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17 July 2023

*Stock Exclusion Regulations: exception from the low slope map*  
Ministry for the Environment  
P O Box 10362  
**Wellington 6143**

[stockexclusion@mfe.govt.nz](mailto:stockexclusion@mfe.govt.nz)

Dear Sir/Madam

### **Amendments to Stock Exclusion Regulations**

Thank you for the opportunity to submit on the Discussion Document for amending the Stock Exclusion Regulations. The West Coast Regional Council's (WCRC or the Council) submission is attached.

The Council consulted with their iwi partners, Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio (Poutini Ngāi Tahu or PNT), who are mana whenua on the West Coast/Tai Poutini, in the development of this submission.

Our contact details for service are:

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We would be grateful for acknowledgement of receipt of our submission.

The Council consents to their submission being released to the public under the Official Information Act 1982.

Yours faithfully

Fiona Thomson  
**Planning and Science Manager**

## West Coast Regional Council Submission on

### Introduction

The West Coast Regional Council (the WCRC or the Council) appreciates the opportunity to submit on the Discussion Document's options for providing an exception for lower-intensity farming to not have to exclude stock from waterways, under the Stock Exclusion Regulations 2020.

Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio (Poutini Ngāi Tahu – PNT) are mana whenua of Te Tai o Poutini (the West Coast). The WCRC's Mana Whakahono ā Rohe (Resource Management Act – Iwi Participation Arrangement) captures the intent of the WCRC and Poutini Ngāi Tahu to progress our relationship in accordance with the Treaty of Waitangi partnership between iwi and the Crown. Poutini Ngāi Tahu were invited to provide input into this submission.

Due to resourcing constraints and our high workload, this submission does not answer all the questions in the Discussion Document. This submission covers the most important points for the WCRC.

In summary, Council supports several of the changes proposed to ensure that low intensity farming is not unnecessarily caught by the low slope map. However, Council considers that low intensity cattle and deer farming should be excluded from grazing in sensitive sites and wetlands, due to the potential damage these stock can cause to the important values. Council is open to considering if there are options to provide appropriate mitigations in farm plans that can protect important values and allow stock to access waterways, subject to consulting with mana whenua.

In the preparation of this submission, the Council consulted with four West Coast farmers, including farmers who have 'run of the river' low intensity farmed blocks, and Council's Compliance staff. A number of their comments are incorporated into this submission.

The Council provided feedback to the Te Uru Kahika regional sector submission on some of the Discussion Document questions. At the time of providing our feedback to Te Uru Kahika, the Council had a different view to Te Uru Kahika on the matter of providing an exception for low intensity grazing access to water ways.

Having further considered the matters being proposed in the Discussion Document and the feedback received from farmers and our Compliance staff, this Council submission provides further explanation and feedback than some of our responses in the Te Uru Kahika submission.

### Summary List of Feedback

**Feedback 1:** Q1: Council supports using a stocking rate per hectare to exempt low intensity beef and deer grazing on the West Coast from being captured by the low slope map.

**Feedback 2:** Q2: The stocking rate should be calculated by the size of the landholding being less intensively grazed, and the number of beef cattle and/or deer being less intensively farmed. When calculating the size of the low intensity grazed area, it should exclude areas of bush and forest.

**Feedback 3:** Q3: Council supports having one stocking rate formula for setting a threshold for low intensity beef cattle and deer farming, only calculated for low intensity grazed parts of a farm, and not based on an annual average but using a stocking rate at any time.

**Feedback 4:** Q5: Council does not support a blanket exception for low intensity cattle and deer to have access to sensitive freshwater areas such as inanga spawning sites, habitats of threatened freshwater species, and culturally significant areas. Council is open to considering if appropriate and effective mitigations to protect high wetland values can be put in farm plans on a case by case basis for low intensity access to sensitive and significant areas in waterways, subject to consulting with mana whenua.

**Feedback 5:** Q6: Sensitive sites such as Inanga spawning sites and culturally significant areas can be identified in farm plans, and in regional plans.

