

Making Sense of the Rules:

Farming, Cultivation, Winter Grazing and Wetlands

Better
environments
Better returns

LANDPRO.



Running Order

1. Introductions
2. NZ Regulatory Context – and what’s changed and setting the scene
3. What is happening in Southland
3. Breaking down some local rules <ul style="list-style-type: none">• Winter Grazing and Cultivation (Rules 20, 20A, 20B and 25)• Rule 70 – Stock Exclusion• Rule 76 – Vegetation planting• Rule 59A – Sediment Traps• Wetlands
4. Compliance
5. Q&A

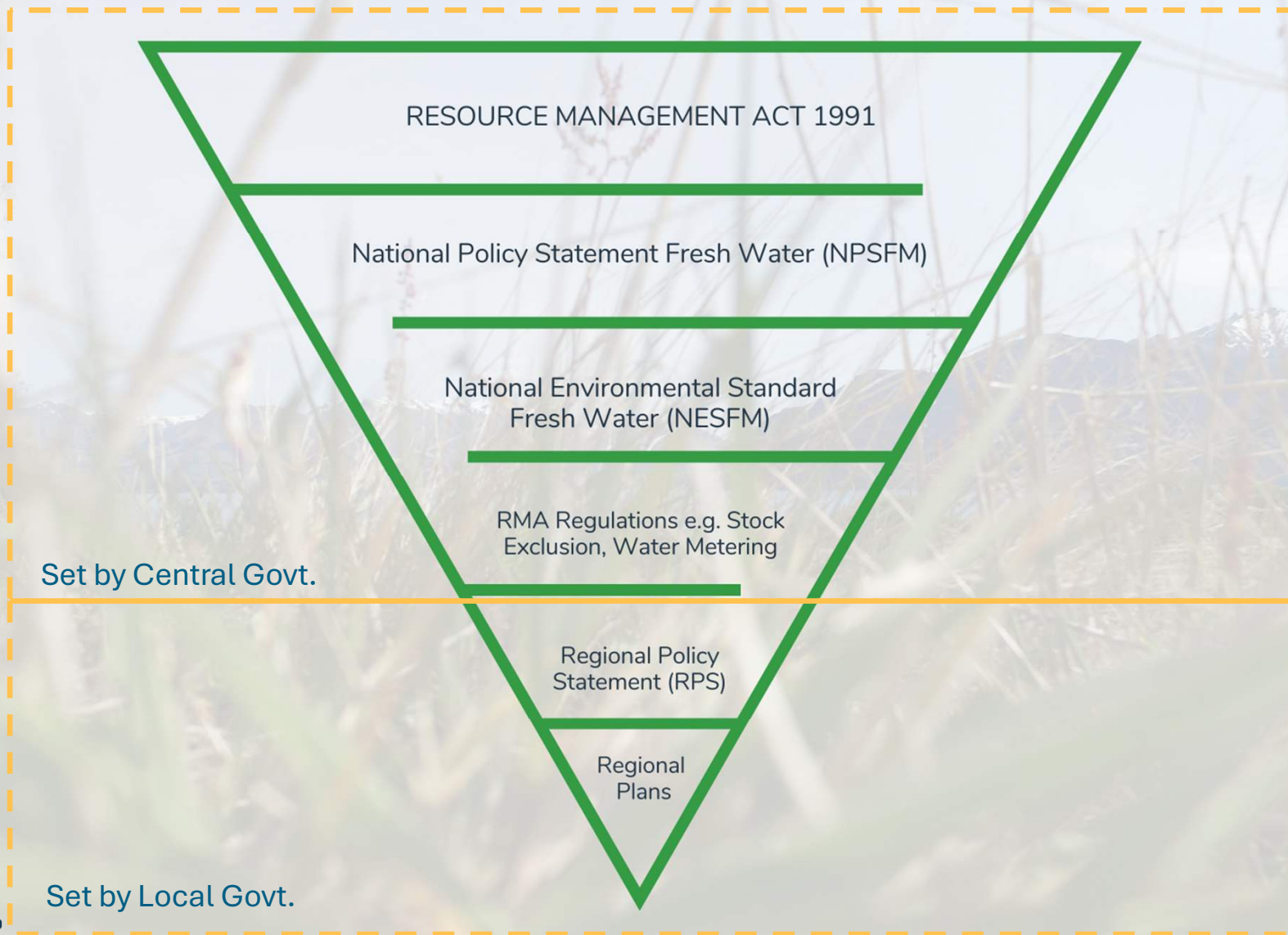


A photograph of a flock of sheep grazing on a green hillside. In the foreground, a low stone wall runs across the frame. Several sheep are standing near the wall, looking towards the camera. Other sheep are scattered across the hillside, some grazing and others standing. The background shows a steep, grassy slope with some dark, dense vegetation and rocks.

