

Livestock Movement Bylaw

2005

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1 Introduction

- 1.1 Pursuant to Section 72 of the Transport Act 1962, Section 681 of the Local Government Act 1974 and Section 145 of the Local Government Act 2002, Whangarei District Council hereby makes the following bylaw restricting the droving of livestock within the District.
- 1.2 This bylaw shall be called 'The Whangarei District Council Livestock Movement Bylaw 2005'.
- 1.3 This bylaw shall come into force on the 14th day of December 2005.

2 Objectives

- 2.1 The objectives of this bylaw are to provide for:
- The safety of road users
 - The protection of
 - a the structure and surface of roads
 - b utilities and structures contained within Council's road reserves
 - The prevention of roads being used as stock races
 - The removal of inconvenience, nuisance and potential danger to all road users caused by the movement of livestock along public roads.

3 Interpretation

3.1 In this bylaw, unless inconsistent with the context:

Authorised officer	means an employee of Council delegated by Council to carry out general or specific duties arising from any of the provisions of this bylaw.
Berm	means the edge of a road reserve between the kerb or road shoulder and property boundary.
Carriageway	means that portion of the road devoted particularly to the use of traveling vehicles and includes the shoulders of roads
Council and the Council	means Whangarei District Council
Council permit	means a written consent issued by Council for the movement of livestock
Dairy cattle	means and includes any cow used to produce dairy products
District	means the Whangarei District as administered by Council
Drover	means any person in the process of moving livestock from one point to another
Farm	means an area of not less than 2 hectares of land which is used exclusively or principally for the purposes of agriculture including grazing of livestock and includes any contiguous parcels of land under the same ownership, lease or licence
Hours of darkness	means any period of time between half an hour after sunset on one day and half an hour before sunrise on the next day
Livestock and stock	means and includes any cow, bull, ox, heifer, steer, sheep including any ram, ewe, wether, lamb, goat or kid, calf, boar, sow, pig, llama or deer of any kind and includes dairy cattle unless otherwise stated in this bylaw
Mob	means a group comprising more than one of livestock being situated in one place or moved from one place to another place
Pilot vehicles	means and includes any motor cycles, 4 wheel farm bikes, cars, utility vehicles, tractors, or trucks operating and moving with hazard lights in operation in front of or behind a mob
Public place	means a place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether or not the owner or

occupier of the place is lawfully entitled to exclude or eject any person from that place; and includes any beach, foreshore, reserve or domain or road reserve

Races	mean confined areas for moving livestock from one location to another location
Road	means a road as defined in Section 2 of the Transport Act 1962 and located within the area of jurisdiction of Council
Road users	mean motorists, cyclists and pedestrians
To move	means to ride, drive, muster, lead or otherwise shift livestock whose feet are in contact with a road.

3.2 Words implying the singular include the plural and vice versa

4 General

- 4.1 Any notice, order or other document which is required by this bylaw to be served or given or sent to any person shall be deemed to have been duly served and given or sent if delivered to such person or left at his or her residence or workplace or posted to such person at his or her last known address.

5 Complete restriction on movement of livestock

5.1 No person shall move livestock along any road within the District

- a During the hours of darkness
- b At any time when there is not sufficient visibility to render clearly visible a person, a vehicle or livestock at a distance of at least 170 metres
- c Within 10 metres of Living 1 Environment
- d On any road with an average daily traffic count of 2500 vehicles per day, or more
- e Along a State Highway contained within the District of Council, except where an escape or a written authority issued by Transit New Zealand is in place
- f Along any other road, public reserve or public place upon which Council restricts the movement of livestock from time to time.

