

Essential freshwater

Stock Exclusion Regulations

The Resource Management (Stock Exclusion) Regulations 2020 (the 'Regulations') came into force on 3 September 2020.

These are in addition to the Council's riparian management programme, which also covers stock exclusion from waterbodies.

Key points:

- If you have a Council riparian management plan that was fully implemented (pending an audit over the next 2.5 years) before 3 September 2020 then you already comply with both the Council and Government regulations.
- If you have a Council riparian management plan that was not fully implemented before 3 September 2020 contact your Council Land Management Officer for advice tailored to your situation.
- If you do not have a Council riparian management plan the new Regulations may apply to you.
- The Council remains committed to completing its riparian management programme. When its new riparian management rules are introduced in the upcoming *Natural Resources Plan* they will trump the Government Regulations. This means if you have been advised by the Council you need a riparian management plan you must comply with it.

I have a Taranaki Regional Council riparian management plan. Do I still have to comply with the Regulations?

Yes. However if you implemented your riparian plan to the specifications advised by the Council by 3 September 2020 then chances are you do not need to do anything more, except for maintaining your fences and planting. If you are unsure, contact your Council Land Management Officer.

If you have a plan that is not fully implemented, please discuss your situation with your Council Land Management Officer to ensure you comply with both the Council and Government requirements.

How do the Regulations affect the Council's riparian management programme?

The Council has long indicated that with the introduction of its new freshwater regulations for Taranaki, completing the implementation of riparian management plans will become compulsory. The Council remains committed to this position, which currently applies to intensively farmed areas including

the Taranaki ring plain and coastal marine terraces, regardless of slope.

When the Council proposes its new freshwater regulations as part of the development of its proposed *Natural Resources Plan* (which must be publicly notified by December 2024 but will likely happen sooner), it will contain rules making it compulsory to have and implement your riparian management plan where you have been advised by the Council that you are required to do so. If you do not then you will require a resource consent from the Council. This will also be the case if you have not implemented your plan as instructed.

The Council riparian management plans generally contain more stringent requirements than the Regulations as they require planting and cover more waterbodies. This means the **Council rules will 'trump' the Regulations**. Compliance with the Regulations does not necessarily mean you will comply with the Council rules.

The Council riparian management programme is not Taranaki-wide. **If you do not have a Council riparian management plan the Regulations may still apply to you.**

What animals do the Regulations cover?

Deer, pigs, dairy support cattle, dairy cattle and beef cattle. Different regulations apply in different circumstances – guidance for each animal can be found later in this factsheet.

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.

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.



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%) 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.

The exception to this is where the Council has advised your fence must be moved to comply with your Council riparian plan.

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?

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.

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?

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.

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?

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.

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?

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

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

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?

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.

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.

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:

- Natural wetlands already identified (as at 3 September 2020) in the Regional Freshwater Plan for Taranaki or any of Taranaki's district council district plans (e.g. as a significant natural area) by 1 July 2023 (on any slope of land).
- Natural wetlands that support a population of threatened species, by 1 July 2025. The Council will identify water bodies that support threatened species through its Natural Resources Plan which will be notified before December 2024.
- Natural wetlands more than 500m² in area on low slope land by 1 July 2025.

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

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 the Stock Exclusion Regulations, the Council's riparian management programme or how they work together, please contact our Land Management team on 0800 736 222 or email riparian@trc.govt.nz.

Our website at www.trc.govt.nz will also be regularly updated with guidance on all aspects of the new freshwater rules.

