

## Agenda Item 2: Changes to national regulations on stock exclusion, intensive winter grazing and freshwater farm plans

### Purpose

1. This paper provides an overview of upcoming proposed changes to national regulations that may impact on the draft Land and Water Regional Plan (LWRP), and seeks direction that the matters currently covered by the regulations should be included in the LWRP.

### Proposed changes to national regulations

2. On 23 April 2024, the Ministers for Agriculture, Environment and RMA Reform released a statement provided some details regarding proposed changes to resource management law. These changes include two bills, the first of which will make targeted changes. Among the changes proposed are three that are likely to have implications for the draft LWRP. They are:
  - Amendments to the stock exclusion regulations in relation to sloped land;
  - Repealing the intensive winter grazing (IWG) regulations;
  - Amendments to the freshwater farm plan (FWFP) system.
3. In a follow up letter, dated 30 April 2024, Minister Bishop states that removing these regulations leaves it to regional councils to manage the impacts of these activities based on risk.
4. RMA Amendment Bill 1 is expected to be introduced to Parliament in late May. It will likely be enacted in late 2024.

### Implications of changes for the LWRP

5. To date, the draft LWRP has relied on the NESF to manage IWG and the stock exclusion regulations for the low slope map as a threshold for excluding stock on extensively farmed properties. If these provisions are removed, this reliance will no longer be possible. Specifics around the proposed changes and their implications for the draft LWRP are outlined in the table below.

Proposed changes	Current LWRP approach	Implications for the LWRP
<p>Amend stock exclusion regulations in relation to sloped land.</p> <p><i>“Stock exclusion changes would remove the low slope map and allow regional councils and individual farmers to decide where stock need to be excluded, based on risk.”<sup>1</sup></i></p>	<p>On <b>low slope land</b>, all cattle, pigs, and deer must be excluded from</p> <ul style="list-style-type: none"> <li>• the beds of lakes and continually flowing rivers (5m);</li> <li>• open drains that are continually or intermittently flowing but not ephemeral (3m);</li> <li>• natural inland wetlands</li> </ul>	<p>Amendment will be required as the draft LWRP depends on the definition of low slope land in the Stock Exclusion Regulations.</p> <p>Potential removal of the rule requiring extensive sheep and beef properties to exclude livestock from waterways on low slope land and natural inland wetlands creates a gap</p>

<sup>1</sup> Letter from Minister Bishop dated 30 April 2024

Proposed changes	Current LWRP approach	Implications for the LWRP
	<ul style="list-style-type: none"> <li>existing fences are not required to be moved until the date specified in the long-term vision;</li> <li>FWFP pathway is available.</li> </ul>	<p>in the draft LWRP stock exclusion rule.</p> <p>Uncertainty about what the 'risk-based' approach will be.</p> <p>Uncertainty about the implications for the exemption currently provided for the Upper Taieri Scroll Plain.</p>
<p>Repeal intensive winter grazing (IWG) <i>“representing a move to a more risk-based, catchment-focused approach.”</i><sup>1</sup></p>	<p>The draft LWRP:</p> <ul style="list-style-type: none"> <li>proposes to rely on the national regulations for managing IWG</li> <li>includes provisions for pasture-based grazing and sacrifice paddocks to complement the intensive winter grazing regulations</li> </ul>	<p>Repeal of the IWG regulations will leave a gap in the draft LWRP provisions.</p> <p>New permitted activity rule will be required if Council wants to continue to manage this activity.</p> <p>Uncertainty about what the 'risk-based' approach will be.</p>
<p>Improve the freshwater farm plan system <i>“to make it more cost effective and practical for councils and farmers.”</i></p> <p><i>“In the areas where the freshwater farm plan rollout has started, we may look at whether current requirements to complete a plan within 18 months could be paused while improvements are developed”.</i><sup>1</sup></p>	<p>The draft LWRP:</p> <ul style="list-style-type: none"> <li>encourages all farmers to have and implement a FWFP;</li> <li>recognises that FWFP are only one of the tools in the toolbox;</li> <li>proposes a FWFP pathway for some activities as an alternative way of achieving the environmental outcomes, allowing some flexibility and negating some consent requirements.</li> </ul>	<p>No certainty on what this will look like, so it is unclear what the implications are.</p>

6. We are seeking direction from you about whether the LWRP should still require stock exclusion on low slope land, and manage intensive winter grazing if these changes eventuate.
7. Staff are meeting with Dairy New Zealand, Beef and Lamb NZ and Federated Farmers on Monday 27 May on these matters as part of the clause 3 feedback process. We will provide a verbal update at the workshop.
8. Staff will continue to monitor the changes as they come out and as required, obtain policy direction from Council to respond to those changes.