NZ Regulatory Context – and what's changed...

PART 1

LANDPRO.



Recap on Environmental Regulations - National

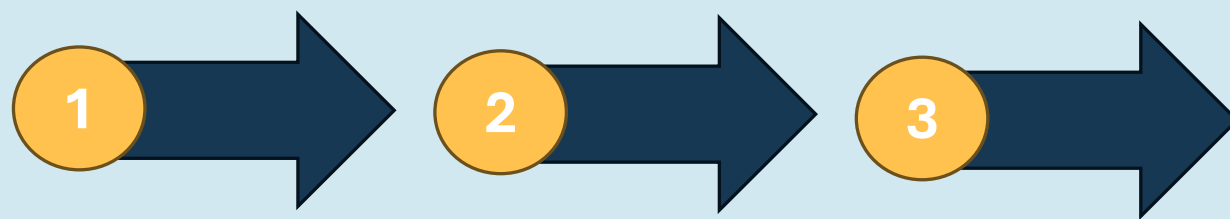


LANDPRO.

- Resource Management Act 1991 (RMA) & RMA Reform **To be amended (2 bills) then replaced**
- ~~Natural Built Environments Act & Spatial Planning Act 2023~~
- National Policy Statement Freshwater Management 2020 (NPSFM) **To be amended**
- National Environmental Standard Freshwater Regulations 2020 (NESF) **Amended**
- Freshwater Farm Plan Regulations 2023 **To be amended – Southland difference...**
- Stock Exclusion Regulations 2020 **Amended**
- He Waka Eke Noa **Disestablished**
- Climate Change Response Act (Zero Carbon) Amendment Act 2019 **Climate Change Response (Emissions Trading Scheme Agricultural Obligations) Amendment Act 2024**
- National Policy Statement Indigenous Biodiversity – July 2022 **To be amended**

Where are we now - RMA Amendments

The Coalition Govt. has committed to a three-phase reform of the Resource Management Act.



Repeal the Natural Built Environment Act and the Spatial Planning Act

A) Fast Track Approvals Bill
B) Targeted changes to RMA and amend and/or develop new national direction

