

**IN THE ENVIRONMENT COURT  
AT AUCKLAND**

**I TE KŌTI TAIAO O AOTEAROA  
KI TĀMAKI MAKĀURAU**

**Decision [2022] NZEnvC 104**

IN THE MATTER OF the Resource Management Act 1991

AND a matter of appeals under Clause 14 of Schedule 1 to the Act

AND in a matter of Stock Exclusion – Topic 16 of the Proposed Northland Regional Council combination land and water plan

BETWEEN FEDERATED FARMERS OF NEW ZEALAND

(ENV-2019-AKL-114)

MINISTER OF CONSERVATION

(ENV-2019-AKL-122)

ROYAL FOREST AND BIRD PROTECTION SOCIETY OF NEW ZEALAND INCORPORATED

(ENV-2019-AKL-127)

Appellant

AND NORTHLAND REGIONAL COUNCIL

Respondent

Court: Judge J A Smith (Presiding)  
Commissioner R M Bartlett  
Commissioner S K Prime

Hearing: On the papers  
Last case event: 29 April 2022

Date of Decision: 17 June 2022  
Date of Issue: 17 June 2022



Livestock Exclusion (Topic 16)

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## DECISION OF THE ENVIRONMENT COURT

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A: The Court approves as final the amendments highlighted in yellow and green in **Appendix 1**.

B: Rules C.8.1.2(3), E.3.4.1(3) and E.3.5.1(3) are to read:

livestock and sheep are effectively excluded from any īnanga spawning site, and

C: The definition of īnanga spawning site is confirmed as follows:

The margins of rivers and estuaries that are inundated by spring high tides.

Advice Note: In the context of this definition “margins of rivers and estuaries that are inundated at spring high tide” refers to the area of land adjacent to the water in a river or estuary that is not normally covered in water, but that is covered in water during high tides near full and new moon, when the tidal range is at its highest. This occurs twice a month all year round.

D: Costs were not encouraged and no application/s for costs have been filed. Accordingly, this court makes no order as to costs

## REASONS

### Introduction

[1] On 11 February 2022, the Court issued an interim decision<sup>1</sup> on Topic 16 – Livestock exclusion of the Proposed Regional Plan for Northland. The Court directed:

(a) Northland Regional Council (Council) prepare and circulate the final wording of the relevant provisions in accordance with the decision; and

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<sup>1</sup> [2022] NZEnvC 16.

- (b) other parties provide comment to the Council on the definition of “īnanga spawning site” and final wording for the exclusion of livestock and sheep; and
- (c) the Council compile and file the comments with differences identified for final decision and approval of relevant wording.

[2] The Council prepared provisions and received comments from the parties, which have been compiled and provided to the Court (attached as “**Appendix 1**”).

[3] On 16, 17 and 18 March 2022, the Minister of Conservation, Royal Forest and Bird Protection Society Inc and the Council filed memoranda regarding the interim decision and whether the issue of livestock and sheep exclusion in hill country areas had been determined. By Minute dated 27 April 2022 the Court confirmed that issue had been determined.

### **Changes in accordance with interim decision**

[4] As directed by the interim decision, the provisions seen in **Appendix 1** have been amended to:

- (a) amend Tables 12, 13 and 14 and Rule C.8.1.3 to change the threshold size for stock to be effectively excluded from natural wetlands from 2000m<sup>2</sup> to 500m<sup>2</sup>;<sup>2</sup>
- (b) amend Rules C.8.1.2(3), E.3.4.1(3) and E.3.5.1(3) to require that sheep (as well as livestock) are effectively excluded from any īnanga spawning site (and make consequential amendments to the headings and chapeaus of those rules accordingly);<sup>3</sup>
- (c) amend the hearing to Tables 12, 13 and 14 to clarify that the timeframes in those tables apply for the purposes of Rules C.8.1.2(4)-(6), E.3.4.1(4)-

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<sup>2</sup> [2022] NZEnvC 16 at [144(A)]; and Attachment D.

