

FACTSHEET

The Government's consultation on proposed changes to low-slope map for stock exclusion regulations

B+LNZ's assessment and guidance to farmers on making a submission

August 2021



The Government is also consulting on freshwater farm plans at the same time – which is relevant to some of changes outlined in this factsheet. **See the separate factsheet on freshwater farm plans for more detail.**

Note: B+LNZ has consulted with Federated Farmers and DairyNZ and our positions are aligned when considering the content in this factsheet.

The following is a summary of the Government's proposed changes that aim to address the identified inaccuracies of the low-slope map incorporated in the Resource Management (Stock Exclusion) s360 Regulations 2020.

The map was introduced in August 2020 to identify low-slope land across New Zealand and designate where livestock needed to be excluded from wide rivers, lakes, and natural wetlands. Most of the requirements start in 2023 and include different stock types over time. By 2025, livestock (cattle, deer and pigs, not sheep) need to be excluded from waterways on land classified as 'low-slope'.

B+LNZ and other industry groups raised serious concerns about the inaccuracies in the map and in late 2020 the Government recognised and acknowledged farmers' concerns. Some of these inaccuracies were because slopes were averaged over large areas and that meant steep land was identified as 'low-slope'. The map also included areas of extensive high country pastoral farms that the Government did not originally intend to include (there is greater cost for less environmental benefit in excluding stock from waterways on these farms, typically due to the stocking rates being very low).

In response, the Government has proposed the following changes:

- Use of a new mapping approach that averages an area based on the surrounding terrain rather than averaging an area based on the title boundaries.
- Changing the requirement to require stock to be excluded from waterways on land with an average slope of up to 5 degrees.
- On land with an average slope between 5 and 10 degrees, landowners need to identify how they will manage stock within their freshwater farm plans. The presumption is that stock will need to be excluded from access to waterways on these 5-10 degree slopes (or more depending on the regional rules).
- The introduction of a 500-metre altitude threshold.

The Government is now seeking feedback on these proposed changes to the map.

You can find out more about this consultation on the Ministry for the Environment (MfE) website here:

[Consultation – Stock exclusion regulations: Proposed changes to the low-slope map](#)

You can read the Government's proposals here:

[Stock exclusion regulations: Proposed changes to the low-slope map – discussion document](#)

This factsheet also contains B+LNZ's guidance for farmers on how to make a submission as part of the consultation process.

B+LNZ’s assessment of the proposals

The Government’s original low-slope map misidentified thousands of hectares of steep land as ‘low-slope’ and therefore requiring stock exclusion or fencing, which was unworkable and wouldn’t have delivered good environmental outcomes.

While B+LNZ greatly appreciates the Government’s work to fix the map and acknowledges that the revised approach is a lot better, we remain of the view that the preferred policy approach should be to replace the map with a general stock exclusion rule that regional councils would be empowered to give effect to.

This is because the new mapping approach still has inaccuracies, and does not provide regional councils enough flexibility to ensure that farmers are not unfairly required to exclude stock where there is a mismatch with environmental risks and impacts.

B+LNZ has already received feedback from some landowners that the map is still inaccurate in places, and requiring stock exclusion on some of the identified 0-5 degree slope land would be inefficient or ineffective given the waterway or catchment characteristics.

