Stockholding definition guidance

Ministry for the Environment
Manatū Mō Te Taiao

Te Kāwanatanga o Aotearoa
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Purpose

This document is non-statutory and not legally binding. Its purpose is to provide guidance on what is and what is not a stockholding area in relation to sections 12 to 14 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020.

Environmental implications of stockholding areas

Stockholding areas can pose a high environmental risk to fresh water, if managed poorly. Poor management can result in a high volume and concentration of animal dung and urine (effluent) leading to water quality contamination and degradation. Inadequate design, construction and placement of stockholding areas can also lead to a decline in water quality and an increased erosion risk.

The regulations aim to capture the high-risk stockholding areas that may need consent, to manage potential risks and permit stockholding areas where the risk is lower due to the activity itself and/or the way it is constructed or managed. Risks associated with practices or facilities not captured by the NES-F provisions (eg, sacrifice paddocks) should still be managed, possibly through the Certified Freshwater Farm Plan process. The goal is to reduce the impact on the environment by using good practice.

What do the regulations say?

Thresholds

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F; Part 2, section 8(1)) apply to farms on which:

a) 20 hectares or more is in arable land use; or

b) 5 hectares or more is in horticultural land use; or

c) 20 hectares or more is in pastoral land use; or

d) 20 hectares or more is in a combination of any two or more of the land uses described above.

Definitions

The Regulations' definitions are found in section 3 of the National Environmental Standards for Freshwater. A stockholding area is defined in regulations as:

(a) an area for holding cattle at a density that means pasture or other vegetative ground cover cannot be maintained (for example, feed pads, winter pads, standoff pads, and loafing pads); but

(b) does not include an area used for pastoral purposes that is in the nature of a stockyard, milking shed, wintering barn, or sacrifice paddock.

Application

The regulations apply to the use of land for stockholding areas **other than feedlots**[1] to hold cattle, and to associated discharges of contaminants into or onto land, including in circumstances that may result in a contaminant entering water. The use of land for stockholding areas other than feedlots is a **permitted activity** if at least 90 per cent of the cattle held are no more than 4 months old **OR** weigh no more than 120 kilograms.

For larger and older cattle (10 per cent or more of the cattle are more than 4 months old or weigh more than 120 kilograms), it is a permitted activity, provided the following three conditions are met in section 13(4):

(1) the base of the stockholding area is sealed to a minimum permeability standard of 10^{-9} metres per second; and

(2) effluent expelled in the stockholding area is collected, stored and disposed of in accordance with a rule in a regional or district plan, or a resource consent; and

(3) the stockholding area is at least 50 metres away from any waterbody, water abstraction bore, drain,[2] and the coastal marine area.

Stockholding areas are also permitted if the holding of cattle in the stockholding area is undertaken according to the farm's certified freshwater farm plan if:

(a) the farm has a certified freshwater farm plan that applies to the holding of cattle in the stockholding area; and

(b) a certifier has certified the adverse effects (if any) allowed for by the plan in relation to the holding of cattle in the stockholding area are no greater than those allowed for by the conditions above (section 13(4)).

Given no pathway exists at present for a certified freshwater farm plan, if a stockholding area is not permitted, consent is required as of **1 July 2021 (section 2(2)(b))**, or if it is an existing use consent, it must be applied for by **1 January 2022**, provided it meets the following conditions:

- areas were permitted, or allowed without a consent, and lawfully established, before the relevant regulations commenced; and
- the effects of the activities are of the same or similar character, scale and intensity as they were before commencement; and
- the person carrying out the activities applies for consent no later than 6 months after commencement. The activities may continue until the consent application, and any appeals, are finally determined (Resource Management Act 1991, section 20A).

Some stockholding areas may also be permitted in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F); however consent is required through a regional plan (or vice versa). It is important to remember that whichever is more stringent applies, so please ensure council rules are checked.