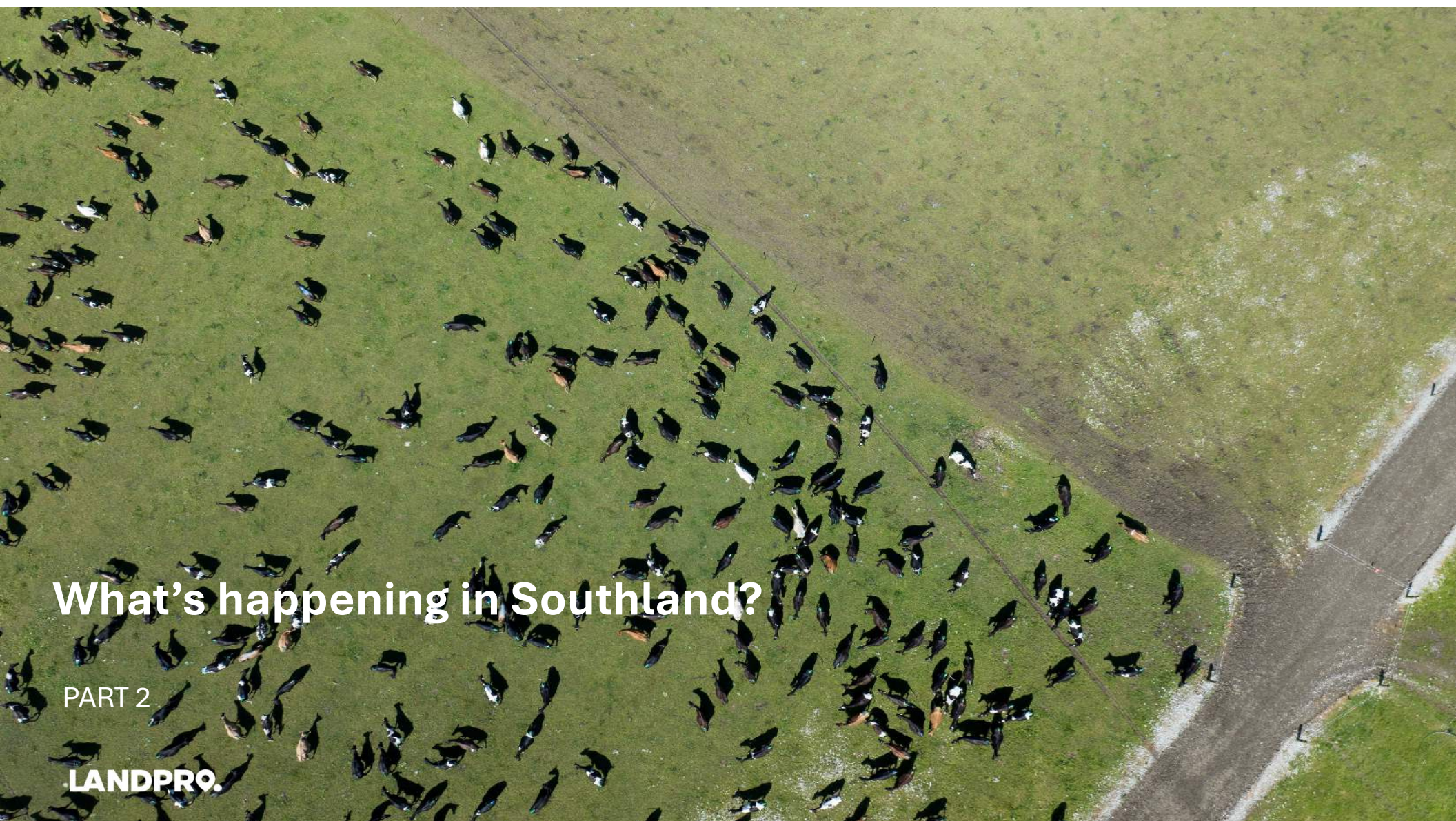
Replace the current RMA

“Our RMA Reform programme is happening in three phases. We repealed the previous government’s excessively complicated reforms through Phase One before Christmas last year [Dec2023]. Now in Phase Two we’re implementing a one-stop-shop fast-track consenting regime, legislating for a raft of ‘quick fixes’ to the interim RMA through two Amendment Bills and a suite of changes to national direction, and then in Phase Three we’ll fully replace the RMA with a new regime guided by private property rights.”
- Hon Chris Bishop (23 Oct 2024)

May 2025 – three packages released for consultation

1. Infrastructure and Development
2. Primary Sector
3. Freshwater

Consultation closed: 27 July 2025



What's happening in Southland?

PART 2

LANDPRO.

Southland proposed Water and Land Plan


- First notified 2016
- Operative 2018
- Since 2018, Environment Court hearings, appeals, and 9 interim decisions
- May 2024 the Plan was made operative – but three appeals remain
 - 1. Sediment removal; 2. incidental discharges; 3. groundwater allocation.

How will change in national direction impact Southland?

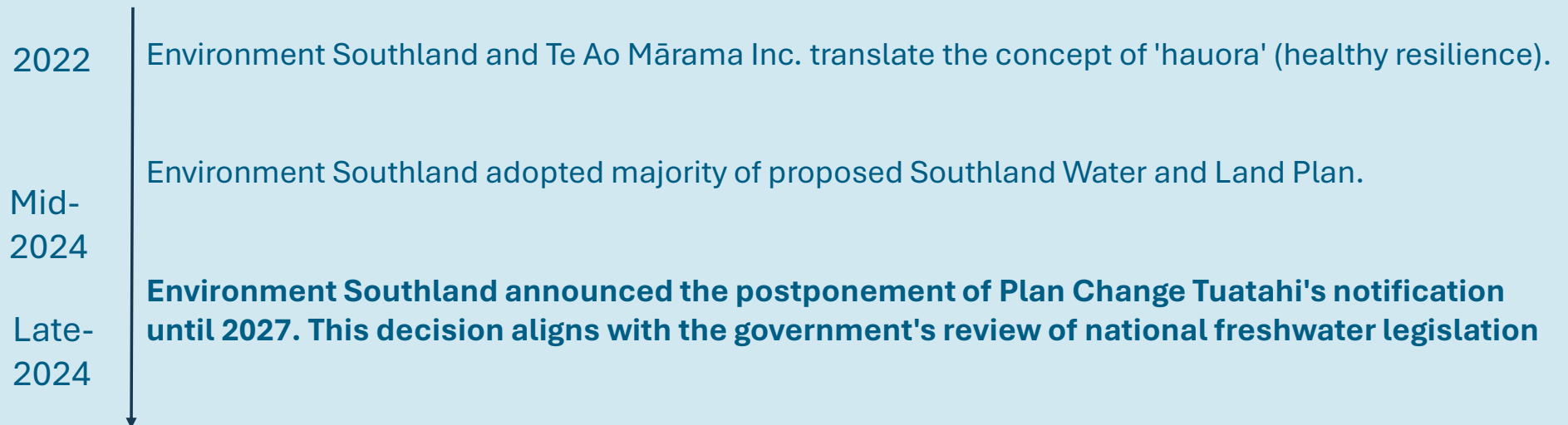
Council have communicated to consultants on the following...