**Feedback 6:** Q8: Council supports using farm plans instead of the low slope map, to provide an exception for low intensity beef cattle and deer farming from the Stock Exclusion Regulations' restrictions on access to waterways. Council would support removing the low slope map requirement altogether for low intensity farming if it is a practical option.

**Feedback 7:** Q9: Council supports adding a provision to the Regulations that the low slope map does not apply to DOC or LINZ land where a stocking rate is already set in a grazing licence, lease or other authorisation. This will avoid duplicating protective restrictions, and avoid potential inconsistencies between stocking rates for the same area of land.

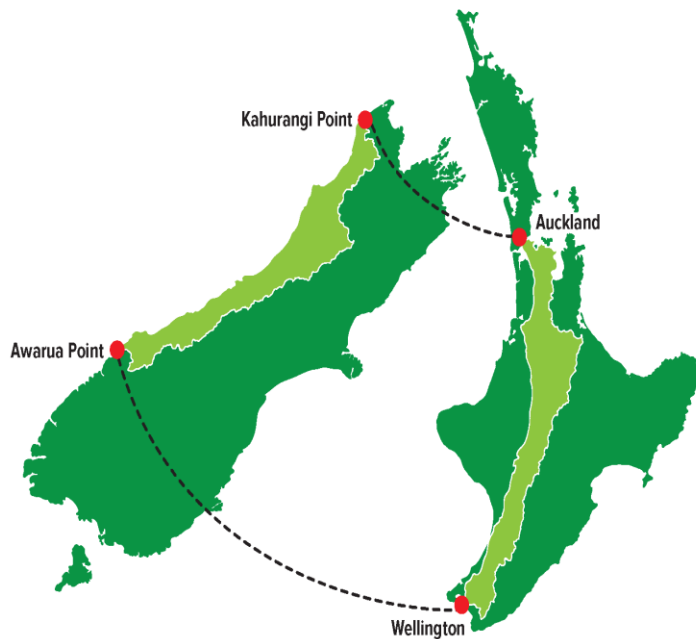
**Feedback 8:** Q10: Council does not agree with having an exception for lower intensity farmed cattle and deer to have access to wetlands with high values, but the perimeters of natural inland wetlands need to be clearly defined, and identifying and mapping them will take considerable time. Council is open to considering if appropriate and effective mitigations to protect high wetland values can be put in farm plans on a case by case basis for low intensity access to wetlands, subject to consulting with mana whenua.

**Feedback 9:** Q12: An economic incentive for maintaining wetlands as carbon sinks could also work as an incentive for the landowner to undertake weed control, given that weed growth is an issue with excluding stock from wetlands. There should be consistency and integration between the Stock Exclusion Regulations regarding stock grazing and weed control in wetlands, and the Government's recently released Discussion Document on "Exploring a biodiversity credit system for Aotearoa New Zealand".

**Feedback 10:** Q13: The Council supports the Regulation for fencing type being amended to provide a more flexible exclusion clause, that any means can be used if it achieves the purpose of effectively excluding stock from a waterway.

## About the Submitter

The West Coast Regional Council (WCRC) is the local authority for a region covering a vast area with a sparse population. The distance from Kahurangi Point in the north to Awarua Point in the south is the approximate distance from Auckland to Wellington.



**The West Coast region stretches the equivalent distance of that between Auckland and Wellington**

**Figure 1: Map of New Zealand to highlight the 600km length of the West Coast Region compared to the distance between Auckland and Wellington.**

The West Coast Regional Council works closely with the regions' three territorial authorities (the Buller, Grey, and Westland District Councils). The main towns are Westport, Greymouth, Reefton, and Hokitika. The region's relatively low population of approximately 32,600 is spread across small towns, settlements, and rural communities.

Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio (of Poutini Ngāi Tahu – PNT) are mana whenua of Te Tai o Poutini (the West Coast). The 'Paetae Kotahitanga ki Te Tai Poutini Partnership Protocol, Mana Whakahono ā Rohe Resource Management Act Iwi Participation Arrangement; A Protocol and Arrangement between Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio, Te Rūnanga o Ngāi Tahu and the West Coast Regional Council of October 2020' captures the intent of WCRC and its partners to progress our relationship in accordance with the Treaty of Waitangi partnership between iwi and the Crown.

The West Coast is predominantly rural.

The Conservation Estate comprises 84.17% of the West Coast land area, with an additional 1.55% administered by Land Information New Zealand (LINZ). This leaves 14.28% of land available for private ownership. The land in the Conservation estate and Crown ownership is not rateable by local authorities.

As to the structure of the West Coast Region’s Economy, and according to Infometrics ‘Filled jobs by 54 industry categories list’, the percentage contribution of various sectors to the regional economy, as at 2022, was:

- Health Care and Social Assistance - 11.1%;
- Accommodation and Food Services - 9%;
- Dairy Cattle Farming - 6.1% (and dairy product manufacturing 3%);
- Education and Training - 6.1%; and
- Construction Services - 4.4%.<sup>1</sup>

Infometrics ‘Contribution to employment by broad sector, 2022’ data shows the following sectors contribution to the West Coast Region’s economy:

- ‘Other services’ accounted for 40%;
- ‘High value services’ 23.2%;
- ‘Goods-producing industries’ 22.1%; and
- ‘Primary industries’ made a 14.8% contribution.

## Submission Points

Questions 1-4 – Defining lower intensity farming for the purpose of an exception	
	<b>Q1. Do you consider stocking rate (ie, SU/ha) is an appropriate measure to define lower intensity farming or do you recommend a different approach? Why?</b>
West Coast Regional Council	<p>Yes, Council supports a stocking rate per hectare as an appropriate tool to exempt low intensity beef and deer farming on the West Coast from being captured by the low slope map. The West Coast Region differs from other Regions in that the water quality in the Region overall is very good, and our stocking rates are lower than those in, for example, the Waikato and Taranaki Regions.</p> <p>Feedback received from a Te Rūnanga o Makaawhio representative is that they would like to see the waterways in their takiwa kept free of stock. They are aware of the fencing issues for the South Westland ‘run of the river’ low intensity farmers, and recognise that the very low intensity grazing is low impact.</p> <p>Using a stocking rate to define low intensity farming is also supported by the farmers that were interviewed for their input into this submission.</p> <p>The exception will make the Regulations practical for the ‘run of the river’ low intensity farm blocks in South Westland and other parts of the Region where large river valley flats are grazed. The cost of fencing these rivers would be exorbitant due to the long lengths of the rivers, the fencing would be washed away in each high flow event, and stock could potentially be caught up in fencing and drowned. South Westland has a median annual rainfall as measured at Roaring Billy Creek in the Haast valley of 6000 mm, and in Haast township, the median annual rainfall is 3200mm.</p>

<sup>1</sup> Structure of West Coast Region’s Economy; Source Infometrics at <https://ecoprofile.infometrics.co.nz/West%20Coast%20Region/Employment/Structure>, last viewed 15 May 2023.

	<p>A stocking rate per hectare is an even measure, it will even out different classes of animals. Farmers should be able to identify low intensity areas for grazing exemptions.</p> <p>Some 'run of the river' low intensity farm blocks are on Department of Conservation land, or LINZ land. The licences or leases for grazing these blocks already stipulate a stocking rate or limit on the number of beef cattle that can be grazed on a specified area on the river flats. On some South Westland blocks, the stocking rate per hectare is 0.5.</p>
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**Feedback 1:** Q1: Council supports using a stocking rate per hectare to exempt low intensity beef and deer grazing on the West Coast from being captured by the low slope map.