<sup>3</sup> [2022] NZEnvC 16 at [144(B)].

(6) and E.3.5.1(4)-(6), to address the issue raised by the Far North District Council and Whangarei District Council.<sup>4</sup>

[5] The provisions in **Appendix 1** have been amended to show matters agreed between the parties to:

- (a) amend Rules C.8.1.2(1A), E.3.4.1(1A) and E.3.5.1(1A) to require that livestock access not cause noticeable slumping, pugging or erosion of the bed of waterbodies;<sup>5</sup>
- (b) amend Rules C.8.1.2(2), E.3.4.1(2) and E.3.5.1(2) to “refer to mapped priority drinking water abstraction points” rather than “registered water supply intake serving more than 25 people”. That wording is consistent with changes made through other appeals to the Proposed Plan, including appeals that have resulted in such abstraction points being mapped.

[6] The definition of “īnanga spawning site” is shown in **Appendix 1** in the form proposed by the Court.<sup>6</sup>

[7] The parties have not reached agreement on one provision:

- (a) Federated Farmers seeks that the rules relating to exclusion from īnanga spawning sites (Rules C.8.1.2(3), E.3.4.1(3) and E.3.5.1(3)) apply only within “navigable rivers”;
- (b) The Council, Minister of Conservation and Forest and Bird do not support that change;
- (c) Far North District Council and Whangarei District Council will abide the decision of the Court.

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<sup>4</sup> [2022] NZEnvC 16 at [144(E)].

<sup>5</sup> [2022] NZEnvC 16 at [99].

<sup>6</sup> [2022] NZEnvC 16 at [144(C)].

## **Exclusion from īnanga spawning sites and navigable rivers**

### ***Federated Farmers position***

[8] Federated Farmers agrees that areas where īnanga spawning takes place should be protected, but Federated Farmers does not agree that all areas of rivers that meet the definition of “īnanga spawning site” in the plan should be protected as though they were īnanga spawning sites.

[9] The definition that the Court proposes be adopted will in practice, capture large areas that are not suitable, and will never be suitable, for īnanga spawning. It is Federated Farmers position that the protection imposed by the definition, in conjunction with its use in Rule C.8.1.2(3), is inconsistent with the Court’s earlier findings, and represents an intrusion on the rights of landowners to the reasonable use of their land.

[10] The rights that landowners have to the use of their land and the ways in which those rights are relevant to the matters at issue were discussed in the submissions to the Court made on behalf of Federated Farmers,<sup>7</sup> noting that the relevant submissions were made in the context of the use of wetlands.

[11] Federated Farmers drew the Court’s attention to some comments in its interim decision.<sup>8</sup> Federated Farmers noted that, included amongst the estates in Northland and throughout New Zealand which are held by the government, are the beds of navigable rivers.

[12] Federated Farmers suggests therefore that while Rule C.8.1.2(3) and the associated definition of “īnanga spawning site” intrude on the rights of private landowners to make reasonable use of their land, by effectively prohibiting the use of the land for the grazing of livestock, the same arguments would not seem to be available in the case of the use of Crown land, so it would seem not unreasonable that the use of Crown land be restricted in that way.

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<sup>7</sup> Paragraphs 30 – 33.

<sup>8</sup> [2022] NZEnvC 16 at [57](i) and (j), [58] and [75].

[13] Thus, it is Federated Farmers' position that it would seem reasonable for a restriction to be imposed on the use of land in the margins of navigable rivers that are inundated by high spring tides for livestock grazing, but it is equally reasonable that the ambit of the restriction not be extended beyond those navigable rivers.

[14] Further, noting the discussion on land ownership and use in the interim decision, and considering the inconsistencies between the interim decision and the Topic 7 and 9 decision, Federated Farmers notes it may well be that the Court's intention was that Rule C.8.1.2(3) should apply in cases where Crown land is involved.

