



Resource Management (Stock Exclusion) Regulations 2020

Patsy Reddy, Governor-General

Order in Council

At Wellington this 3rd day of August 2020

Present:

The Right Hon Jacinda Ardern presiding in Council

These regulations are made under section 360 of the Resource Management Act 1991 on the advice and with the consent of the Executive Council.

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Regulations

- 1 Title**
 These regulations are the Resource Management (Stock Exclusion) Regulations 2020.
- 2 Commencement**
 These regulations come into force on 3 September 2020.
- 3 Application**
- (1) Regulations 9 and 10 (which relate to dairy cattle and pigs on any terrain) apply on and from—
 - (a) the commencement date in relation to dairy cattle or pigs in a new pastoral system; and
 - (b) 1 July 2023 in any other case.
 - (2) Regulation 11 (which relates to dairy support cattle on any terrain) applies on and from—

- (a) the commencement date in relation to dairy support cattle in a new pastoral system; and
 - (b) 1 July 2025 in any other case.
- (3) Regulations 12 and 13 (which relate to beef cattle and deer that intensively graze on any terrain) apply on and from—
 - (a) the commencement date in relation to beef cattle or deer in a new pastoral system; and
 - (b) 1 July 2023 in any other case.
- (4) Regulations 14 and 15 (which relate to beef cattle and deer on low slope land) apply on and from—
 - (a) the commencement date in relation to beef cattle or deer in a new pastoral system; and
 - (b) 1 July 2025 in any other case.
- (5) Regulation 16 (which requires the exclusion of stock from natural wetlands identified in a regional or a district plan that is operative on the commencement date) applies on and from—
 - (a) the commencement date in relation to stock in a new pastoral system; and
 - (b) 1 July 2023 in any other case.
- (6) Regulation 17 (which requires the exclusion of stock from natural wetlands that support a population of threatened species) applies on and from—
 - (a) the commencement date in relation to stock in a new pastoral system; and
 - (b) 1 July 2025 in any other case.
- (7) Regulation 18 (which requires the exclusion of stock from natural wetlands on low slope land) applies on and from—
 - (a) the commencement date in relation to stock in a new pastoral system; and
 - (b) 1 July 2025 in any other case.

4 Interpretation

In these regulations, unless the context otherwise requires,—

Act means the Resource Management Act 1991

annual forage crop means a crop, other than pasture, that is grazed in the place where it is grown

beef cattle means cattle that are reared for producing meat

break feeding means the feeding of stock within an area of pasture or crop—

- (a) within a paddock in which the fence is moved regularly to allow the stock to graze another area of pasture or crop within the paddock; or
- (b) within a paddock—
 - (i) that is subdivided into cells or grids using temporary fencing; and
 - (ii) where the stock are moved regularly

commencement date means 3 September 2020

dairy cattle—

- (a) means cattle that are farmed for producing milk; and
- (b) includes—
 - (i) any bull on the farm whose purpose is mating with those cattle; and
 - (ii) unweaned calves of those cattle; but
- (c) does not include dairy support cattle

dairy support cattle means cattle that—

- (a) are farmed for producing milk but are not being milked (for example, because they are heifers or have been dried off); and
- (b) are grazed on land that is not grazed by dairy cattle

dedicated bridge or culvert means a bridge or culvert—

- (a) on which stock can safely cross a lake or river; and
- (b) that is designed so that any runoff is channelled away from the lake or river

improved pasture means an area of land where exotic pasture species have been deliberately sown or maintained for the purpose of pasture production, and species composition and growth has been modified and is being managed for livestock grazing

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

low slope land means land identified as low slope land in <https://www.mfe.govt.nz/fresh-water/freshwater-acts-and-regulations/stock-exclusion>

natural wetland means a wetland (as defined in the Act) 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, at the commencement date, is dominated by (that is more than 50% of) exotic pasture species and is subject to temporary rain-derived water pooling

new pastoral system means any land that has been converted to pastoral land use

pastoral land use has the meaning given in section 217B of the Act

stock—

- (a) means beef cattle, dairy cattle, dairy support cattle, deer, or pigs; and
(b) to avoid doubt, does not include any feral animal

wide river means a river (as defined in the Act) with a bed that is wider than 1 metre anywhere in a land parcel.

5 Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.

Who must comply with these regulations

6 Who must comply with these regulations

A person who owns or controls stock must comply with these regulations.