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[1] **Feedlot** means a stockholding area where cattle:

(a) are kept for at least 80 days in any 6-month period; and

(b) are fed exclusively by hand or machine.

[2] Drain means any artificial watercourse designed, constructed or used for the drainage of surface or subsurface water, but excludes artificial watercourses used for the conveyance of water for electricity generation, irrigation or water supply purposes.

Other considerations

Stockholding areas are often used to protect soil and pasture, maximise feed efficiency and alleviate weather events. While it is good practice to have stockholding areas for these purposes, in extreme adverse events, stock may need to be held in areas that mean pasture or other vegetative cover cannot be maintained. As with any extreme adverse event, it is accepted that a pragmatic approach will be taken. However, farmers also need to be mindful of the changing climate, the predicted increase in adverse events and how stock might be managed during these periods.

The Animal Welfare Act 1999 and associated Code of Welfare for Dairy Cattle 2019 also establishes that animal owners or people in charge of animals ensure an animal's physical, health and behavioural needs are met, this includes:

- proper and sufficient food and water
- adequate shelter
- the opportunity to display normal patterns of behaviour
- appropriate physical handling
- protection from, and rapid diagnosis of, injury and disease.

This guidance document does not define effluent management, because the discharge of the contaminant determines whether the stockholding area is a permitted or discretionary activity for cattle older than 4 months or more than 120 kilograms. For stockholding areas not included in the regulations, good practice around effluent capture and management should be considered and/or may be required through a regional plan and/or the Resource Management Act 1991.

Much information is available on designing and building stockholding areas that follow best practice for animals and the environment. It is recommended you access this information, to make sure your stockholding areas meet best practice.

Definition of a stockholding area

A stockholding area is defined in section 3 of the regulations as an area for holding cattle at a density that means pasture or other vegetative cover cannot be maintained. These areas include feed pads (including beef feeding areas), winter pads, stand-off pads, loafing pads and silage pits. This guidance does not apply to feedlots[3] and sacrifice paddocks[4]. Feedlots and sacrifice paddocks are defined in the NES-F (section 3), so are not discussed in detail in this document. Please see the NES-F for further guidance.

Some stockholding areas are considered low risk and the regulations do not apply. Not all stockholding area types are described in this document, but various examples are given (table 1). If you need further guidance, please talk to your local regional council.

Stockholding areas may exist that are not listed in table 1 but that meet the definition of stockholding area, these will need to meet the regulations or require consent.

Table 1: Examples of stockholding areas

Examples of stockholding areas	
Included in the regulations	**Not included in the regulations (permitted activity)**
Feed pads (may be covered or uncovered[5]) including beef feeding areas	Wintering barns
Winter pads	Sacrifice paddocks
Stand-off pads and loafing pads (covered or uncovered)	Barn (including composting barn)
Keeping cattle in silage pits	Stockyard and covered
Keeping cattle in laneways (**with** supplementary feed)	Milking shed
	Calf-raising/calf-rearing areas
	Keeping cattle in laneways (**without** supplementary feed)
	Keeping cattle in forestry blocks

[3] **Feedlot** means a stockholding area where cattle:

(a) are kept for at least 80 days in any 6-month period; and

(b) are fed exclusively by hand or machine.

[4] **Sacrifice paddock** means an area on which:

(a) cattle are repeatedly, but temporarily, contained (typically during extended periods of wet weather); and

(b) the resulting damage caused to the soil by pugging is so severe as to require resowing with pasture species.

[5] Covered feed pads have a lower environmental risk if managed appropriately and similarly to wintering barns. The Ministry is considering minor technical changes to the NES-F regulations to provide a clear definition for wintering barns and covered feed pads. The stockholding definition guidance will be updated if any changes are made.

Included stockholding areas

Stockholding areas included in the regulations have several main characteristics, as follows.

