

# Report to the Collaborative Stakeholder Group – for Agreement and Approval

**File No:** 23 10 02  
**Date:** 15 December 2015  
**To:** Collaborative Stakeholder Group  
**From:** Chairperson – Bill Wasley  
**Subject:** **Stock exclusion catchment wide rule**  
**Section:** **Agreement and Approval**

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## **Disclaimer**

This report has been prepared by Waikato Regional Council policy advisors for the use of Collaborative Stakeholder Group Healthy Rivers: Wai Ora Project as a reference document and as such does not constitute Council's policy.

## **1 Purpose**

The purpose of this report is to provide the Collaborative Stakeholder Group (CSG) with:

1. a record of information and discussions on the catchment wide rule for stock exclusion,
2. A summary of components of the rule that need to be agreed on.

## **Recommendation:**

1. That the report [Stock exclusion catchment wide rule] (Doc #3633631 dated 15 December 2015) be received, and
2. That the Collaborative Stakeholder Group agree:
  - a. That this report contains an accurate record of discussions and information on rules relating to the exclusion of stock from water;
  - b. On the detail of the components of the rule (as per Table 1, far left column) for this project; and
  - c. That staff prepare another draft of this rule based on the agreement reached in b) and bring it back to CSG22 on January 28-29<sup>th</sup> 2016.

## 2 Background

### 2.1 Initial discussions

CSG have been developing a number of catchment wide rules, including one on excluding stock from water. CSG have had a number of discussions on catchment wide rules, see Appendix 1. Staff used those CSG discussions to prepare a report for CSG 18, 13-14 October 2015, which contained a draft stock exclusion rule, see Appendix 2 (Waikato Regional Council, 2015d). CSG provided the following feedback on this rule:

- Consistent with national regulation from LAWF
- Catchment-wide or if outside national regulations – farm plan
- Prohibited activity too severe – non complying
- Permanently flowing streams (Accord)
- Wetlands identified in WRP
- Include pigs? Horses?
- 'Excluding places identified in a certified farm plan'
- All perennial water?

(Workshop notes CSG18)

### 2.2 Implementation staff feedback

Waikato Regional Council implementation staff prepared a report and presented to CSG19, 23-24 November 2015 on implementation considerations for policy design (Waikato Regional Council, 2015a). The feedback they gave on the draft stock exclusion rule (as prepared by staff and presented to CSG 18, see Appendix 2) was:

- Is it expected that Council staff will actively monitor this or enforce on the basis of complaints? The former would require a more significant scale of resourcing than the latter.
- Exceptions based on land classes would be difficult to enforce. LUC mapping is not considered sufficiently accurate enough/definable on the ground to be used in a regulatory context. Slope criteria equally has some difficult definition and measurement implications for enforcement.
- Caution should be applied when including exemptions and exceptions in general rules, to ensure these do not lead to confusion as to who is affected by the rule and who is not.

### 2.3 Intensive engagement feedback

CSG decided to consult on this rule and some specific aspects of it during the intensive engagement period October – November 2015. The question asked during consultation was: If there was to be a cattle and deer exclusion catchment wide rule, should it apply to all waterways or all perennial (flows all year around) waterways? Should it apply to waterways (perennial or otherwise) over a certain size?

CSG worked through some of the feedback from the intensive engagement feedback, including the quantitative responses to this question, at CSG19, 23-24 November 2015 (Waikato Regional Council, 2015b). The discussion from CSG included the following key points:

- Rule should be required for all cattle, horses, pigs and deer. Maybe other stock too, other than sheep?
- Consistency with national regulations/guidelines coming in from LAWF

- Look further into timing around implementation
- Would need to define the waterbodies it applies to including intermittent and wetlands
- Is it exclusion vs fencing? Fencing gives more clarity/certainty but less flexibility
- Should there be exemptions for some land use classes? Don't put LUC as part of the rule but have a low intensity rule (do this as part of timing)
- Enforced on the basis of complaints – but would be other opportunities for checking compliance such as farm plan audits/checks
- Make sure we don't catch horse riding/endurance events etc
- Look at Otago's process – if you have no mitigation in place then it is prohibited  
(Workshop notes CSG19)

CSG received the qualitative feedback at CSG20, 9-10 December 2015 (Waikato Regional Council, 2015c) and are yet to discuss the stock exclusion feedback in detail.

See Appendix 3 for an excerpt of the intensive engagement period 2 feedback report on the stock for the feedback on the exclusion question.

