver, 1 or more contaminants to 1 or more rivers, lakes, wetlands, or drains, or their beds (regardless of whether there is any water in them at the time).

Protecting a critical source area from intensive winter grazing can minimise soil disturbance that occurs from exposed soil and preserve the vegetative cover within the critical source area. The critical source area filters sediment out of overland flows before it can reach connected surface water bodies.

Regional plan rules

A regional plan can still include rules about intensive winter grazing and, for example, require a resource consent. It is important to check with your regional council whether there are any relevant rules in your area, and how they might apply to you.

Guidance and resources

The [2021/2022 Intensive Winter Grazing Module](#), produced by the Ministry for the Environment in collaboration with MPI, can assist farmers with planning and managing winter grazing in 2022.

The [Intensive winter grazing implementation guidance web page](#) includes a series of documents to support those who manage and monitor intensive winter grazing activities. This includes guidance on critical sources areas, pugging, ground cover and animal management.

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 certified freshwater farm plans, and the creation of regulations for reporting nitrogen fertiliser sales.

Factsheets in this series

The full set of Essential Freshwater factsheets is available on the Ministry for the Environment's website.

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.

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