- Enable good management practice, including wetland creation *[more on this later]*
- Encouraging focus on reducing contaminant losses whilst understanding and communicating national direction
- Farm Plans – there will be a continuation of work with certifiers, stakeholders, and landowners.

Plan Change Tuatahi, 'The Water Quality Plan Change'...

- 
- 2016 The proposed Southland Water and Land Plan was notified.
 - 2017 Updated National Policy Statement for Freshwater Management.
 - 2019 - 2020 The Southland Regional Forum was established.
Community engagement on freshwater values.
 - 2020 - 2021 Draft objectives for healthy resilience (hauora)
Science modelling showed the changes needed for Southland to meet draft objectives.
The new National Policy Statement and Environmental Standards for Freshwater were implemented – by previous Govt.

Plan Change Tuatahi, 'The Water Quality Plan Change'...



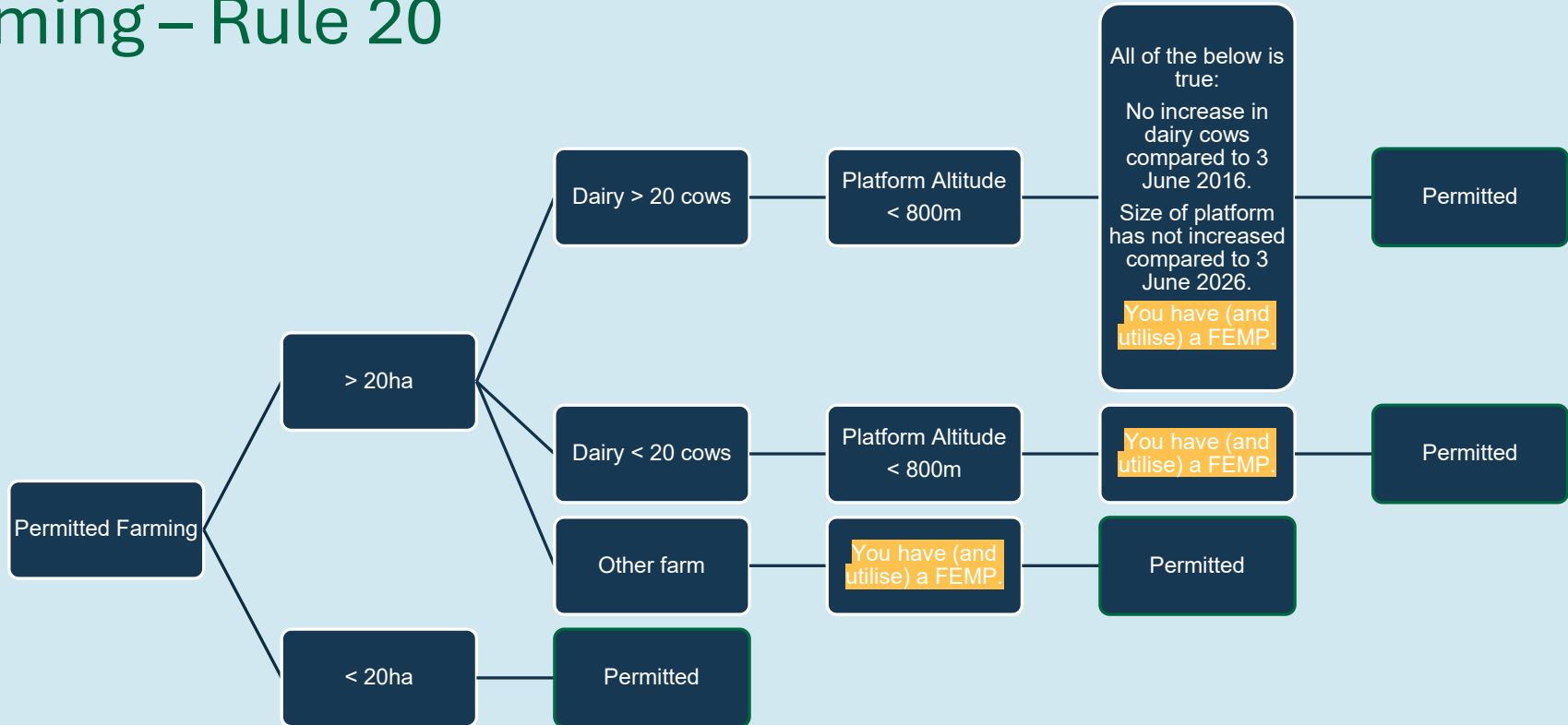
Rules

PART 3

LANDPRO.



Farming – Rule 20



If you want to convert to dairy, increase your dairy platform area, or increase cows, consent is needed.