[15] In response to a potential argument that they are relitigating the issue in a way that was not argued at the hearing, Federated Farmers submits it did not argue the points because no party sought that livestock access be prevented from access to all tidal waterways in order to protect such īnanga spawning areas on those waterways. Federated Farmers submits such relief would seem to be outside the scope of any of the relief that has been sought of either the Council or given by the Court in the matter.<sup>9</sup>

### ***Northland Regional Council position***

[16] The Council does not support Federated Farmers' proposal to limit the application of rules to only īnanga spawning sites within navigable rivers. The Council suggests the introduction of navigable rivers as a qualifier is an attempt to relitigate the issue and narrows the protection proposed to be afforded to īnanga spawning sites in a way that was not argued nor subject to evidence at hearing.

[17] The Council is concerned that reopening the debate in relation to navigable rivers will create further delay, potentially at the cost of the environment. The Council considers that it is desirable that the definition of īnanga spawning site and its application in the rules is confirmed in a way that achieves the Court's interim decision, without further argument.

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<sup>9</sup> There is some discussion of the content of the relevant appeal notice at paragraphs 3 – 8 of Federated Farmers' submissions (Outline of Submissions – Topic 16 (Livestock Exclusion), Federated Farmers of New Zealand (Inc), 8 November 2021).

[18] The Council considers that Federated Farmers' introduction of a qualifier relating to navigable rivers goes beyond the Court's directions to the parties to work to agree final provisions in accordance with the Court's interim decision.

[19] While the Council can understand the concerns expressed by Federated Farmers that the definition could capture some areas that are not īnanga spawning habitat, it considers that Federated Farmers' amendment goes too far in the other direction. Logically, īnanga do not confine their spawning behaviour to only navigable rivers, so limiting the application of rules in that way will likely exclude areas of īnanga spawning habitat.

### ***Minister of Conservation's position***

[20] The Minister of Conservation agrees with the Council that Federated Farmers is attempting to relitigate matters that have already been decided. The Minister's evidence does not explicitly cover the extent to which spawning occurs within the boundaries of a 'navigable' river and/or on Crown owned land, because that proposition has been raised at the eleventh hour. To rebut this would require leading evidence (for example, on the high proportion of Crown land in the region being inland). The Minister does not consider this is necessary, because she understands that the Court has decided the issue.

[21] The Council has stated that it no longer intends to map īnanga spawning sites for the Council's 'freshwater plan change'. In the absence of mapping, the Minister has noted the Court's suggestion regarding a database to record the locations of īnanga spawning sites, and notes that such work is already underway in Northland.

[22] The Minister notes that it is not unusual to define important habitats using definitions.

### ***Royal Forest and Bird position***

[23] Royal Forest and Bird supports the position and reasons of the Council and Minister of Conservation.

### *District Councils positions*

[24] Far North District Council and Whangarei District Council will abide the decision of the Court on this issue.

### *Evaluation*

[25] We acknowledge that the interim definition is less than ideal. In seeking, on an interim basis, to protect īnanga spawning sites we originally understood the Council was to map these areas in the near future. The Council now indicates this will not occur in the near future.

[26] We are left in the position where areas that may be unsuitable for īnanga habitat are included within the definition to ensure potential īnanga habitat is protected until it can be identified. We conclude that our obligation under the Regional Plan, Regional Policy Statement and other statutory documents compels us to overprotect these riparian boundaries until the habitat areas are properly identified.

[27] Although we recognise Federated Farmers' concerns, we conclude they are exaggerated in light of the following:

- (a) the saline nature of the water making it largely unsuitable for stock;
- (b) the areas on the margins potentially already being controlled under the NES-F or SER provisions;
- (c) that many of these areas would be difficult access areas and already fenced for stock safety;
- (d) that many farmers would have good knowledge of the īnanga spawning areas.