	<p><b>Q2. If you do agree with basing the exception on stocking rate, what do you think is the appropriate stocking rate threshold (in SU/ha) for the definition of lower intensity farming and how do you think it should be calculated (eg, 2 SU/ha, per year, over the whole farm)? Why?</b></p>
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<p>West Coast Regional Council</p>	<p>Council considers that the stocking rate should be calculated by the size of the landholding being less intensively farmed, and the number of beef cattle and/or deer being less intensively grazed. There are large landholdings that only have smaller areas of low intensity grazing land, so if the total stocking rate is calculated over the entire land holding, this would artificially lower the stocking rate. If the stocking rate is calculated on actual low intensity grazing area, this gives a true representation of the stocking rate.</p> <p>The stocking rate can be added to the farm plan for each farm.</p> <p>One farmer suggested that when calculating the size of the low intensity grazed area, it should exclude areas of bush and forest. In the Haast River valley, for example, the native bush is growing back over the River flats.</p>
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**Feedback 2:** Q2: The stocking rate should be calculated by the size of the landholding being less intensively grazed, and the number of beef cattle and/or deer being less intensively farmed. When calculating the size of the low intensity grazed area, it should exclude areas of bush and forest.

	<p><b>Q3. Do you think there should be different stocking rate thresholds for beef cattle and deer, or one threshold for all stock types? Why?</b></p>
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<p>West Coast Regional Council</p>	<p>Council does not support having different formulas for determining stocking rate thresholds for beef cattle and deer, this could make monitoring too complicated. Only one formula should be used, otherwise we will end up with multiple stocking rates.</p> <p>Council has concerns about using an annual average stocking rate. This could be difficult to monitor. Staff understand that farmers do not hold information on their stocking rates per day, week or month for each paddock that adjoins a waterway, so annualising it will be difficult. It would make compliance work more straightforward to have a stocking rate that applies at any time, so when a compliance officer does a site visit, they can see how many stock are in a paddock on that day.</p>
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	The calculation for determining the stocking rate should not include the whole farm if there is both low and higher intensity grazing carried out on a farm. A number of West Coast 'run of the river' farms have both low and higher intensity grazing in different parts of the farm. Calculating the low intensity stocking rate must only count the area being grazed at a low intensity. This can be managed in farm plans.
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**Feedback 3:** Q3: Council supports having one stocking rate formula for setting a threshold for low intensity beef cattle and deer farming, only calculated for low intensity grazed parts of a farm, and not based on an annual average but using a stocking rate at any time.

Questions 5-6 – Situations where an exception may not be appropriate	
	<b>Q5. Do you consider that there are any situations where an exception for lower intensity farming should not apply, and the map should continue to apply (eg, where specific sensitive water bodies are present)? If yes, what do you consider these to be and why? If no, why not?</b>

West Coast Regional Council	<p>Council considers that there should not be an exception for low intensity cattle and deer to have access to sensitive freshwater areas such as inanga spawning sites, habitats of threatened freshwater species, and culturally significant areas. Cattle can damage sensitive areas.</p> <p>There were mixed views amongst the farmers interviewed about allowing low intensity farmed stock access to sensitive sites in water bodies. Some farmers believed that low intensity grazing would not impact sensitive sites, but high intensity grazing could. If grazing has a high impact on important values, then stock should be excluded. Other farmers had the view that where threatened freshwater species such as short-finned eels are present, the waterway should be protected. Staff understand that there are freshwater threatened species in South Westland rivers that have low intensity grazing along them, and the freshwater species have co-existed for many years.</p> <p>This could potentially be a matter that is assessed on a case by case basis through farm plans, where sensitive and significant sites can be identified, and mitigations put in place if they are appropriate and effective to protect the significant values, and subject to consultation with mana whenua.</p>
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**Feedback 4:** Q5: Council does not support a blanket exception for low intensity cattle and deer to have access to sensitive freshwater areas such as inanga spawning sites, habitats of threatened freshwater species, and culturally significant areas. Council is open to considering if appropriate and effective mitigations to protect high wetland values can be put in farm plans on a case by case basis for low intensity access to sensitive and significant areas in waterways, subject to consulting with mana whenua.