## **2.4 Land and Water Forum**

On 4 December 2015 the Land and Water Forum (LAWF) released their fourth report. This included a number of recommendations on stock exclusion, see Appendix 4. The main theme of the recommendations is that different stock types on different terrains should be excluded according to different dates. These recommendations are to government to develop a national stock exclusion regulation, but also outlined what LAWF believed the government should do and what regional councils should do.

## **2.5 Other council approaches**

Policy staff have been investigating how other councils have provided for stock exclusion through their regional plans. Some councils have included conditions to exclude stock as part of a permitted activity rule for farming (for example see Proposed Auckland Unitary Plan, Taranaki draft freshwater and land management plan, Hawkes Bay Tukituki Catchment Plan Change 6, Otago Water Plan Change 6A).

# **3 Components of the rule to agree on**

Staff need enough detail to be able to go away and work on this idea over late December – January for CSG to discussion next year. Table 1 shows some fundamental components of the rule which need to be agreed on, with some examples from the current draft rule, other councils and LAWF, and comments from an implementation perspective.

Table 1: Components of the rule with examples from the current draft rule, different councils and the Land and Water Forum

Rule component	Draft rule	Auckland	Taranaki	Tukituki – Hawkes Bay	Otago	LAWF
<b>Activity status</b>	Prohibited activity to allow stock to enter river or lake bed	Permitted activity to use land to farm subject to conditions	Permitted activity to use land to farm subject to conditions	Permitted activity to use land to farm subject to conditions	Permitted activity to allow stock to disturb a bed of any lake or river subject to conditions	Not specified
<b>Stock type</b>	Dairy cattle Beef meat cattle Domestic farmed deer Domestic farmed goats Horses  <i>CSG discussion on: Maybe other stock too, other than sheep? Make sure we don't catch horse riding/endurance events etc</i>	Livestock (which is defined as meat and dairy cattle, pigs, poultry, deer, horses, goats and sheep).	Cattle	All livestock (other than sheep)	Livestock	Dairy cattle Beef cattle Deer Pigs  Notes deer fencing will be expensive and impractical in places and other approved GMP could be used instead.
<b>Date</b>	TBC  <i>CSG discussion on: Look further into timing around implementation</i>	5 years post-notification for lakes, wetlands, rivers and streams (excluding intermittent)  10 years post-notification for full extent of any river or stream	1 July 2020	31 May 2020	Not specified	Different for different terrain and stock type  Milking platform 2017 Dairy grazing 2020 Third party dairy grazing 2025 Beef 2025 on plains and 2030 on lowland hills Deer 2025 on plains and 2030 for intensive farms Pigs 2017
<b>Definition of exclusion</b>	Ability of stock to enter a river or lake bed without limitation, includes needing to make provision for stock crossings	Must be effective and exclusion methods may include a permanent fence or temporary hot-wire, dense vegetation and natural barriers that prevent livestock gaining access to the waterway	Not defined, just says excluded	Not defined, just says excluded	This is an effects based rule so it is structured differently to the other examples. This allows stock in the waterways provided it does not: <ul style="list-style-type: none"> <li>• Involved feeding out</li> <li>• Cause or induce noticeable slumping, pugging or erosion,</li> <li>• Result in a visual change in colour or clarity</li> <li>• Damage fauna, or New Zealand native flora, in or on any Regional Significant Wetland</li> </ul>	Effectively barred from access to water and banks either through a natural barrier or a fence

<b>Rule component</b>	<b>Draft rule</b>	<b>Auckland</b>	<b>Taranaki</b>	<b>Tukituki – Hawkes Bay</b>	<b>Otago</b>	<b>LAWF</b>
<b>Setbacks</b>	TBC  <i>CSG discussion on: Question in community engagement on if this should be a catchment wide rule with a standard distance, different distances or part of a tailored property plan</i>	Not required	Riparian margins are vegetated or planted in accordance with a riparian management plan	Not required	Not required	Placed at 'appropriate distance' back, which will vary and be determined by on-farm assessment
<b>Terrain</b>	TBC  <i>CSG discussion on: Exemptions for some land use classes? Don't put LUC as part of the rule but have a low intensity rule (do this as part of timing)</i>	Intensively grazed production land – stocking rate equal to or exceeding 18 stock units per ha	Intensive pastoral farming – area of land greater than 20 ha used for farming of dairy or beef cattle with a stocking rate of 14 stock units per ha or more. Excludes intensive pig farming, intensive poultry farming, horticulture and cropping, sheep farming and deer farming	15 degree slope or less  Slope great than 15 degree and where stocking rate of livestock excluding sheep exceeds 18 stock units/ha have in option in certain catchments to prepare Phosphorus Management Plan which has to include stock exclusion requirements where reasonably practical and alternative phosphorus loss mitigation measures where stock exclusion is not reasonably practical	Not specified	Plains (0-3 degrees) Lowland hills (4-15 degrees) Hill country (16-28 degrees) Steep hill country (>28 degrees)  Recommendation is that these categories are used by Council to determine where the stock exclusion rule applies, and by when it should be implemented for different stock types. A table is provided with the recommendation (see Appendix 4)
<b>Water body types</b>	River or lake (which covers continually and intermittently flowing of all sizes, but not farm drains)  <i>CSG discussion on: Permanently flowing streams Include intermittent and wetlands Wetlands identified in WRP All perennial water?</i>	Lakes, rivers, streams and wetlands	Beds of rivers, lakes and regional significant wetlands (which are listed in the plan)	Bed and margins of any lake, wetland and flowing river (whether intermittent or permanent)	Bed of any lake or river or Regionally Significant Wetland	Permanently flowing waterways and drains greater than 1m wide and deeper than 30cm Natural wetlands Where specific management practices are being used  NOT Wet pasture, damp gully heads, temporary ponds Effluent ponds Artificial storage facilities and detention dams Artificial water courses Reservoirs for firefighting, domestic or community water supply Engineered soil conservation structures