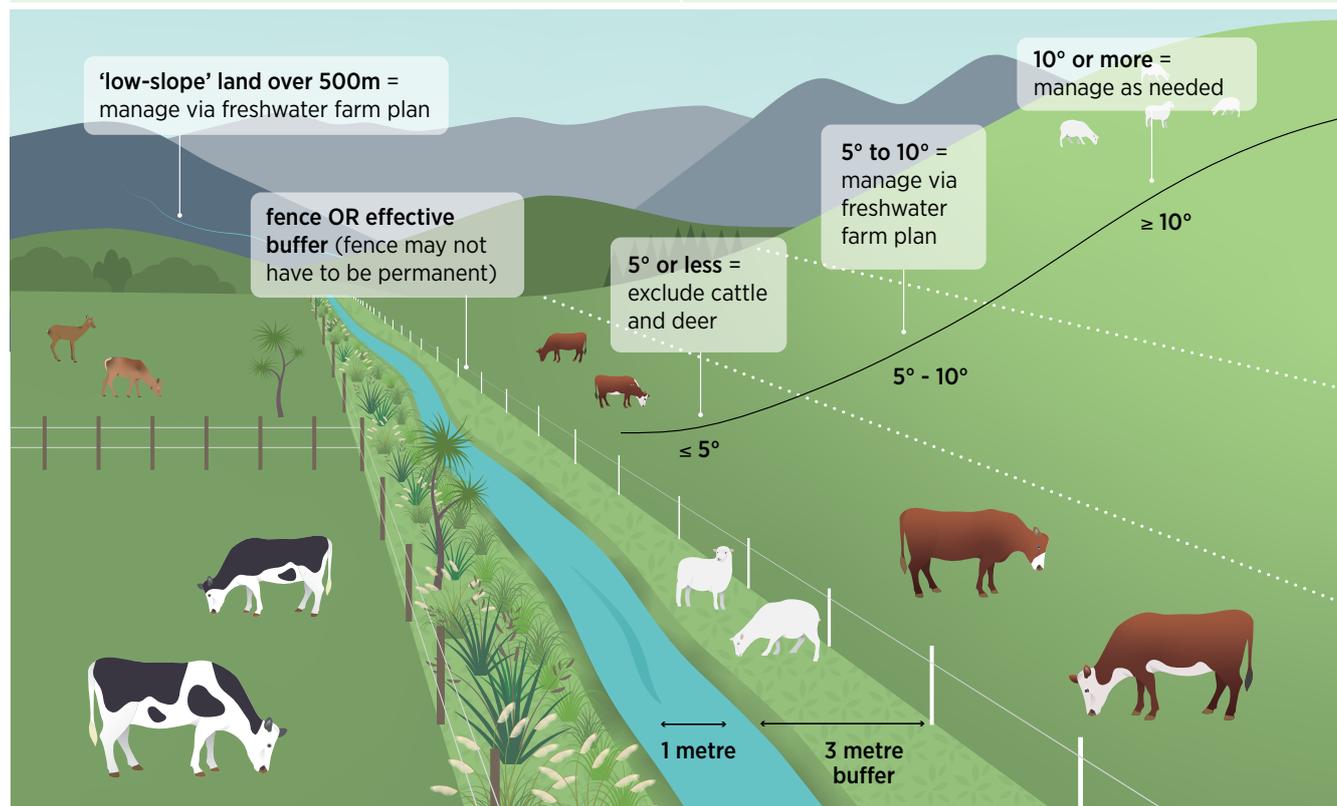
In their consultation document the Government says their proposed revised mapping approach would reduce the area of land captured as ‘low-slope’ by about three million hectares. They argue that the land misclassified as being less than 10 degrees has decreased from around 11.5 percent of the total map area to an estimated 0.07 percent in the proposed map.

Based on the feedback we’ve had from farmers, we believe the misclassified area may be more than the Government now thinks.

We encourage farmers to check the Government’s proposed new approach and either contact B+LNZ or Federated Farmers if it still does not work so that we can demonstrate the scale of the issues: enquiries@beeflambnz.com You can find a copy of the proposed map here: <https://mfe.maps.arcgis.com/apps/View/index.html?appid=f73222d33d224f1e8d513dae0f91c11d>

Key aspects of the proposal include the following:

Original	Proposal
Cattle and deer (not sheep) excluded from waterways on ‘low-slope’ (0-10 degrees) land by 2025.	Stock exclusion on <5 degree slope required over time. Stock exclusion on 5-10 degrees slope can be managed via freshwater farm plan actions over time. Stock on ‘low-slope’ land over 500m managed via freshwater farm plan actions over time. Stock on ‘low-slope’ land that is tall tussock/depleted grassland managed via freshwater farm plan actions over time.
Methodology used to define ‘low-slope’ map based on average slope across a land parcel/title boundary.	Methodology used to define ‘low-slope’ map based on average slope across 4.5ha area.
‘Waterway’ is defined as being 1m in width with a formed bed measured at any point within a land parcel boundary.	No change.
Dairy cattle, pigs and dairy support cattle excluded from waterways on all slopes by 2023 and 2025 respectively.	No change.
Buffer distance from the edge of the waterway must be 3m unless an existing suitable fence was already in place.	No change.