	<b>Q6. If you do agree that there are situations where an exception may not be appropriate, do you have any views on how those specific situations should be identified?</b>
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West Coast Regional Council	See our comments above on Question 5. Inanga spawning sites and culturally significant areas can be identified in farm plans, and they are already identified
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	in our Regional Land and Water Plan. The sites will be reviewed and updated in our freshwater plan change.
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**Feedback 5:** Q6: Sensitive sites such as Inanga spawning sites and culturally significant areas can be identified in farm plans, and in regional plans.

Questions 8-9: Using certified freshwater farm plans	
	<b>Q8. Do you consider that certified freshwater farm plans should be used as the basis for an exception, or an alternative, to the map and associated requirements to exclude stock? Why/why not?</b>

West Coast Regional Council	<p>Council supports using farm plans to implement an exception for low intensity grazing and access to rivers, as farm plans are about managing environmental risks, and will be a better tool than the low slope map. Farm plans will be a key tool in compliance work, and good farm plans will negate a lot of problems with implementing the Stock Exclusion Regulations. Compliance staff should be able to identify a low slope on a site visit.</p> <p>All the farmers spoken to also support using farm plans to manage low intensity grazing and access to waterways. There will be more flexibility with using farm plans compared to the wording in the Regulations for managing stock around waterways. Staff understand that some farmers are still finding the low slope map difficult to use, and it is not accurate. Some farmers would like to see the low slope map requirement removed altogether for low intensity farming. Council would support this if it is a practical option.</p> <p>If a low intensity farm joins herds together over winter, increasing the stocking rate, this is a different practice and the stock should be kept out of the river. This can be addressed in the farm plan.</p> <p>Farm plans should also be able to provide for variances between very low and low stocking rates. For example, on one South Westland 'run of the river' block, on one side of the river cattle are grazed at 6 stock units, and on the other side of the river they are grazed at 0.5 stock units.</p>
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**Feedback 6:** Q8: Council supports using farm plans instead of the low slope map, to provide an exception for low intensity beef cattle and deer farming from the Stock Exclusion Regulations' restrictions on access to waterways. Council would support removing the low slope map requirement altogether for low intensity farming if it is a practical option.

	<b>Q9. Is there any other information that you think we should consider?</b>
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Many 'run of the river' farm blocks have licences or leases with DOC and LINZ as the land administrators, and a stocking rate is set in the authorisation. Having two layers of protection for these waterways via stocking rates on both the lease and in the Regulations is unnecessary, and there is potential for the two stocking rates to be inconsistent.



If the low slope map continues to capture these ‘run of the river’ blocks on DOC and LINZ land, this will mean that these organisations will not be able to afford to fence off rivers in these large river valley flats. Low intensity herds may have to be removed from the river flats, incurring a substantial loss of income to farmers. Alternatively, herds will be confined to a smaller area, increasing the intensity of the farming.

‘Run of the river’ farmers need certainty that the exception will apply to the low intensity river blocks in their farm plans, and that this land will not be caught by the low slope map. Certainty can be provided by adding a provision to the Regulations that the low slope map does not apply to DOC or LINZ land where a stocking rate is already set in a grazing licence, lease or other authorisation.

**Feedback 7:** Q9: Council supports adding a provision to the Regulations that the low slope map does not apply to DOC or LINZ land where a stocking rate is already set in a grazing licence, lease or other authorisation. This will avoid duplicating protective restrictions, and avoid potential inconsistencies between stocking rates for the same area of land.