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**Emma Reed**

Policy development workstream  
Waikato Regional Council

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**Bill Wasley**

Independent Chairperson, Collaborative  
Stakeholder Group

**Appendix 1:** Discussions on catchment wide rules at CSG workshops

**Appendix 2:** Excerpt on stock exclusion rules from report to CSG 18 'Possible catchment wide rules and how they were developed' Document #3494533

**Appendix 3:** Excerpt on stock exclusion rule question from 'Intensive engagement period 2 feedback report, draft copy for CSG 20' Document #3603167

**Appendix 4:** Recommendations from Land and Water Forum Fourth report on stock exclusion

# References

Auckland Council 2013. Proposed Auckland Unitary Plan. Notified 30 September 2013.

Hawke's Bay Regional Council 2015. Plan Change 6 to Hawke's Bay Regional Resource Management Plan: Tukituki River Catchment. Operative 1 October 2015.

Land and Water Forum 2015. The Fourth Report of the Land and Water Forum. Land and Water Trust. Wellington, New Zealand.

Otago Regional Council 2014. Plan Change 6A (Water Quality). Regional Plan: Water for Otago. Otago Regional Council.

Taranaki Regional Council 2015. Draft Freshwater and Land Management Plan for Taranaki. Draft no legal effect. Released April 2015.

Waikato Regional Council 2015a. Implementation considerations for policy design. For Information report dated 11 November 2015. Document #3608886.

Waikato Regional Council 2015b. Intensive Engagement Period 2 quantitative feedback. For Information report updated 20 November 2015. Document #3615281<sup>1</sup>.

Waikato Regional Council 2015c. Intensive Engagement Period 2 qualitative feedback and draft report. Agreement and Approvals. Dated 8 December 2015. Document #3603167.

Waikato Regional Council 2015d. Possible catchment wide rules and how they were developed. Agreement and Approvals dated 9 October 2015. Document #3494533.  
Report to CSG catchment wide rules

Workshop notes CSG18. 13-14 October 2015. Document #3577749.

Workshop notes CSG19. 23-24 November 2015. Document #3629626.

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<sup>1</sup> Document number was incorrectly recorded in the recommendations of the report as #3615251.