[28] While we recognise that individual farmers may have greater restriction, this might be addressed by providing for identified spawning areas being included in future plan changes.



## ***Conclusion***

[29] We do not adopt the alternative drafting proposed by Federated Farmers. We conclude Rules C.8.1.2(3), E.3.4.1(3) and E.3.5.1(3) should read:

livestock and sheep are effectively excluded from any īnanga spawning site, and

## **Definition of inanga spawning site**

[30] The interim decision on Topic 16 discusses the history of the Court’s consideration of the definition of “īnanga spawning site” and the various parties’ positions.<sup>10</sup>

[31] We concluded that the definition should be as follows:

The margins of rivers and estuaries that are inundated by spring high tides.

Advice Note: In the context of this definition “margins of rivers and estuaries that are inundated at spring high tide” refers to the area of land adjacent to the water in a river or estuary that is not normally covered in water, but that is covered in water during high tides near full and new moon, when the tidal range is at its highest. This occurs twice a month all year round.

[32] No party has provided any further comment on the definition.

[33] We confirm the definition of īnanga spawning site as set out in [31] above.

## **Outcome**

[34] The Court approves as final the amendments highlighted in yellow and green in **Appendix 1**.

[35] Rules C.8.1.2(3), E.3.4.1(3) and E.3.5.1(3) are to read:

livestock and sheep are effectively excluded from any īnanga spawning site, and

[36] The definition of īnanga spawning site is as confirmed follows:

The margins of rivers and estuaries that are inundated by spring high tides.

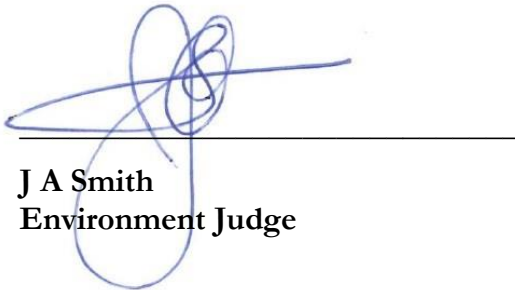
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<sup>10</sup> [2022] NZEnvC 16 at [118] – [134].

Advice Note: In the context of this definition “margins of rivers and estuaries that are inundated at spring high tide” refers to the area of land adjacent to the water in a river or estuary that is not normally covered in water, but that is covered in water during high tides near full and new moon, when the tidal range is at its highest. This occurs twice a month all year round.

[37] Costs applications were not encouraged and no application/s for costs have been filed. Accordingly, this court makes no order as to costs.

For the Court:



**J A Smith**  
**Environment Judge**



## Appendix 1 – amended provisions

Amendments are shown as against the Decisions Version of the Proposed Regional Plan for Northland in underline and strikethrough:

- Amendments in **yellow** highlight are amendments agreed between the parties in accordance with the Court's interim decision.
- Amendments in **green** highlight are amendments agreed prior to the hearing or for consistency with other provisions.
- Amendments in **blue** highlight are proposed by Federated Farmers of New Zealand Inc.

### C.8.1.2 Access of livestock (and where specified, sheep) to the bed of a water body or continually flowing artificial watercourse – permitted activity

The access of livestock (and where specified, sheep) to a natural wetland, the bed of a lake or a continually flowing river, or a continually flowing artificial watercourse is a permitted activity, provided:

- 1) indigenous vegetation in a natural wetland is not destroyed, and  
**1A) the access does not cause or induce noticeable slumping, pugging or erosion of the bed of the waterbody.**
- 2) livestock are effectively excluded from the water body for a distance of 1,000 metres upstream of a ~~registered water supply intake servicing more than 25 people mapped priority drinking water abstraction point (refer to Maps | Ngā mahere matawhenua)~~, and
- 3) livestock and sheep are effectively excluded from any īnanga spawning sites ~~identified by the Regional Council~~, and

Alternative drafting proposed by Federated Farmers of New Zealand Inc:

- 3) livestock and sheep are effectively excluded from any īnanga spawning sites ~~identified by the Regional Council~~ in any navigable river, and

- 4) other than at a livestock crossing point, livestock are effectively excluded from the full extent of the water body or artificial watercourse in accordance with the requirements in *Table 12: Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses*, and
- 5) livestock crossing points used by livestock (excluding deer) more than once per week must be bridged or culverted by the dates in *Table 12: Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses*, and
- 6) at a livestock crossing point that is not required to be bridged or culverted, livestock are:
  - a) led or driven across the water body or artificial watercourse in one continuous movement, and
  - b) effectively excluded from the river or drain between crossings by the dates in *Table 12: Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses*.

**Table 12: Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses (for the purposes of conditions 4, 5 and 6).**

Livestock type	Continually flowing rivers, streams and artificial watercourses greater than one metre wide*	All continually flowing rivers, streams and artificial watercourses	Natural wetlands >2000 500 m <sup>2</sup> (0.05 ha)	Lakes >1ha
Pigs and dairy cows	Excluded from the date Rule C.8.1.2 becomes operative.	Excluded from 1 January 2023.		Excluded from the date Rule C.8.1.2 becomes operative.
Beef cattle, dairy support cattle and deer	Lowland areas as mapped in <a href="#">I Maps   Ngā mahere matawhenua</a> .			
	Excluded from 1 January 2025.	Excluded from 1 January 2030.	Excluded from 1 January 2025.	
	Hill country areas as mapped in <a href="#">I Maps   Ngā mahere matawhenua</a> . No exclusion required.			

\*Rivers, streams and artificial watercourses that continually contain water and are wider than one metre at any point within or immediately adjacent to the boundary of a property. Width is measured when the river, stream or artificial watercourse is at its annual fullest flow without overtopping its banks.

**For the avoidance of doubt this rule covers the following RMA activities:**

- Allow livestock to enter or pass across an artificial watercourse or the bed of natural wetland that is not part of the bed of a lake or river (s9(2)).
- Allow livestock to enter or pass across the bed of a lake or river (s13(2)).
- Discharge of a contaminant to water or onto or into land where they may enter water incidental to the activity (s15(1)).

### C.8.1.3 Access of livestock to rivers, lakes, and wetlands – discretionary activity

The access of **livestock** to a **natural wetland** that is larger than **2000-500m<sup>2</sup>**, the bed of a lake or a continually flowing river, or a continually flowing **artificial watercourse** that is not:

- 1) a permitted activity under Rule **C.8.1.2 Access of livestock to the bed of a water body or continually flowing artificial watercourse – permitted activity**, or
- 2) a permitted activity under Rule **E.3.5.1 Access of livestock to the bed of a water body in the Whangārei Harbour catchment – permitted activity**, or
- 3) a permitted activity under Rule **E.3.4.1 Access of livestock to the bed of a water body or continually permanently flowing watercourse in the Mangere catchment – permitted activity**, or
- 4) a non-complying activity under Rule **C.8.1.4 Access of livestock to an outstanding freshwater body or the coastal marine area – non-complying activity**,

is a discretionary activity.

**For the avoidance of doubt this rule covers the following RMA activities:**

- Allow **livestock** to enter or pass across an **artificial watercourse** or the bed of a **natural wetland** that is not part of the bed of a lake or river (s9(2)).
- Allow **livestock** to enter or pass across the bed of a lake or river (s13(2)).
- Discharge of a contaminant to water or onto or into land incidental to the activity (s15(1)).

## C.8.1.4 Access of livestock to an outstanding freshwater body or the coastal marine area – non-complying activity

The access of **livestock** to an **outstanding freshwater body** or the coastal marine area is a non-complying activity.

**For the avoidance of doubt this rule covers the following RMA activities:**

- Allow **livestock** to access the coastal marine area (s12(3)).
- Allow **livestock** to access the bed of a lake or river (s13(2)).
- Discharge of a contaminant to water or onto or into land where they may enter water incidental to the activity (s15(1)).