Questions 10-12 – Stock exclusion for natural wetlands	
	<b>Q10. Do you consider that an exception for lower intensity farming systems, or the alternative approach using certified freshwater farm plans, should apply more broadly to natural wetlands? Why/why not?</b>
West Coast Regional Council	<p>Council does not agree with having an exception for lower intensity farmed cattle and deer to have access to wetlands with high values. This includes wetlands identified as significant. Staff understand that farmed cattle and deer can damage native wetland plants so they should be excluded from wetlands that meet the definition of a natural inland wetland. Having said that, the perimeters of natural inland wetlands need to be clearly defined, and identifying and mapping them will take some time as there is a lot of wet land on the West Coast. These will need to be carefully identified to ensure they do not capture land that is not actually wetland.</p> <p>Some of the farmers interviewed believed that low intensity farming in a natural wetland would not negatively impact the wetland, and can help control weeds. Beef cattle are less likely to enter a wetland as they may get stuck in the boggy soil. Some farmers also pointed out that feral grazers such as deer and possums do more damage to wetland vegetation than beef cattle, as these pest species can travel further into a wetland. Deer numbers have increased substantially in recent years in the West Coast Region. In the Waiatoto River valley, for example, there are 50 beef cattle, compared to 150 deer observed by locals.</p> <p>Council’s Compliance staff advised that allowing low intensity numbers of beef cattle and deer to graze wetlands could cause conflict where a low intensity farmer is allowed to have their stock in wetlands, and a neighbour with a higher stocking rate is not allowed stock in a wetland. This could be hard to police, and will increase the workload for compliance staff.</p> <p>As with sensitive and significant sites, low intensity grazing in wetlands could potentially be a matter that is assessed on a case by case basis through farm plans, to determine if mitigations that are appropriate and effective to protect</p>

	the significant values can be put in place, and subject to consultation with mana whenua.
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**Feedback 8:** Q10: Council does not agree with having an exception for lower intensity farmed cattle and deer to have access to wetlands with high values, but the perimeters of natural inland wetlands need to be clearly defined, and identifying and mapping them will take considerable time. Council is open to considering if appropriate and effective mitigations to protect high wetland values can be put in farm plans on a case by case basis for low intensity access to wetlands, subject to consulting with mana whenua.

	<b>Q12. Is there any other information that you think we should we consider in relation to wetlands within lower intensity farming systems?</b>
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West Coast Regional Council	As there are a large number of wetlands on the West Coast, and protecting them under the NPSFM and NESF will potentially have economic and social impacts on landowners, we have advocated to Government to provide economic incentives to private landowners to recognise the contribution of their wetlands towards reducing emissions as carbon sinks. While this is outside the scope of the Stock Exclusion Regulations, an economic incentive for maintaining wetlands as carbon sinks could also work as an incentive for the landowner to undertake weed control, given that weed growth is an issue with excluding stock from wetlands. There should be consistency and integration between the Stock Exclusion Regulations regarding stock grazing and weed control in wetlands, and the Government’s recently released Discussion Document on “Exploring a biodiversity credit system for Aotearoa New Zealand”.
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**Feedback 9:** Q12: An economic incentive for maintaining wetlands as carbon sinks could also work as an incentive for the landowner to undertake weed control, given that weed growth is an issue with excluding stock from wetlands. There should be consistency and integration between the Stock Exclusion Regulations regarding stock grazing and weed control in wetlands, and the Government’s recently released Discussion Document on “Exploring a biodiversity credit system for Aotearoa New Zealand”.

<b>Question 13 – Definition of a permanent fence</b>	
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	<b>Q13. Do you consider the definition of a permanent fence is too prescriptive, and that other fence types should be included? Why/why not?</b>
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West Coast Regional Council	<p>Yes, the Council considers the current Regulation for fencing is too prescriptive. Post and wire fencing can be swept away in a high flow, creating added costs for farmers.</p> <p>All the farmers interviewed agreed that the fencing Regulation needs to provide for more options in the future to exclude stock from waterways. This includes the use of technology such as the cow collars which are currently being trialled.</p> <p>It would be helpful if the Regulations can include a more flexible exclusion clause, that any means can be used if it achieves the purpose of excluding stock from a waterway.</p>
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**Feedback 10:** Q13: The Council supports the Regulation for fencing type being amended to provide a more flexible exclusion clause, that any means can be used if it achieves the purpose of effectively excluding stock from a waterway.

This ends our submission.