## Appendix 1: Discussions on catchment wide rules at CSG workshops

Record of policy options development DM#3601172

Workshop	Description	Relevant report	Possible policy options considered at this point
Workshop 12 (4-5 June 2015)	<p>Overview of possible sediment policy options.</p> <p>Workshop activity on measurability, potential for general rules and options to deal with and if not general rules what a tailored approach might look like.</p>	<p>Assessment of policy instruments for sediment using the Draft CSG Policy Selection Criteria. DM#3258508</p>	<ul style="list-style-type: none"> <li>• In stream limit</li> <li>• Existing and new catchment wide rules practices/ technologies</li> <li>• Financial subsidies for practices/ technologies</li> <li>• Rules requiring property plan</li> <li>• Tender land management agreements</li> <li>• Financial subsidies – zoning land use</li> <li>• Rules retirement land</li> </ul>
Workshop 13 (2-3 July 2015)	<p>Overview of possible sediment, microbes, nitrogen and phosphorous policy options</p> <p>Workshop activity on measurability, potential for general rules and options to deal with and if not general rules what a tailored approach might look like.</p>	<p>Policy options for sediment, microbes, nitrogen and phosphorus. DM#3425911.</p>	<p>Options above and:</p> <ul style="list-style-type: none"> <li>• Existing and new catchment wide rules practices/ technologies</li> <li>• Financial subsidies for practices/ technologies</li> <li>• Rules requiring property plan</li> <li>• Rules that require property plan – provide as part of industry assurance/ audit program</li> <li>• Property limit - Olsen P</li> <li>• Property limit - N Cap and Trade/offset for N</li> </ul>
Workshop 14 (10-11 August 2015)	<p>Present back an update on the policy options for all contaminants which staff will investigate further.</p> <p>Options included more detail on property plans.</p> <p>Initial session on allocation and cost sharing.</p>	<p>Waikato and Waipa catchment wide Rules to investigate as part of policy options for sediment, microbes, nitrogen and phosphorus DM#3450520</p> <p>Exploring farm plans as a policy options including industry supported farm plan and regulatory backstop DM#3454905.</p> <p>Initial allocation options to permit discharges of contaminants at a property level and the sharing of costs. DM#3109567</p>	<ul style="list-style-type: none"> <li>• Catchment wide rules: exclude stock, stock crossing infrastructure, setbacks, winter cropping, livestock on steep slopes, erosion risk area, eroding sediment sources</li> <li>• Tailored property plans <ul style="list-style-type: none"> <li>○ industry assurance scheme including auditing or industry supported property plans,</li> <li>○ Consent with property plan</li> </ul> </li> </ul> <p>Not decided on:</p> <ul style="list-style-type: none"> <li>• Property level limit, N or P</li> <li>• Property limit and trading</li> </ul>
Workshop 15 (27 <sup>th</sup> August 2015)	<p>CSG received an update on the policy options for all contaminants which staff will investigate further.</p> <p>Options included more information on a property</p>	<p>Update: Summary of policy options being investigated DM#3482625.</p> <p>Policy option of a property-level limit for nitrogen and phosphorus DM#3476854.</p>	<ul style="list-style-type: none"> <li>• Property level limit, N limit using Overseer</li> <li>• Property Limit Olsen P</li> <li>• Catchment wide rules: earthworks, forestry harvesting, vegetation clearance, setbacks, forestry</li> </ul>



Workshop	Description	Relevant report	Possible policy options considered at this point
	<p>limit policy option for N and P.</p> <p>Feedback from CSG on options and practices/activities to that might fall under each policy option</p>		<p>replanting, overburden, offal holes, cattle in water, effluent</p> <ul style="list-style-type: none"> <li>• CSG directed these activities to be added: cultivation, Olsen P, property drains, fertiliser, riparian planting, forestry replanting setbacks, general catchall for low intensity land uses</li> <li>• Tailored property plans: Winter grazing, grazing, livestock on steep slopes, Eroding sediment sources, erosion risk areas, earthworks and Nutrient management/ budgeting</li> <li>• CSG directed these activities to be added: cultivation, stock exclusion and riparian, setbacks, forestry harvesting plans and erosion plans, and land use classes to farm to land capability, riparian planting, separate out winter cropping from that near water to winter cropping on property, change prevent erosion from risk areas to manage erosion from risk areas</li> </ul>
Workshop 16a (8 September 2015)	Presentation that focused on an implementer's perspective of taking a voluntary property plan approach, such as the Waipa Catchment Plan (WCP), further into a regulatory approach.	Translating the Waipa Catchment Plan concepts into Plan Change 1 DM#3500848	<ul style="list-style-type: none"> <li>• Catchment wide rules for some activities</li> <li>• Property plans</li> </ul>
Workshop 16b (21 September 2015)	Report back from CSG Overseer working group on property limit	Options for using Overseer model to manage nitrogen and phosphorus at a property-level DM#3507568	<ul style="list-style-type: none"> <li>• N and P Property limit – Overseer</li> </ul>
Workshop 18 (13-14 October 2015)	<p>Report back from CSG Overseer working group on property limit, tailored property plans and catchment wide rules.</p> <p>CSG discussion on entire package of policy options and deciding what to take to the community to consult on and what questions to ask.</p>	<p>CSG subgroup: Managing nitrogen and phosphorus at a property-level DM#3574906</p> <p>Options for Tailored Property plans DM#3563987</p> <p>Possible catchment wide rules and how they were developed DM#3594533</p>	<ul style="list-style-type: none"> <li>• Tailored property plans</li> <li>• Catchment wide rules, consult specifically on cattle exclusion, setbacks and intensification</li> </ul>
Workshop	Feedback from	Intensive Engagement	<ul style="list-style-type: none"> <li>• Tailored property plans</li> </ul>

Workshop	Description	Relevant report	Possible policy options considered at this point
19 (23-24 November 2015)	<p>community engagement period October – November 2015.</p> <p>CSG discussion feedback from the community on limits and targets, catchment wide rules and tailored property plans.</p> <p>Report back from CSG Overseer working group on property plans and how to achieve reductions.</p> <p>Feedback from Waikato Regional Council implementation staff.</p>	<p>Period 2 quantitative feedback DM#3615281<sup>2</sup></p> <p>CSG subgroup: Managing nitrogen and phosphorus at a property-level 23 October 2015 workshop</p> <p>Implementation considerations for policy design DM#3608886</p>	<ul style="list-style-type: none"> <li>• Catchment wide rules</li> </ul>

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<sup>2</sup> Document number was incorrectly recorded in the recommendations of the report as #3615251.