- A stockholding area increases the risk of effluent and nutrient loss to water, by holding cattle in a confined area. The effluent produced is then exposed to rainfall, increasing the risk of runoff to water or through the soil profile, so its management is needed to mitigate this risk.
- Feeding often occurs on the stockholding area where feed is brought to cattle.
- Cattle tend to be held for long or frequent periods, thus increasing the effluent on the area and the need for it to be managed.
- The stocking density or feed-pad structure prevents the maintenance of pasture or groundcover.

The photos that follow are examples only and may include areas not described in the explanatory text.

Feed pad (including beef feeding areas)

This is a facility used for supplementary feeding of cattle.

Note

The definition captures permeable land and artificially sealed land. Artificially sealed land is where the base area is sealed to a minimum permeability standard of 10^{-9} metres per second, for example, with concrete, geomembrane (synthetic) liners.

Permeable land means a stockholding area specially designed to hold animals for feeding, where the base of the area is not sealed and may include soil. This may include feedlots that are under the 80-day threshold (within a six-month period) and is not intended to capture temporary stockholding areas used to feed cattle in extreme adverse weather events.

This does include the feeding of cattle in a laneway with supplementary feed.

Winter pad

A winter pad is an uncovered area where cattle are held on a deep carbon bedding layer made up of brought-in material, for resting and supplementary feeding during winter months.

Note

Brought in-material includes concrete lime, woodchips, sawdust, bark or soft rock; anything that is not the natural surface of the area.

A deep carbon bedding layer is material, such as straw, sawdust or woodchips, that absorbs effluent.

A winter pad is different from a winter barn and intensive winter grazing on pasture and crops.

Stand-off pad and loafing pad

Stand-off and loafing pads can be uncovered or covered areas where cattle are held on brought-in material for resting and, in some regions, supplementary feeding.

Note

Brought-in material includes concrete lime, woodchips, sawdust, bark or soft rock; anything that is not the natural surface of that area.

Keeping cattle in silage pits

Silage pits are enclosed areas that allow cattle to have access to silage.

Not included in the regulations (permitted activity)

The following types of stockholding areas are permitted or excluded from the definition in the NES-F:

Wintering barn

A wintering barn is a covered area where cattle are held on a deep carbon bedding layer or other brought-in materials for resting and supplementary feeding during winter months.

Note

Brought-in material includes concrete lime, woodchips, sawdust, bark or soft rock; anything that is not the natural surface of that area.

A deep carbon bedding layer is material, such as straw, sawdust or woodchips, that absorbs effluent.

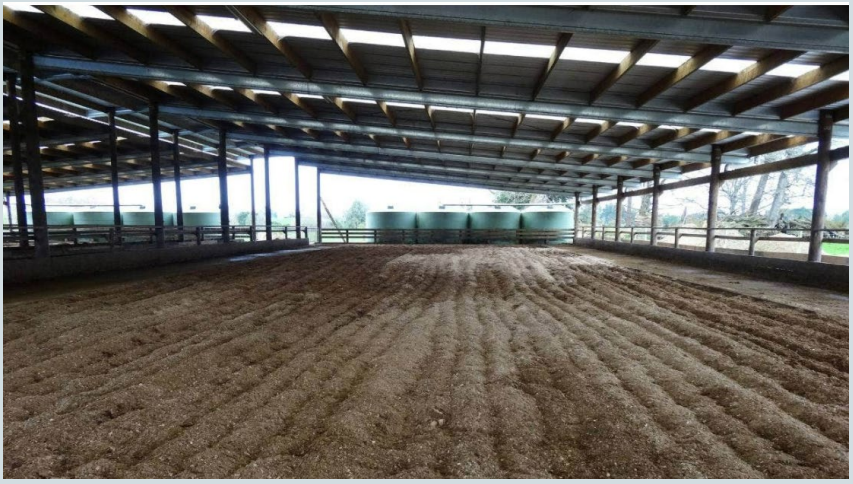
Barn (including composting barn)