### E.3.4.1 Access of livestock (and where specified, sheep) to the bed of a water body or continually flowing watercourse in the Mangere catchment – permitted activity

The access of livestock (and where specified, sheep) to a natural wetland, the bed of a lake or a continually flowing river, or a continually flowing artificial watercourse in the Mangere Catchment (refer I Maps | Ngā mahere matawhenua) is a permitted activity, provided:

- 1) indigenous vegetation in a natural wetland is not destroyed, and
  - 1A) the access does not cause or induce noticeable slumping, pugging or erosion of the bed of the waterbody.
- 2) livestock are effectively excluded from the water body for a distance of 1,000 metres upstream of a registered water supply intake servicing more than 25 people mapped priority drinking water abstraction point (refer I Maps | Ngā mahere matawhenua), and
- 3) livestock and sheep are effectively excluded from any inanga spawning sites identified by the Regional Council, and

Alternative drafting proposed by Federated Farmers of New Zealand Inc:

- 3) livestock and sheep are effectively excluded from any inanga spawning sites identified by the Regional Council in any navigable river, and

- 4) other than at a livestock crossing point, livestock are effectively excluded from the full extent of the water body or artificial watercourse in accordance with the requirements in Table 17 'Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses in the Mangere Catchment', and
- 5) livestock crossing points used by livestock (excluding deer) more than once per week must be bridged or culverted by the dates in Table 17 'Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses in the Mangere Catchment', and
- 6) at a livestock crossing point that is not required to be bridged or culverted, livestock are:
  - a) led or driven across the water body or artificial watercourse in one continuous movement, and
  - b) effectively excluded from the river or drain between crossings by the dates in Table 17 'Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses in the Mangere Catchment'.

**Table 17: Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses in the Mangere Catchment (for the purposes of conditions 4, 5, and 6).**

Livestock type	Continually flowing rivers, streams and artificial watercourses greater than 1m wide*	All continually flowing rivers, streams and artificial watercourses	Natural wetlands <del>&gt;2000</del> <u>500 m<sup>2</sup></u> ( <u>0.05 ha</u> )	Lakes >1ha
Pigs and dairy cows	Excluded from the date Rule E.3.4.1 becomes operative.	Excluded from 1 January 2023.	Excluded from three years after date Rule E.3.4.1 becomes operative	Excluded from two years after Rule E.3.4.1 becomes operative.
Beef cattle, <u>dairy support cattle</u> and deer	Lowland and hill country areas as mapped in ' <u>I Maps   Ngā mahere matawhenua</u> ': Excluded by 1 January 2025	Lowland and hill country areas as mapped in ' <u>I Maps   Ngā mahere matawhenua</u> ': Excluded from 1 January 2030.	Lowland areas as mapped in ' <u>I Maps   Ngā mahere matawhenua</u> ': Excluded from 1 January 2025  Hill country areas as mapped in ' <u>I Maps   Ngā mahere matawhenua</u> ':  No exclusion required.	

\*Rivers, streams and artificial watercourses that continually contain water and are wider than one metre at any point within or immediately adjacent to the boundary of a property. Width is measured when the river, stream or artificial watercourse is at its annual fullest flow without overtopping its banks.

**Note:**

*Where the conditions of this rule cannot be met, Rule C.8.1.3 Access of livestock to rivers, lakes, and wetlands – discretionary activity applies.*

**For the avoidance of doubt this rule covers the following RMA activities:**

- Allow livestock to enter or pass across an artificial watercourse or the bed of a natural wetland that is not part of the bed of a lake or river (s9(2)).
- Allow livestock to enter or pass across the bed of a lake or river (s13(2)).