**Appendix 2: Excerpt on stock exclusion rules from report to CSG 18 ‘Possible catchment wide rules and how they were developed’ Document #3494533**

**Table 2: Possible catchment wide rules to consult on**

DISCLAIMER: This guide to conditions does not represent the full details of the Waikato Regional Plan (WRP) rules or possible rules in the Healthy Rivers: Wai Ora project. They are provided as a general guide to the flavour of the existing or possible new rules. This is not an exhaustive list of rules in the WRP but those felt relevant to the activities being considered to date by the CSG. Current non-regulatory policies in the WRP are not included in this list. There has not yet been full technical advice on proposed rules and no legal check.

NOTE Current WRP rules in plain font and *possible new rules or conditions in italics*.

Activity	Classification	Comment/Key Condition	Reference	Basis for new rule/change
<b>Stock access to surface water – river and lake bed disturbances</b>				
Deer and cattle in water  and  Effects of stock crossing	Prohibited	<p>By [date], it is a <b>prohibited activity</b> to allow dairy, beef meat cattle, domestic farmed deer, domestic farmed goats and horses unrestricted access to a river or lake bed.</p> <p><i>This rules applies to all land in the Waikato and Waipa River catchments excluding [insert descriptor of cut-off/threshold e.g. of Land Use Class e.g. class 6e or slope greater than 25 degrees]</i></p> <p><i>In the context of this rule unrestricted access means the ability for stock to enter a river or lake bed without limitation, and includes moving through the bed of a river or lake without provision for regular stock crossing in place.</i></p> <p><b>Advisory notes:</b>  <i>Practical means of compliance with Rule X.X.X include, but are not limited to:</i></p> <ul style="list-style-type: none"> <li><i>a) The use of bridges or culverts</i></li> <li><i>b) Fencing of riparian areas</i></li> <li><i>c) The use of gates in conjunction with fencing</i></li> <li><i>d) Provisions of troughs for livestock watering in adjacent fenced pasture areas</i></li> <li><i>e) Construction of crossings so as to be direct a route across the bed of the river or lake as practicable</i></li> <li><i>f) Construction of hard entry and exit points at livestock crossing sites.</i></li> </ul> <p><i>Refer to sections 4.2.8 Bridges, 4.2.9 Culverts and 4.2.11 Fords for rule requirements when constructing these structures.</i></p>	<p><i>New rule</i></p> <p><i>Replaces existing stock in water bodies rule in WRP</i></p>	<p>CSG have discussed which stock should be excluded. The effects based approach in the existing Waikato Regional Plan is difficult for farmers to know if they are compliant and for council to assess.</p> <p>Staff developed a new rule based on the thresholds indentified by CSG. The basis for prohibited status is that there is a general expectation that stock in waterways should not be allowed. There should be provision for stock crossings but the effects of that need to be managed.</p>

**RMA definitions**

**bed** means,—

(a) in relation to any river—

- (i) for the purposes of esplanade reserves, esplanade strips, and subdivision, the space of land which the waters of the river cover at its annual fullest flow without overtopping its banks;
- (ii) in all other cases, the space of land which the waters of the river cover at its fullest flow without overtopping its banks; and

(b) in relation to any lake, except a lake controlled by artificial means,—

- (i) for the purposes of esplanade reserves, esplanade strips, and subdivision, the space of land which the waters of the lake cover at its annual highest level without exceeding its margin;
- (ii) in all other cases, the space of land which the waters of the lake cover at its highest level without exceeding its margin; and

(c) in relation to any lake controlled by artificial means, the space of land which the waters of the lake cover at its maximum permitted operating level; and

(d) in relation to the sea, the submarine areas covered by the internal waters and the territorial sea

**lake** means a body of fresh water which is entirely or nearly surrounded by land

**river** means a continually or intermittently flowing body of fresh water; and 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)

**Appendix 3: Excerpt on stock exclusion rule question from ‘Intensive engagement period 2 feedback report, draft copy for CSG 20’ Document #3603167**

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This question was asked of stakeholders at the:

- Stakeholder workshop
- Online survey

## 4 If there was to be a stock exclusion rule, what waterways should it apply to?

This question was aimed at testing one of the CSG’s potential policy options. This question related to the 5<sup>th</sup> key area that the Collaborative Stakeholder Group (CSG) wanted to have discussions and get feedback on – “policy options (regulatory and non-regulatory) being explored for achieving limits and targets”.