When compliance is not required

7 When compliance with water crossing requirements not required

A person does not have to comply with the requirements in regulation 9(b), 10(b), 11(b), 12(b), or 14(b) in relation to a wide river if—

- (a) it is too difficult to install a dedicated bridge or culvert because the river has a highly mobile bed; and
(b) the person ensures that stock are supervised and actively driven across the river.

Exclusion of stock from lakes and wide rivers

8 Exclusion of stock from lake or wide river includes 3-metre setback

- (1) Stock that are required by these regulations to be excluded from lakes and wide rivers must not be allowed closer than 3 metres to the edge of the bed of a lake or wide river (**3-metre setback rule**).
- (2) The 3-metre setback rule does not apply if—
- (a) stock need to access the area in order to enter or exit a dedicated bridge or culvert; or
(b) stock—

- (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; or
- (c) regulation 7 applies.

9 Dairy cattle on any terrain

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.

10 Pigs on any terrain

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.

11 Dairy support cattle on any terrain

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.

12 Beef cattle intensively grazing on any terrain

Beef cattle that are 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.

13 Deer intensively grazing on any terrain

Deer that are intensively grazing on any terrain must be excluded from lakes and wide rivers (except when crossing).

14 Beef cattle on low slope land

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.

15 Deer on low slope land

Deer on low slope land must be excluded from lakes and wide rivers (except when crossing).

Exclusion of stock from natural wetlands

16 Exclusion of stock from natural wetlands identified in regional or district plan operative on commencement date

All stock must be excluded from any natural wetland that is identified in a regional or district plan or a regional policy statement that is operative on the commencement date.

17 Exclusion of stock from natural wetlands that support threatened species described in National Policy Statement for Freshwater Management 2020

- (1) All stock must be excluded from any natural wetland that supports a population of threatened species as described in the compulsory value for threatened species in the National Policy Statement for Freshwater Management 2020.
- (2) A natural wetland referred to in subclause (1) includes a natural wetland identified in a regional plan that becomes operative after the commencement date.

18 Exclusion of stock from natural wetlands on low slope land

All stock on low slope land must be excluded from any natural wetland that is 0.05 hectares or more.

Miscellaneous

19 More stringent regional rule prevails over provision in these regulations

Despite section 68(2) of the Act, a more stringent rule in a regional plan prevails over a provision in these regulations that relates to the same matter.

20 Resource Management (Infringement Offences) Regulations 1999 amended

- (1) This regulation amends the Resource Management (Infringement Offences) Regulations 1999.
- (2) In regulation 2, insert as subclause (2):
 - (2) Non-compliance with a provision of the Resource Management (Stock Exclusion) Regulations 2020 listed in Schedule 1A is an infringement offence for the purposes of sections 343A to 343D of the Resource Management Act 1991.
- (3) In regulation 3, replace “Schedule 1” with “Schedules 1 and 1A”.
- (4) After Schedule 1, insert the Schedule 1A set out in Schedule 2 of these regulations.
- (5) In Schedule 2, after “Section of Resource Management Act 1991 contravened”, insert “or provision of Resource Management (Stock Exclusion) Regulations 2020 not complied with”.
- (6) In Schedule 3, after “Section of Resource Management Act 1991 contravened”, insert “or provision of Resource Management (Stock Exclusion) Regulations 2020 not complied with”.

Schedule 1
Transitional, savings, and related provisions

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Part 1
Provisions relating to these regulations as made

- 1 Application of 3-metre setback rule to lakes and wide rivers with existing permanent fencing or riparian vegetation on commencement date**
- (1) Regulation 8(1) does not apply in relation to all or part of a lake or wide river if there is, on the commencement date, a permanent fence or riparian vegetation that effectively excludes stock from the bed—
- (a) of the lake or wide river; or
 - (b) of that part of the lake or wide river.
- (2) In this clause, **permanent fence** means—
- (a) a post and batten fence with driven or dug fence posts; or
 - (b) an electric fence with at least 2 electrified wires and driven or dug fence posts; or
 - (c) a deer fence.