While there are some positives, B+LNZ will be seeking changes or clarifications.

Comment 1: Preferred approach a rule applied by the regional council

In our submission, we will be requesting that the low slope map is replaced with requirements for regional councils to manage stock exclusion at the paddock scale for land that is between 0-5 degrees slope. Regional scale approaches enable flexibility where required to address specific circumstances where alternative approaches to fencing may result in the same or better environmental outcomes.

With the way the rules are currently structured as a 360 regulation, it is impossible for regional councils to apply discretion to the map. We do not believe it's possible to get a map accurate enough, with the current level of satellite information, to be used in this way for determining stock exclusion.

If the Government insists on keeping a map, we need to find a type of instrument rather than a 360 regulation to ensure there is a process to deal with inaccuracies in the map. This can better accommodate types of land ownership and landscapes where we know that excluding stock from waterways will be extremely challenging (such as on the West Coast).

We are comfortable with using farm plans for farmers to make decisions on how they manage stock around waterbodies on land above a 5 degree slope - however see also comment 3 below.

Comment 2: Waterway and wetland definition

The discussion document (in the Glossary) notes that a water body needs to be assessed as meeting the definition of a 'waterway' within an entire land parcel, not just within the defined 'low-slope' area. This definition will be challenging to assess and implement on the ground and could be an interpretation fixed to the previous unworkable map. In our submission we will ask for this definition to be changed to the defined 'low-slope' area..

Outside of this specific consultation, many stakeholders in the agricultural sector are concerned about the way in which wetlands are defined. We will continue to advocate to the Government for a better definition.

Comment 3: Clarification of requirements on 5-10 degree slopes

The proposed changes would require landowners to manage stock exclusion on land 5-10 degrees in slope via a freshwater farm plan. This is different from the original stock exclusion rules where all eligible stock had to be excluded from waterways on land assessed to be 10 degrees or lower.

However, there is very limited detail on how stock exclusion requirements work in practice using a farm planning framework. In our submission we will seeking that any stock exclusion considerations through farm planning enable a landowner to adopt the most suitable stock management approaches for managing the environmental risks of stock around waterways including access.

What to make a submission on

B+LNZ strongly suggests that farmers test the revised approach on their farm and provide feedback to MfE and B+LNZ if the low-slope map/approach still isn't right. Specific examples from farmers will assist our argument for replacing the mapping approach with a slope trigger rule or may point to where regional councils need to have flexibility in applying the rules due to specific regional conditions.

The discussion document for the consultation asks a series of questions in each section (and they're listed together on page 27 of the discussion document). These are a guide only and you don't have to answer any/all of them when making your submission.

In B+LNZ's view, the key things to cover, and questions to consider, when you write your submission are:

- A brief description of your farming operation and catchment context (if relevant).
- Whether the new map better reflects what you see on your farm. If it does, what changes can you see between the old map and the new map?
- Whether you have a waterway on your farm that is on 'low-slope' land that would be challenging to exclude stock from. If you do, provide details as to why this is the case.
- Whether you think the addition of a 500m threshold provides enough of an exemption for our extensive low-footprint high country farming systems.

How to make a submission

There's detailed information on page 23 of the discussion document but, in summary, you can either:

- make a submission on MfE's consultation hub at <https://consult.environment.govt.nz> or
- write your own submission – note that uploading a file of this in the consultation hub is preferred, and there are some requirements around what to include if you provide a written submission and around what format to use if you send your submission by email. You can send an email to freshwaterfarmplans@mfe.govt.nz

The consultation closes on Sunday 26 September (note this was extended from the initial closing date of 12 September). Remember to explain your reasons for any feedback you provide and include supporting evidence where appropriate.

What next

B+LNZ has started work on a detailed submission on the proposals – we'll continue to refine our analysis based on farmer feedback and test our points with B+LNZ's Environmental Reference Group and other groups as required.

We intend to release the final submission in early September and will advise farmers when it's available. You might want to draw on this detailed advice in your own submission.

More information

Questions about the consultation should be directed to MfE in the first instance – you can email freshwaterfarmplans@mfe.govt.nz

If you want to contact B+LNZ, email enquiries@beeflambnz.com