This question was asked at the stakeholder workshop and the online survey. In total, 546 people provided a response to this question.

The full text of this question was “If there was to be a cattle and deer exclusion catchment wide rule, should it apply to all waterways or all perennial (flows all year around) waterways? Should it only apply to waterways (perennial or otherwise) over a certain size? (*tick one of the boxes below*)”. This question had a response option as shown in Figure 6. There were 538 responses to this part of the question.

The stakeholder workshop question also included a comment box. In total there were 123 comments in relation to this question. These comments have been themed and can be found in Table 19 (below).

Whilst the question asked stakeholders to tick one of the boxes in the table to the left, some stakeholders chose to tick more than one box. This poses a potential conundrum as some answers are exclusive of other answers, for example a rule that excludes cattle and deer from perennial waterways over 1m wide is inconsistent with a rule that excludes cattle and deer from all waterways of any size. Other answers might not be inconsistent if people thought there could be two rules (one for perennial waterways and one for all other waterways) or that some types of waterways could be dealt

All waterways		Perennial waterways	
Any size	<input type="checkbox"/>	Any Size	<input type="checkbox"/>
Over 1m wide	<input type="checkbox"/>	Over 1m wide	<input type="checkbox"/>
Over 3m wide	<input type="checkbox"/>	Over 3m wide	<input type="checkbox"/>
Over 5m wide	<input type="checkbox"/>	Over 5m wide	<input type="checkbox"/>
Cattle exclusion should be left up to each property plan to determine (i.e. this should not be a catchment-wide rule)			<input type="checkbox"/>

Figure 6: Response box to stock exclusion rule question

with via a property plan. Hence feedback has been broken up to account for the different ways people may have interpreted and answered this question. This is shown in Tables 17-18 below.

Table 16 below shows responses from stakeholders who only ticked one box. Hence the results show the clear preference choice of these stakeholders and we can be relatively certain of the way stakeholders interpreted the question. The majority of responses, 443 (82%), to this question fall into this category.

Table 16: Preferences for waterway type and size for if there was a stock exclusion rule

Event	Preferences for waterway type and size for if there was a stock exclusion rule					
		Any size	Over 1m wide	Over 3m wide	Over 5m wide	Total
Stakeholder workshop	All waterways	19	13	1	-	33
	Perennial waterways	29	28	11	2	70
	Should be left up to each property plan (i.e. not a rule)					28
Online survey	All waterways	99	23	8	5	135
	Perennial waterways	39	44	12	4	99
	Should be left up to each property plan (i.e. not a rule)					78
Combined	All waterways	118	36	9	5	168
	Perennial waterways	68	72	23	6	169
	Should be left up to each property plan (i.e. not a rule)					106

Below are some probable conclusions that can be drawn from this table. Out of the people who gave one response to this question:

- 337 (76%) thought there should be a stock exclusion rule of some kind compared to 106 (24%) who thought this matter should be left up to the property plans

- Out of those who thought there should be a stock exclusion rule there was roughly a 50/50 split between those who thought it should apply to all waterways and those who thought it should apply only to perennial waterways
- The single largest response was for a rule that applies to all waterways of any size. This had the support of 118 people (27%)

Table 17 below shows responses from stakeholders who ticked more than one box but their answers are not necessarily exclusive. Hence the results do not show a clear preference choice but their answers are still valid under a possible multiple stock exclusion rule and/or property plan scenario. However the results should be interpreted with caution as we cannot know how stakeholders who answered in this way interpreted the question. Due to the myriad of types of answers the results for the stakeholder workshop and survey are not shown separately. There were 76 (14%) responses which fall into this category.

