

A guide to the national and regional rules for freshwater

# Excluding stock from waterways

Stock exclusion from waterways is required under both the proposed Southland Water and Land Plan (pSWLP), the Stock Exclusion Regulations (SER) and the regulations that form part of the Essential Freshwater package.

The regional pSWLP and national SER have different dates for stock to be excluded from waterways. For each stock type, which ever date is the earliest from either document, is the date which applies. If you'd like to chat through your specific situation, please give our consents team a call on 0800 76 88 45.

## ► Stock exclusion from water bodies

Under Southland's proposed plan, **dairy cattle and pigs** have been excluded from:

- all waterbodies

From 1 July 2023 the national regulations require **dairy cattle and pigs** to be excluded from lakes and rivers over one metre wide.

Under Southland's proposed plan, by 1 July 2022 **dairy support cattle** must be excluded from:

- all water bodies

The national regulations require **dairy support cattle** to be excluded from waterbodies by 1 July 2025.

Under Southland's proposed plan, **beef cattle and deer** must be excluded from:

- all water bodies where break feeding occurs by 1 July 2022.
- all water bodies on land three degrees in slope or less by 1 July 2025; and
- all water bodies over one metre wide on land over three degrees in slope by 1 July 2030, unless the stocking rate is less than six units per hectare; and

The national regulations require **beef cattle and deer** to be excluded from lakes and rivers over one metre wide by 1 July 2023.

## ► Stock exclusion from special water bodies

Under Southland's proposed plan, **all stock including cattle, deer, pigs and sheep** must be excluded from:

- a Regionally Significant Wetland or Sensitive Water Body (Appendix A in the proposed Southland Water and Land Plan); and
- the bed of a lake, river (including ephemeral river), modified watercourse, or natural wetland that is a habitat (roosting or nesting area) for the black fronted tern, black billed gull, banded dotterel or black fronted dotterel.

This applies now and is a prohibited activity which means the stock exclusions must be complied with. You cannot apply for a consent for this activity.

Under the national regulations, **beef cattle, dairy cattle, dairy support cattle, deer, and pigs** must be excluded from:

- any natural wetland that supports a population of threatened species; and
- natural wetlands that are over 0.05 hectares, on land that is on average 10 degrees in slope or less.

This applies now and, as the requirement comes from the national regulations, it must be complied with. You cannot apply for a consent for this activity.



## ▶ Three metre rule

Under the national regulations, **beef cattle, dairy cattle, dairy support cattle, deer, and pigs** must be kept at least three metres back from the edge of a lake bed or river over one metre wide from the date stock exclusion is required. However, stock are allowed within three metres of a lake or river over one metre wide if:

- stock are using a bridge or culvert; or
- stock are crossing a lake or river (in accordance with the water crossing requirements in the regulations); or
- a permanent fence or riparian vegetation that effectively excludes stock from the bed of a lake or river was already in place on 3 September 2020.

This condition must be complied with. You cannot apply for a consent to allow stock within three metres under any other circumstances.

## ▶ New farm conversions

Under the national regulations, any land converted to pastoral use from 3 September 2020 must meet the following requirements now.

- **Dairy cattle, pigs, and dairy support cattle** must be excluded from lakes and rivers over one metre wide.
- **Beef cattle and deer** must be excluded from:
  - lakes and rivers over one metre wide on land with an average slope of 10 degrees or less; and
  - lakes and rivers over one metre wide when intensively grazed.

## ▶ Water crossings

Southland's proposed plan does not allow **dairy cattle** to move through a river without consent. This means that the use of a culvert or bridge is required. Stock including **cattle, deer, pigs or sheep (but excluding dairy cattle)** may be moved across the bed of a river or modified watercourse as a permitted activity provided:

- the stock are being supervised; and
- are actively driven across the waterbody in one continuous movement.

Under the national regulations, **beef cattle, dairy support cattle, deer, and pigs** must cross a lake or wide river by using a dedicated bridge or culvert, unless they:

- are supervised and actively driven across the lake or wide river; and

- do not cross the same lake or wide river more than twice in any month.

A person does not have to comply with the national regulations for water crossing if:

- it is too difficult to install a bridge or culvert because the river has a highly mobile bed;
- the stock are supervised and actively driven across the river; and
- the stock do not cross the same lake or wide river more than twice in any month.

## Definitions

### INTENSIVELY GRAZING

- (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.

### NATURAL WETLAND (SER)

**Natural wetland** has the meaning given to natural inland wetland in the National Policy Statement for Freshwater Management (NPS-FM), except that the exclusion of wetlands in the coastal marine area does not apply.

### NPS-FM Definition

**Natural inland wetland** means a wetland (as defined in the Act) that is not:

- (a) in the coastal marine area; or
- (b) a deliberately constructed wetland, other than a wetland constructed to offset impacts on, or to restore, an existing or former natural inland wetland; or
- (c) a wetland that has developed in or around a deliberately constructed water body, since the construction of the water body; or
- (d) a geothermal wetland; or
- (e) a wetland that:
  - (i) is within an area of pasture used for grazing; and
  - (ii) has vegetation cover comprising more than 50% exotic pasture species (as identified in the National List of Exotic Pasture Species using the Pasture Exclusion Assessment Methodology (see clause 1.8)); unless

- (iii) the wetland is a location of a habitat of a threatened species identified under clause 3.8 of this National Policy Statement, in which case the exclusion in (e) does not apply.

#### **NATURAL WETLAND (PSWLP)**

**Natural wetland** includes 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, but excludes:

- (a) wet pasture, damp gully heads, or where water temporarily ponds after rain or pasture containing patches of rushes;
- (b) effluent ponds;
- (c) artificial storage facilities and detention dams;
- (d) artificial watercourses such as conveyance and drainage canals;

- (e) reservoirs for firefighting, domestic or community water supply; and
- (f) engineered soil conservation structures.

#### **SLOPE**

The Ministry for the Environment has mapped land that has 10 degrees of slope or less. The map is available [here](#) or on the website [www.mfe.govt.nz](http://www.mfe.govt.nz).

#### **THREATENED SPECIES**

Any indigenous species of flora or fauna that:

- (a) relies on water bodies for at least part of its life cycle; and
- (b) meets the criteria for nationally critical, nationally endangered, or nationally vulnerable species in the New Zealand Threat Classification System Manual.

## **FURTHER INFORMATION**

- This factsheet is a summary. For more information refer to our [Essential Freshwater Package](#) webpage or call our consents team on **0800 76 88 45**.
- To sign up to the e-newsletter for updates on this topic and others go to [www.es.govt.nz/subscribe](http://www.es.govt.nz/subscribe)