Intensive Winter Grazing

Applied for 1 May 2025 wintering season

NESF (national regulations)

- 5m setback to freshwater
- CSAs must not be cultivated or grazed

SWLP (local plan)

- 27 November 2024, applies to IWG for winter 2025.
- IWG greater of 15% or 50 ha AND no greater than maximum 2014-2019
- CSAs identified in FEMP, stock excluded, and must not be cultivated or grazed
- Ground cover established as soon as practical
- FEMP that includes Winter Grazing Plan each year (to Appendix N standard) which details:
 - Downslope grazing or a 20 metre 'last-bite' strip at the base of the slope
 - Back fencing to prevent stock entering previously grazed areas
 - Transportable water troughs
 - CSAs identified
- Occurring at or below 800m in elevation
- **Setbacks:**
 - 20m from regionally sig. wetland, or sensitive water body, nohoanga site, etc
 - 20m from water on slopes >10 degrees
 - 10m from water on slopes <10 degrees

Intensive Winter Grazing – Rule 20A



Status quo - Yes within area thresholds... and GMPs are a minimum expectation.
Increase/new - consent needed.

Pasture Based Wintering of Cattle

– Rule 20B

Pasture Based Wintering of Cattle

Applied for 1 May 2025 wintering season

SWLP (local plan)

- Setbacks:
 - 20m from regionally sig. wetland, or sensitive water body, nohoanga site, etc
 - 20m from water on slopes >10 degrees
 - 10m from water on slopes <10 degrees
- Graze down slope or maintain a 20m 'last bite' strip
- Back fence
- Re-establish paddocks that have been significantly de-vegetated as soon as possible
- CSAs are identified in FEMP and stock excluded
- FEMP that includes Winter Grazing Plan **each year** (to Appendix N standard)

What is the pasture based wintering of cattle?

- a) **Break feeding on pasture** of cattle (ex lactating dairy cows)
- b) 1 May to 30 September
- c) where supplementary feed (e.g., baleage, hay) offered is more than 10,000 kilograms of dry matter per hectare. i.e., 40-45 Bales/ha depending on DM content.

When is it a sacrifice paddock?

- Stock are temporarily contained (typically during extended periods of wet weather); and the resulting damage caused to the soil by pugging is so severe as to **require resowing with pasture species**.
- GMP expectations under Rule 35B of pSWLP.

Cultivation – Rule 25

Mechanical tillage, direct drilling, herbicide spraying, spray and pray, over-sowing with/without assistance by animals.

Applies to ALL cultivation – Altitude < 800m, FEMP, and CSA management depending on crop or pasture.

Setback of 5m, 10m, or 20m depending on slope, and pasture establishment method and minimum cultivation return period.

You can cultivate the applicable setbacks (5m, 10m, or 20m) for re-grassing provided the below is met:

- *Direct drilling, over-sowing, or spraying*
- *Once every 5 years*
- *Occurs after the primary cultivation activity*
- *There is established pasture on the remainder of the paddock.*

LANDPRO.

General Cultivation – applies to all

- ✓ Cultivate below 800m elevation
- ✓ Manage CSAs
- ✓ FEMP
- × No cultivation of the bed of a river, lake, drain, or wetland

Grass to Crop (winter grazing)

- × No cultivation of CSAs
- × No cultivation over 20° slope
- ✓ 0-10° = 5 m buffer
- ✓ 10-20° = 10 m buffer

Legend

- ✓ Permitted
- × Activity not permitted

Grass to Grass (under 10°)

- ✓ Can cultivate CSAs
- ✓ 0-10° = 5 m buffer

Grass to Grass (10-20°)

- ✓ Can cultivate CSAs
- ✓ Cultivating only once every five years = 5 m buffer
- ✓ cultivating more than once every five years = 10 m buffer

Grass to Grass (over 20°)

- ✓ Can cultivate CSAs
- ✓ 10m buffer = direct drilling
- ✓ 20m buffer = over-sowing, and/or spraying
- ✓ Pasture renewal only
- ✓ Once every five years

Source: Adapted from Environment Southland Factsheet

Stock Exclusion – Rule 70

Land slope	Pigs and Dairy cattle (on dairy platforms)	Dairy support	Beef cattle and deer		Sheep (and other stock not included in this table)
Plains (0-3°)	Now All waterbodies and open drains	Now All waterbodies and open drains	Now All waterbodies and open drains where break feeding or supplementary feeding occurs	1 July 2025 All waterbodies and open drains	Not required to be excluded from waterbodies. However Policy 18 requires sheep to be managed in critical source areas and in those catchments with high <i>E.Coli</i> levels. + FEMP
Undulating/rolling land (3-15°)	Now All waterbodies and open drains	Now All waterbodies and open drains over one metre wide		1 July 2030 All waterbodies and open drains over one metre wide unless stocking rate adjacent to the waterbody is less than 6 units per hectare	
Steeper land (>15°)	Now All waterbodies and open drains over 1 metre	Now All waterbodies and open drains where break feeding occurs			

Source: Environment Southland

What is exclusion? You can use any kind of fencing so long as it is sufficient to exclude stock.