Table 17: Non-exclusive multiple response answers to the stock exclusion rule question

Event	Non-exclusive multiple response answers to the stock exclusion rule question	
	Two rules scenario	
Combined	Perennial waterways (Any size) + All waterways (Over 1m wide)	11
	Perennial waterways (Any size) + All waterways (Over 3m wide)	4
	Perennial waterways (Any size) + All waterways (Over 5m wide)	2
	Perennial waterways (Over 1m wide) + All waterways (Over 3m wide)	6
	Perennial waterways (Over 1m wide) + All waterways (Over 5m wide)	5
	Perennial waterways (Over 3m wide) + All waterways (Over 5m wide)	2
	<b>Total</b>	<b>30</b>
	<b>Rule + property plan scenario</b>	
	Property plan covers all non-perennial waterways + rule for perennial waterways (Any size)	10
	Property plan covers all non-perennial waterways + rule for perennial waterways (Over 1m wide)	11
	Property plan covers all non-perennial waterways + rule for perennial waterways (Over 3m wide)	8
	Property plan covers all non-perennial waterways + rule for perennial waterways (Over 5m wide)	6
	Property plan covers all perennial waterways below the rule size threshold + rule for all waterways (Over 1m wide)	5

	Property plan covers all perennial waterways below the rule size threshold + rule for all waterways (Over 3m wide)	<b>2</b>
	Property plan covers all perennial waterways below the rule size threshold + rule for all waterways (Over 5m wide)	<b>4</b>
	<b>Total</b>	<b>46</b>

Table 18 below shows responses from stakeholders who ticked more than one box and their answers are exclusive. Hence the results do not show a clear preference choice and their answers are not able to be reconciled under any scenario. As a result of the exclusive nature of the answers possible conclusions are not able to be drawn. Due to the myriad of types of answers the results for the stakeholder workshop and survey are not shown separately. There were 19 (4%) responses which fall into this category.

Table 18: Exclusive multiple response answers to the stock exclusion rule question

Event	Exclusive multiple response answers to the stock exclusion rule question	
	Multiple rules	
Combined	All waterways (Any size) + Perennial waterways (Over 1m wide)	<b>7</b>
	All waterways (Any size) + Perennial waterways (Over 3m wide)	<b>2</b>
	All waterways (Over 1m wide) + Perennial waterways (Over 3m wide)	<b>4</b>
	All waterways (Any size) + All waterways (Over 1m wide)	<b>1</b>
	Perennial waterways (Any size) + Perennial waterways (Over 1m wide)	<b>1</b>
	All waterways (Any size) + All waterways (Over 1m wide) + All waterways (Over 3m wide) + All waterways (Over 5m wide)	<b>1</b>
	<b>Total</b>	<b>16</b>
	<b>Rule(s) + property plan</b>	
	Property plan covers all perennial waterways + rule for all waterways (Any size)	<b>2</b>
	Property plan covers all waterways + rule for perennial waterways (Any size) + rule for perennial waterways (Over 1m wide) + rule for perennial waterways (Over 3m wide)	<b>1</b>
	<b>Total</b>	<b>3</b>

Table 19: Themed comments regarding a stock exclusion rule

Emerging theme	Theme counts
	Stakeholder Workshop
Comments relating to property plans, e.g. Come to an agreement via property plan, good tool for dealing with ephemeral, flexibility/variability - and case by case basis	29
Questions/Not sure/Need more info	15
Comments that further support this kind of rule	13
All waterways should be covered - and need to have regard for compounding effects - all waterways lead to bigger waterways	12
There will need to be clear definitions of waterway types and clear guidance	10
Not ephemeral waterways, e.g. Too difficult	7
Should not be left up to property plans	7
Farm drains should be exempt or treated differently	6
Rule should include wetlands/swamps	5
Need to recognise that a lot of work has already been done, including the SDWA obligations	5
Comments that recognise implementation, enforcement and monitoring issues	5
Need to prioritise stream fencing, e.g. Fence wider streams first, flatter land, highest risk, catchment location, cost vs benefit	5
Need to have regard for land contours, stream bank slope, and land use - including what is the best practicable option	5
Need to understand the differing contributions of perennial and ephemeral waterways	4
Need to consider timing of implementation	3
Need to have regard for economic impacts	3
Rule should include horses	2
Rule should include sheep	2
Rule should include drains/artificial waterways	2
Need to include a provision so drains can be cleaned	2
Need to factor in stream bank erosion and flooding	2
Need to consider how to deal with the varying widths of streams, on and between properties and how width is measured	2
Consistent with national regulations/LAWF	2
Need to factor in stock concentration	2



Rule should include both banks of a waterway	1
Rule should include an exemption option if mitigation can be achieved via property plan	1
Rule should include requirement to have riparian planting	1
Should be stock exclusion regardless of land contour	1
Rule should include natural barriers as exclusion, i.e. Doesn't have to be a fence	1
Need to consider long term land use	1
Need to ensure individuals take responsibility for their environmental footprint	1
Need incentives/funding to encourage fencing	1
Rule should include springs (puna wai)	1
Exclude based on environmental values	1
<b>Total</b>	<b>160</b>

## **Appendix 4: Recommendations from Land and Water Forum Fourth report on stock exclusion**

**Recommendation 29:** A national stock exclusion regulation should apply to all those livestock types that can cause significant damage from incursions into waterways, including:

- a) dairy cattle
- b) beef cattle
- c) deer
- d) pigs.