6 Livestock movement permitted in certain circumstances

6.1 A person may move livestock along any road within the District in the following situations:

- a Returning livestock to a farm in the case of an escape or an emergency;
- b In the case of moving livestock on Council roads with an annual average traffic volume of less than 200 vehicles per day provided the conditions contained in clause 6.1c i to v, below, are complied with; or
- c With a livestock movement permit issued by an authorised officer of Council and provided that the following conditions shall be complied with:
 - i The number of livestock in any one mob shall not exceed 600 head or 3,000 head in the case of sheep
 - ii Each mob shall be accompanied by one experienced drover for any number of cattle up to and including 300 head, or for any number of sheep up to and including 1,500 head and by two experienced drovers for any number of cattle exceeding 300 head or any number of sheep exceeding 1,500 head
 - iii The drover shall keep the animals moving along the road at all times so as to make reasonable progress towards the intended destination
 - iv Animals shall be moved in such a manner and using only such points of access and exit to and from the road so that danger to other road users and damage to the road, road reserve and any Council or private property will be minimised

- v Each mob shall be accompanied by at least two pilot vehicles one of which shall maintain a distance of more than 200 metres in front of the first animal in the mob and the other of which shall maintain a distance of more than 200 metres behind the last animal in the mob.
- 6.2 Any livestock movement permit issued pursuant to clause 6.1c above shall be subject to any other conditions which are considered necessary by the authorised officer, which may include the person moving livestock entering into a bond with Council.
- 6.3 Any person causing damage to the road, road reserve, Council or private property in the course of moving any livestock shall be liable for costs incurred by Council to rectify the damage.
- 6.4 Any person, being the drover of any livestock on any road or part thereof, shall, where it is necessary to allow any vehicle to proceed along that road or part thereof, take all reasonable practical steps to make a way for, or allow that vehicle to pass through the livestock.
- 6.5 Nothing in this clause shall apply to the movement of dairy cattle on a regular basis as covered in clause 7 of this bylaw.

7 Moving dairy cattle from one side of the road to another between farms or from one part of a farm to another on a regular basis

- 7.1 No person shall move dairy cattle from one side of a road to another side of that road for the purpose of moving dairy cattle to or from a milking shed or to another farm or to another part of the same farm on a regular basis, except when using a stock crossing permit as issued pursuant to clause 8 of this bylaw.
- 7.2 All applications for a stock crossing permit shall be assessed under Council's 'Stock Underpass Policy' and if found to qualify for an underpass, then a stock crossing permit shall be issued with conditions requiring the installation of an underpass within a reasonable period of time as negotiated between the authorised officer of Council and the applicant. In the event of disagreement the matter will be referred to the Chief Executive Officer of Council to determine as to what is a reasonable period of time and that decision will be final.
- 7.3 For the purposes of this clause, the movement of dairy cattle on a regular basis shall mean any dairy cattle which are being moved more than once in a seven day period.

8 Stock crossings

- 8.1 An authorised officer may issue a stock crossing permit for the moving of dairy cattle to or from a milking shed, between farms or from one part of a farm to another part of that farm on such conditions as the authorised officer sees fit. These conditions may include but are not necessarily restricted to:
- a The payment by the applicant of such additional cost as are incurred by Council which may include costs incurred in respect of:
 - i The maintenance of the road due to damage caused by the moving of such dairy cattle as is assessed by the authorised officer
 - ii The installation of warning signs at the crossing point to meet the requirements of the Transit New Zealand Manual of Traffic Signs and Markings or any such amended standards issued by Transit New Zealand from time to time
 - iii The removal by Council or its agents or contractors of stock excrement from the sealed road at the point where the dairy cattle cross the road if this is not carried out by the applicant.
 - b The person in whose name the stock crossing permit is issued being responsible for ensuring that stock excrement is removed from the road each time the dairy cattle use the stock crossing.
 - c The construction, installation and correct use by the applicant of such facilities which in the opinion of the authorised officer are necessary to facilitate the safe passage of such stock, including:
 - i Entranceways, including additional adjacent shoulders, at points where livestock cross the road berm being constructed to Council's requirements for Vehicle Entrance Crossings

- ii Warning signs operating at the crossing point to meet the requirements of the Transit New Zealand Manual of Traffic Signs and Markings 1992 while dairy cattle are crossing the road
 - iii An amber flashing light operating at the crossing point while dairy cattle are on the road
 - iv A person or persons being present at the road crossing while dairy cattle are using the crossing
 - v The requirements of the Health and Safety in Employment Act 1992 being complied with.
- 8.2 No person shall be issued with a stock crossing permit where the authorised officer considers that it is possible to drive the dairy cattle along a race on private land or through a cattle underpass.