What setback distance do I use? If new exclusion, 3m on waterways >1m (national regulations). Check buffer/setback requirements for cultivation, intensive winter grazing and pasture-based wintering of cattle for all other waterways.

Can I move stock through water? Yes, provided livestock are supervised and actively driven in one continuous movement.

Key message

Can not be grazed:

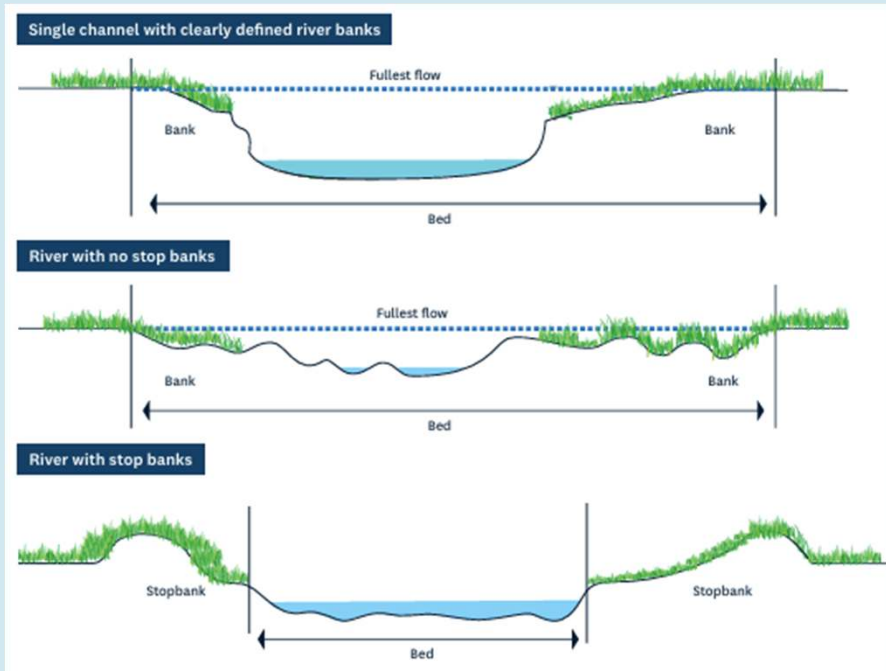
- Appendix A Regionally significant wetland or Sensitive Water Body
- Nesting areas in the bed of a watercourse
- Natural Wetlands (unless you have consent)

Exclusion required on any terrain for: the intensive winter grazing of all stock types; pasture-based winter of cattle; dairy support and beef cattle; and the break feeding of sheep.

Pigs and dairy cattle (on dairy platforms), as well as **dairy support cattle**, must already be excluded from all waterbodies and open drains – though some exceptions apply on steeper land or for narrow drains.

Beef cattle and **deer**, stock exclusion currently applies only where break feeding or supplementary feeding occurs. However, from 1 July 2025, exclusion from all waterbodies and open drains will apply on flat land, and from 1 July 2030 on rolling land for waterways over 1 metre wide (unless low stocking rates apply).

Vegetation Planting – Rule 76



Example via Otago Regional Council

The RMA defines the bed of a river as:
“the space of land which the waters of
the river cover at its **fullest flow** without
overtopping its banks”.

Is the
planting
occurring in
the bed or
margins of a
waterway?

Yes

FEMP; or is for the
purposes of soil
conservation or river
control, or for
enhancing
biodiversity, or for
enhancing mahinga
kai or taonga
species

Waterway access is
not restricted

Not production
forestry

No plants from the
Regional Pest
Management
Strategy

On Farm Sediment Trap – Rule 59A

You can build (and maintain) a sediment trap as a permitted activity provided the below is complied with.

General working in/around water conditions: Includes things like...

- Maintain fish passage
- Avoid temporary sediment release
- Waterway maintains original channel shape, area, depth, and gradient
- November until the end of May, there is no disturbance of whitebait spawning habitat.
- Other

Purpose is for sediment control.

Not located within any mātaítai, nohoanga, or taiāpure.

Stock excluded.

Banks > 3:1.

Does not impact on other structures.

Does not impact flood risk, or drainage capacity.

LANDPRO.



Source: Environment Southland



Source: Thriving Southland



Source: Thriving Southland

Wetlands – what is a wetland?