**Recommendation 30:** In the context of a national stock exclusion regulation, “excluded” should mean effectively barred from access to water and to the banks of waterways either through a natural barrier (such as a cliff) or a fence. For milking platforms a fence must be permanent. Temporary fencing may be used for intermittent, concentrated and short-term grazing near waterways. Permanent deer fencing will be expensive and impractical in certain landscapes, so other approved GMP measures can be used.

**Recommendation 31:** The national stock exclusion regulation should include a requirement that when permanent fences are erected to exclude stock, they should be placed the appropriate distance back from the waterway. The appropriate setback distance will vary at different points along the waterway and will be determined by an on-farm assessment required as part of GMP, as per recommendation 39 of this report.

**Recommendation 32:** Councils should classify the terrain adjacent to waterways in their catchments according to the slope angle to identify where a national stock exclusion regulation applies. Whether the classification should occur at a sub-catchment, property or intra-property level should be determined by public consultation. The classifications are:

- a) plains (0-3 degrees)
- b) lowland hills (rolling hills/down lands) (4-15 degrees)
- c) hill country (16-28 degrees)
- d) steep hill country (>28 degrees).

**Recommendation 33:** Stock of different types and on different terrains should be excluded according to different dates. Table 1 provides an example of how this could be structured that Government should use as a basis for public consultation.

**Recommendation 34:** Government should:

- a) consult on interim milestones for excluding stock from waterways
- b) require fencing of waterways during significant land use changes to a farm type and on terrain that the proposed national stock exclusion regulation will eventually apply to.

**Recommendation 35:** A national stock exclusion regulation should apply to:

- a) permanently flowing waterways and drains greater than one metre in width and deeper than 30 cm
- b) permanently flowing waterways smaller than those outlined above on the plains. Landowners should be given until at least 2020 to achieve this (i.e. any exclusion dates before 2020 in Table 1 should not apply for smaller waterways)
- c) natural wetlands – as qualified by recommendation 37 of this report
- d) where specific management practices that could result in significant damage to waterways (such as strip-grazing beside a waterway) are being used.

**Recommendation 36:** Councils should have discretion to exclude stock from waterbodies not included in a national stock exclusion regulation or ahead of the timeframes mandated

by it (i.e. those in Table 1). This discretion should be exercised where a waterbody, or part of a waterbody is a critical source area for contaminants or has particular ecological, cultural or social value.

**Recommendation 37:** A national stock exclusion regulation should clarify that ‘natural wetlands’ subject to the regulation are ‘wetlands’ as defined by the RMA but not including:

- 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 water courses such as conveyance and drainage canals
- e) reservoirs for firefighting, domestic or community water supply
- f) engineered soil conservation structures.

**Recommendation 38:** Exceptions from national and regional stock exclusion requirements should be provided in limited situations where large costs and significant impracticalities relative to the environmental benefit can be demonstrated. Councils should consider these factors when classifying terrain for stock exclusion purposes.

**Recommendation 39:** Riparian setbacks and management strategies should be included in GMP requirements, either as part of industry GMP schemes or council GMP rules, where they are an appropriate mitigation.

**Recommendation 40:** Government should commission a review and update of existing riparian management assessment tools to produce a new consolidated riparian management assessment tool to assist in identifying and implementing the appropriate riparian setbacks and management strategies across the full range of circumstances.

**Recommendation 41:** Councils should impose riparian setback and management rules over and above GMP requirements in catchments with specific water quality issues, where this is an effective way of managing a particular issue. Councils should also consider catchment-specific riparian management rules for critical source areas and areas of specific ecological, social or cultural value.

**Table 1: Preliminary recommendations for when a national stock exclusion regulation should apply**

Farm type	Plains (alluvial)	Lowland hills (rolling hills/down lands)
Dairy milking platform	Mandatory exclusion by July 2017	Mandatory exclusion by July 2017
Dairy grazing owned by the same person as the milking platform	Mandatory exclusion by 2020	Mandatory exclusion by 2020
Third-party dairy grazing	Mandatory exclusion by 2025	Mandatory exclusion by 2025
Beef	Mandatory exclusion by 2025	Mandatory exclusion by 2030
Deer	Mandatory exclusion by 2025	Mandatory exclusion by 2030 for intensive farms. Lightly stocked farms can use alternative mitigation measures.
Pig farming	Mandatory exclusion by July 2017	Mandatory exclusion by July 2017