9 Refusal to grant permission or a permit pursuant to clauses 6 and 8 of this Bylaw

- 9.1 Notice that the authorised officer has declined to grant permission or issue a permit pursuant to either clause 6 or clause 8 of this bylaw shall be in writing and addressed to the person concerned.
- 9.2 A person who has received written notice that a permit has been refused may, within fifteen 15 days of the receipt of that notice, lodge an objection by writing to Council stating the grounds of their objection.
- 9.3 Council or any committee of Council having delegated authority shall consider any objection and make a decision on the objection.
- 9.4 The applicant shall be notified of the decision on any objection in writing no later than 10 working days after the hearing of the objection
- 9.5 The decision shall be final and binding on both parties

10 Revoking or suspending written permission for livestock movement or a stock crossing permit

- 10.1 If a road is under repair or reconstruction and the movement of livestock or sheep would in the opinion of the authorised officer cause damage to the road Council may by public notice and notwithstanding the prior issuing of written permission to drive livestock or a stock crossing permit authorising the crossing, absolutely prohibit the movement of any livestock or sheep during the period of such repair or reconstruction. Any such public notice shall be deemed to have been sufficiently given if placed once in a daily newspaper circulating in the District.
- 10.2 During any period when a road is closed or traffic flow is restricted because of road works, flooding or an emergency, Council staff including but not limited to authorised officers shall have discretionary power either to halt mobs in one place with a view to restricting their movement or to re-direct mobs along such other road or roads which in the circumstances are most appropriate.
- 10.3 An authorised officer may revoke any livestock movement permit issued pursuant to clause 6 or stock crossing permit issued pursuant to clause 8 of this bylaw if any person driving livestock fails to comply with any of the conditions of their permit.
- 10.4 An authorised officer may revoke any livestock movement permit issued pursuant to clause 6 or stock crossing permit issued pursuant to clause 8 of this bylaw if in the opinion of the authorised officer the livestock movement or crossing is resulting in excessive stock excrement on the road.
- 10.5 An authorised officer may revoke any livestock movement permit issued pursuant to clause 6 or stock crossing permit issued pursuant to clause 8 of this bylaw if in the opinion of the authorised officer, the number of livestock or frequency of livestock crossing the road increases beyond that specified in the stock crossing permit.

11 Livestock in a public place

- 11.1 Any person being the owner or having the care, custody or control of any livestock, shall neither permit, allow or suffer such livestock to wander, or be at large in any public place or in or upon any road other than as approved under this bylaw.
- 11.2 No person shall tether livestock in any public place without first obtaining written permission from Council with any permission granted to be subject to such conditions as are considered necessary by an authorised officer.

- 11.3 Untethered livestock shall be allowed on a road reserve for grazing purposes provided such livestock are contained within a temporary fence that complies with Council's 'Rules for Temporary Fences'.
- 11.4 Any person causing damage to a road, road reserve, or Council property in the course of grazing any livestock shall be liable for costs incurred by Council to rectify the damage.

12 Offences

12.1 Every person commits a breach of this bylaw who:

- a Commits, or causes to be committed, any act contrary to this bylaw, or
- b Omits, or knowingly permits to remain undone, any act required by this bylaw, or
- c Refuses or neglects to comply with any notice, or any condition in any such notice, whether public or private, given pursuant to this bylaw, or
- d Obstructs or hinders any officer of Council in the performance of any power, or duty conferred upon him or her by this bylaw.