Southland Plan

Wetland

- Permanently or intermittently wet
 - Shallow
- Plants/animals adapted to wet conditions

Natural Wetland

- Same as wetland, but excludes wet pastures, damp gully heads, ponding of rainwater, pastures with rushes, artificial storage facilities, reservoirs, and erosion control structures

Regionally Significant Wetland

- Special wetlands listed in Appendix A of the plan

National Regulations

Natural Inland Wetland means a wetland that is NOT:

- Located in the coastal marine area
- Deliberately constructed (not including a wetland created to offset impacts on, or to restore, an existing or former natural inland wetland.
- A wetland that has since developed around a constructed water body
- Geothermal wetlands (found in volcanic areas)
- Within an area of pasture used for grazing and has more than 50% exotic pasture species determined by Pasture Exclusion Assessment
- Has habitat of a threatened species of the NPS

The **Pasture Exclusion Assessment Methodology** helps identify if grazed areas are 'wet pasture' and therefore not subject to the wetland rules. The main difference between wet pasture and a natural wetland is the amount of pasture versus non-pasture plants. To use this method correctly, you need to be able to identify native and exotic plant species in those areas.



Potential Wetland in Pasture

Visual clues include change in topography, change in vegetation colour, presence of indicator species (willow and rushes), grazed vegetation

Source: MfE

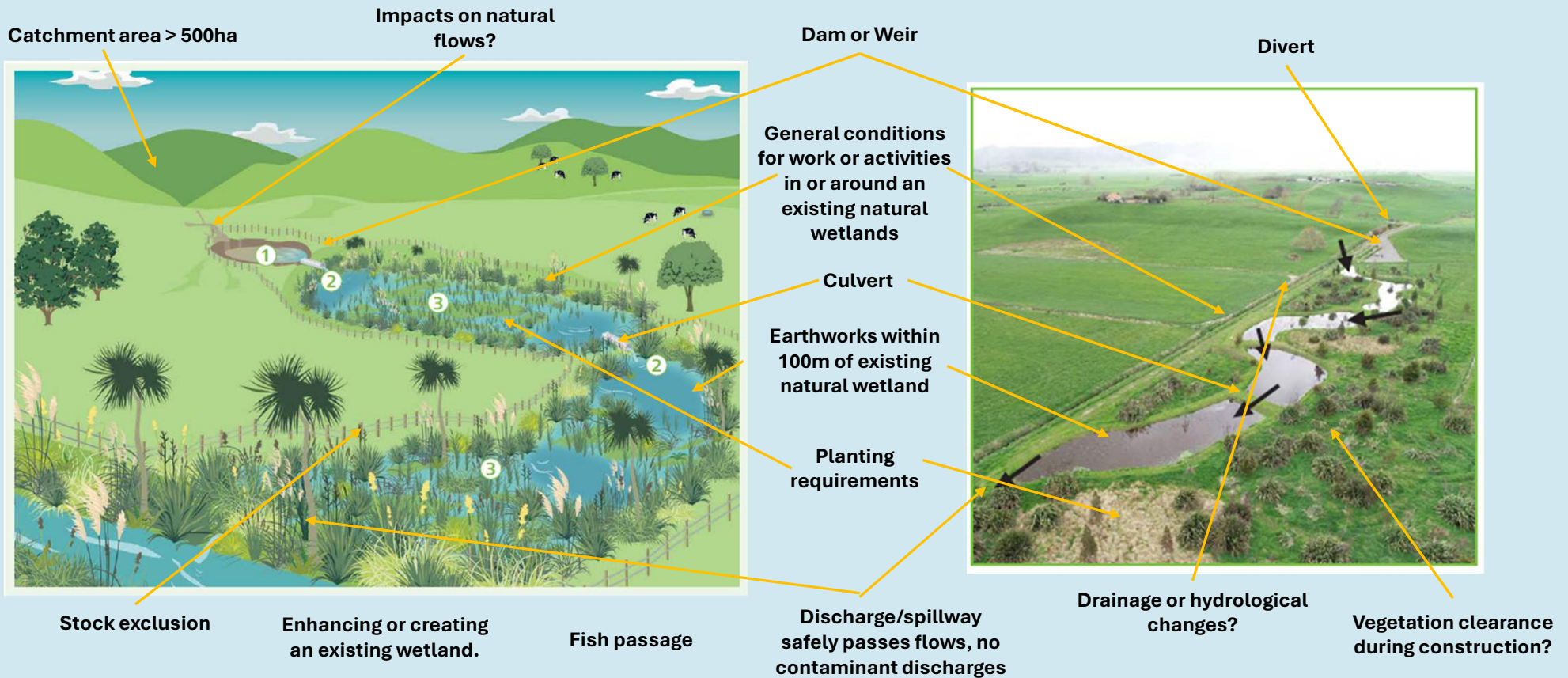
Natural Inland Wetland

Visual clues include - Dominant species is native swamp millet

Source: MfE



Wetlands – various rules and possible consents



Wetlands – what you can and can't do

Can I construct a wetland without consent?