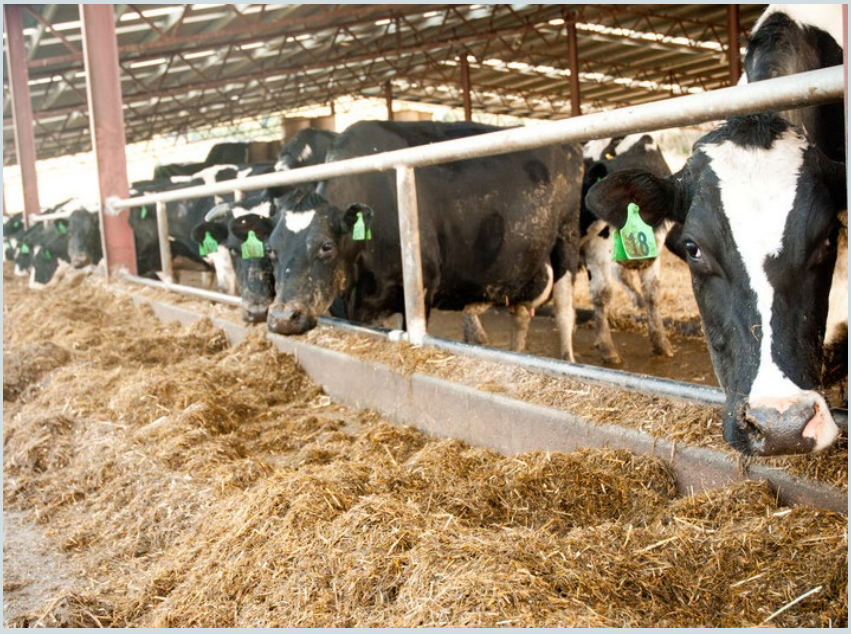
A barn is a covered area where cattle are held on a deep carbon bedding layer or other brought-in materials for resting and supplementary feeding.

Note

A deep carbon bedding layer is material, such as straw, sawdust or woodchips, that absorbs effluent.

Brought-in material includes concrete lime, woodchips, sawdust, bark or soft rock; anything that is not the natural surface of that area.





Stockyard and covered yard

These covered or uncovered yards are enclosed areas where cattle are temporarily held for handling, transportation and/or yard weaning. This could include temporary or permanent pens or sheds.

Note

All practicable steps should be taken to minimise the potential effects of effluent runoff.

Milking shed

This is a facility used for the collection of milk and handling of cattle. It can include the holding yards, milking platform, milk room, vat stand, vet race, tanker apron and artificial insemination shed.

Calf raising (calf rearing areas)

These areas are covered or uncovered and provide shelter for rearing calves. They can include a purpose-built or modified shed or shelter where calves have access to soft bedding.

Note

Make sure requirements of the Animal Welfare Act 1999 are met.

Keeping cattle in laneways (without supplementary feed)

This involves the **temporary** holding of cattle in a laneway with a base made from materials such as compacted gravels or grass. Laneways are used for

(a) movement between the milking shed and back to the paddock

(b) shifting of cattle between paddocks.

Note

The feeding of cattle in a laneway is included as a stockholding area because of the increased environmental risk associated with the activity.

Keeping cattle in forestry blocks

This involves holding cattle in an enclosed forestry area or shelter belt, where supplementary feed is provided, or pasture is grazed and maintained.

Note

Cattle in fenced native areas is discouraged.

Compliance requirements

Figure 1 shows the steps for meeting stockholding area compliance requirements under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F).

Other similar activities are regulated under the NES-F, such as feedlots and intensive winter grazing, so please make sure these requirements are explored, should your activity not be deemed a stockholding area.

Although certified freshwater farm plans are included in figure 1, no pathway is yet in place for these plans. When this pathway is available, stockholding areas may be able to be managed through a certified freshwater farm plan rather than the consent process required by the NES-F. This will be possible if the adverse effects are no more than those conditions required to meet the permitted activity standard.

Figure 1: Stockholding area compliance requirements under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020