Schedule 2

New Schedule 1A inserted

r 20(4)

Schedule 1A				
Infringement offences and fees under Resource Management (Stock Exclusion) Regulations 2020				
Infringement offence provision	General description of offence	Infringement fee for offence by natural person (\$)	Infringement fee for offence by non-natural person (\$)	Infringement fee per animal* (\$)
Regulation 9(a)	Non-compliance with regulation 9(a) (failure to exclude dairy cattle from lakes or wide rivers)	2,000	4,000	100
Regulation 9(b)	Non-compliance with regulation 9(b) (failure to comply with water crossing requirements for dairy cattle)	2,000	4,000	100
Regulation 10(a)	Non-compliance with regulation 10(a) (failure to exclude pigs from lakes or wide rivers)	2,000	4,000	100
Regulation 10(b)	Non-compliance with regulation 10(b) (failure to comply with water crossing requirements for pigs)	2,000	4,000	100
Regulation 11(a)	Non-compliance with regulation 11(a) (failure to exclude dairy support cattle from lakes or wide rivers)	2,000	4,000	100
Regulation 11(b)	Non-compliance with regulation 11(b) (failure to comply with water crossing requirements for dairy support cattle)	2,000	4,000	100
Regulation 12(a)	Non-compliance with regulation 12(a) (failure to exclude from lakes or wide rivers beef cattle that intensively graze)	2,000	4,000	100
Regulation 12(b)	Non-compliance with regulation 12(b) (failure to comply with water crossing requirements for beef cattle that intensively graze)	2,000	4,000	100
Regulation 13	Non-compliance with regulation 13 (failure to exclude from lakes or wide rivers deer that intensively graze)	2,000	4,000	100

Infringement offence provision	General description of offence	Infringement fee for offence by natural person (\$)	Infringement fee for offence by non-natural person (\$)	Infringement fee per animal* (\$)
Regulation 14(a)	Non-compliance with regulation 14(a) (failure to exclude beef cattle on low slope land from lakes or wide rivers)	2,000	4,000	100
Regulation 14(b)	Non-compliance with regulation 14(b) (failure to comply with water crossing requirements for beef cattle on low slope land)	2,000	4,000	100
Regulation 15	Non-compliance with regulation 15 (failure to exclude deer on low slope land from lakes and wide rivers)	2,000	4,000	100
Regulation 16	Non-compliance with regulation 16 (failure to exclude stock from natural wetland identified in regional or district plan operative on the commencement date)	2,000	4,000	100
Regulation 17	Non-compliance with regulation 17 (failure to exclude stock from natural wetland supporting threatened species)	2,000	4,000	100
Regulation 18	Non-compliance with regulation 16 (failure to exclude stock on low slope land from natural wetland of 0.05 hectares or more)	2,000	4,000	100

*The infringement fee of \$100 for each animal to which the non-compliance relates must not exceed \$2,000 in any case.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 3 September 2020, apply to a person who owns or controls beef cattle, dairy cattle, deer, pigs, or dairy support cattle (**stock**).

These regulations require the exclusion of stock from lakes, wide rivers, and specified natural wetlands. Measures for excluding stock include requiring dedicated culverts and bridges for stock crossings over water bodies and limiting the frequency of stock crossings without dedicated culverts and bridges. In addition, stock that are required

to be excluded must not come closer than 3 metres to the edge of the bed of a lake or wide river unless exceptions apply.

These regulations apply on and from 3 September 2020 to stock that are in a new pastoral system.

On 1 July 2023, the following apply in relation to stock that are not in a new pastoral system:

- dairy cattle and pigs must be excluded from lakes and wide rivers:
- beef cattle and deer that are intensively grazing must be excluded from lakes and wide rivers:
- all stock must be excluded from natural wetlands identified in regional or district plans that are operative on the commencement date.

On 1 July 2025, the following apply in relation to stock that are not in a new pastoral system:

- dairy support cattle must be excluded from lakes and wide rivers:
- beef cattle and deer on low slope land must be excluded from lakes and wide rivers:
- all stock must be excluded from natural wetlands identified in regional plans on the commencement date and from natural wetlands that support threatened species (as described in the compulsory value for threatened National Policy Statement for Freshwater Management 2020):
- all stock must be excluded from natural wetlands on low slope land.

Regulatory impact statement

The Ministry for the Environment produced a regulatory impact statement on 6 May 2020 to help inform the decisions taken by the Government relating to the contents of this instrument. A copy of this regulatory impact statement can be found at—

Action for healthy waterways part 1: Summary and overall impacts

- <https://www.mfe.govt.nz/regulatory-impact-statements/action-for-healthy-waterways-part-1>

Action for healthy waterways part 2: Detailed analysis

- <https://www.mfe.govt.nz/regulatory-impact-statements/action-for-healthy-waterways-part-11>

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These regulations are administered by the Ministry for the Environment.