Yes – if it's outside 100m of any natural wetland, and **doesn't affect water flows**.

Can I plant a constructed wetland without consent?

Yes – as long as the planting doesn't involve pest species or restrict access to water infrastructure.

Can I plant a natural wetland without consent?

Sometimes – minor indigenous planting for restoration may be permitted under NES-F Reg 55 and Rule 76 pSWLP, but conditions apply. No pest species, no production forestry, and no damage to wetland values.

Check with Council/consultant before starting.

Can I complete restoration works on a constructed wetland?

Yes – permitted if the wetland is outside sensitive areas and the work does not involve earthworks, damming, or water diversion.

Can I complete restoration works on a natural wetland without consent?

Only in very limited cases. Small-scale planting, fencing, and weed control may be permitted under NES-F Reg 55, but:

- Earthworks, drainage, or hydrology changes = consent required
- Must follow strict conditions and be included in a certified FEMP

Can I cultivate or drain wet, swampy areas of a paddock?

Only if it is wet pasture and not a wetland. If the area qualifies as a natural inland wetland, cultivation or drainage is likely to trigger NES-F rules and will require resource consent.

Wetlands – who to talk to and funding

- Environment Southland are aware that the rules impacting positive wetland construction and enhancement can be onerous, and more prohibitive than enabling.
- A working group has been established by Environment Southland to understand the current barriers and to make recommendations to policy makers.
- Talk to your local Environment Southland Land Sustainability Officer.
- Talk to your local catchment group.
- Financial support may be available through Environment Southland's Land Sustainability Mitigations Fund.



What about Farm Plans?

**To be a permitted Farming Activity
beyond May 2026 a FEMP is required
on farms > 20ha.**

Applicable Rules - Farming; IWG, Pasture-based wintering of cattle;
Cultivation; Sacrifice Paddocks; grazing of sheep where they can access
bed of river; vegetation planting.


Requirements of Southland Farm Environmental Management Plans (FEMPs) – Appendix N

Appendix N – Key Objectives for Farm Environmental Management Plans

- Nutrient and Soil Management
 - Includes benchmarking 2022 – 2023 season
- Habitat Management
- Flood capacity of streams and rivers
- Intensive winter grazing and pasture-based wintering
- Collected agricultural effluent management
- Irrigation system designs and installation
- Irrigation management

Focus on practices and actions – detailed Action Plan

LANDPRO.



The deadline for Southland farmers to submit their farm plans has been delayed until May 2026.

** If you do not have, or do not implement the practices, actions and mitigations specified in the FEMP in accordance with FEMP timeframes, you are not considered permitted. **

Where to start?



Good Farm Maps e.g. ID Critical Source Areas, Vegetation, risk areas, and think about landscape context



Financial Modelling – understand your options under different scenarios



Good Management Practices i.e., fence setbacks, nutrient budgets etc.



Intensive Winter Grazing Plans (plenty of free resources i.e. catchment groups, DNZ)



Farm Plans – Make a Start to get ahead. Understand your risks, and opportunities. Ensure it adds value to your business.



Get the paperwork in order. Prepare for increased compliance. Do your due diligence

Compliance

PART 5

LANDPRO.



Why compliance matters

1. Protect Your Business & Avoid Risk

- **No surprises down the line** – Regulatory enforcement is increasing, with monitoring through **flyovers and on-the-ground checks**. Getting caught non-compliant could mean penalties or restrictions.

2. Maintain Market Access & Reputation

- **Processors and industry partners are watching** – Some companies are already prioritizing suppliers with strong environmental practices. Staying compliant could keep you ahead of future market demands.
- **Support for farmers who do the right thing** – As an industry, proving we can self-manage helps avoid stricter government controls in the future.



Practical consent compliance tips



Make sure the people responsible know what is expected. *Read consents carefully and make sure they are understood by you and any workers who may be involved in activity permitted by the resource consent. The conditions are the responsibility of all who exercise the consent.*



Ask Environment Southland for clarification before something crops up.



Plan ahead, e.g., 1 May winter grazing period, emptying effluent sumps during the season when convenient to you, and before you are asked, know what visual assessment or pond drop test is needed (did you know the rules have changed??).



Record – a photo speaks 1,000 words if paperwork is not your thing. Use technology, Farm Software, and drones. Your FEMP and Effluent Management Plan is a live document, use it to record what is relevant on your farm, in a way that works for you.



If something happens, speak to Environment Southland ASAP. Call your consultant first if you are worried and they can act on your behalf.





Better
environments
Better returns

LANDPRO.

LANDPRO.

Q&A

LANDPRO.