### E.3.5.1 Access of livestock (and where specified, sheep) to the bed of a water body in the Whangārei Harbour catchment – permitted activity

The access of livestock (and where specified, sheep) to a natural wetland, the bed of a lake or a continually flowing river, or a continually flowing artificial watercourse in the Whangārei Harbour Catchment (refer I Maps | Ngā mahere matawhenua) is a permitted activity, provided:

- 1) indigenous vegetation in a natural wetland is not destroyed, and
  - 1A) the access does not cause or induce noticeable slumping, pugging or erosion of the bed of the waterbody
- 2) livestock are effectively excluded from the water body for a distance of 1,000 metres upstream of a registered water supply intake servicing more than 25 people mapped priority drinking water abstraction point (refer I Maps | Ngā mahere matawhenua), and
- 3) livestock and sheep are effectively excluded from any īnanga spawning sites identified by the Regional Council, and

Alternative drafting proposed by Federated Farmers of New Zealand Inc:

- 3) livestock and sheep are effectively excluded from any īnanga spawning sites identified by the Regional Council in any navigable river, and

- 4) other than at a livestock crossing point, livestock are effectively excluded from the full extent of the water body or artificial watercourse in accordance with the requirements in Table 18 'Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses in the Whangārei Harbour Catchment', and
- 5) livestock crossing points used by livestock (excluding deer) more than once per week must be bridged or culverted by the dates in Table 18 'Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses in the Whangārei Harbour Catchment', and
- 6) at a livestock crossing point that is not required to be bridged or culverted, livestock are:
  - c) led or driven across the water body or artificial watercourse in one continuous movement, and
  - d) effectively excluded from the river or drain between crossings by the dates in Table 18 'Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses in the Whangārei Harbour Catchment'.

**Table 18: Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses in the Whangārei Harbour catchment (for the purposes of conditions 4, 5, and 6).**

Livestock type	Continually flowing rivers, streams and artificial watercourses greater than 1m wide*	All continually flowing rivers, streams and artificial watercourses	Natural wetlands > <del>2000</del> 500 m <sup>2</sup> (0.05 ha)	Continually flowing rivers upstream of swimming sites on Hātea and Raumanga rivers ('I Maps   Ngā mahere matawhenua')	Lakes >1ha
Pigs and dairy cows	Excluded from the date Rule E.3.5.1 becomes operative.	Excluded from 1 January 2023.		Excluded from two years after Rule E.3.5.1 becomes operative.	Excluded from date Rule E.3.5.1 becomes operative.
Beef cattle, dairy support cattle and deer	Lowland areas as mapped in 'I Maps   Ngā mahere matawhenua':				
	Excluded by 1 January 2025	Excluded from 1 January 2030	Excluded from 1 January 2025		
	Hill country areas as mapped in 'I Maps   Ngā mahere matawhenua': No exclusion required.				

\*Rivers, streams and artificial watercourses that continually contain water and are wider than one metre at any point within or immediately adjacent to the boundary of a property. Width is measured when the river, stream or artificial watercourse is at its annual fullest flow without overtopping its banks.

**Note:**

Where the conditions of this rule cannot be met, Rule C.8.1.3 Access of livestock to rivers, lakes, and wetlands – discretionary activity applies.

**For the avoidance of doubt this rule covers the following RMA activities:**

- Allow livestock to enter or pass across an artificial watercourse or the bed of a natural wetland that is not part of the bed of a lake or river (s9(2)).
- Allow livestock to enter or pass across the bed of a lake or river (s13(2)).

## B Definitions | Whakamāramatanga

<p><u><i>Īnanga spawning site</i></u></p>	<p><u><i>The margins of rivers and estuaries that are inundated by spring high tides.</i></u></p> <p><u><i><b>Advice note:</b> In the context of this definition “margins of rivers and estuaries that are inundated by spring high tides” refers to the area of land adjacent to the water in a river or estuary that is not normally covered in water, but that is covered in water during high tides near full and new moon, when the tidal range is at its highest. This occurs twice a month all year round.</i></u></p>
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