

WAIMAKARIRI DISTRICT COUNCIL STOCK MOVEMENT BYLAW 2020

OBJECTIVE

To control the movement of stock along and across roads to ensure:

- the safety of all road users, including drovers and stock, is not compromised;
- the inconvenience and nuisance to all road users is minimised;
- the road structure and surface, and other utilities and structures within the road, are not damaged;

and at the same time recognising that farmers need to use the road in some cases to move stock in order to manage their farms efficiently and that drivers on rural roads need to make allowance for stock.

This review of the
Stock Movement Bylaw 2008
was adopted at a Council meeting held on
5 May 2020



Chief Executive Officer

Policy Manager

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WAIMAKARIRI DISTRICT COUNCIL STOCK MOVEMENT BYLAW 2019

In pursuance of the powers vested in it by the *Local Government Act 2002*, the Waimakariri District Council makes this Bylaw.

1 TITLE AND COMMENCEMENT

1.1 This Bylaw may be cited as the Waimakariri District Council Stock Movement Bylaw 2020.

1.2 This Bylaw shall come into force on 1 June 2020.

2 DEFINITIONS

Words implying the singular include the plural and vice versa.

Words importing masculine gender import the feminine and vice versa.

Alternative Stock Droving Route means:

- A route or stock race on the farm, or in the same ownership as the farm, that the stock are travelling within, from or to
- The fenced road of an unformed legal (paper) road
- Includes land behind a temporary fence erected on the berm clear of the carriageway where legal access to the adjacent land cannot be obtained by the drover or where such access is impractical.

Authorised Officer means an officer of the Waimakariri District Council who is authorised, by means of a delegation given under the terms of the Council's Delegations Manual, to carry out the relevant functions or responsibilities.

Berm means the portion of a road between the carriageway and the property boundary.

Bylaw means this bylaw as altered, varied or amended from time to time.

Carriageway means that portion of the road devoted particularly to the use of travelling vehicles, and includes the shoulders of the carriageway.

Council means the Waimakariri District Council.

Drove means to drive, or move stock in mobs or herds along or across a road, and **drive**, **driven** and **droving** have equivalent meanings.

Drover means a responsible person physically in charge of the droving of stock.

Farm means an area of land used for agriculture and livestock purposes and includes multiple parcels of land under the same ownership, lease or licence.

Hours of daylight means any time between half an hour before sunrise on any one day and half an hour after sunset on that day. **Hours of darkness** has the opposite meaning.

Livestock/stock means farmed animals including (without limitation) cattle, dairy cows, sheep, pigs, goats, horses, deer, cameloids, large birds and poultry.

Mob means a group (more than one) of livestock being moved from one place to another.

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 the mob.

Races means confined areas for moving livestock from one location to another location.

Regular Movement of Stock means stock being moved from one side of the road to the other more than four times in any seven day period. **Regularly** has a corresponding meaning and is independent of the individual identity of animals.

Road means a road as defined in Section 2(1) of the Land Transport Act 1998 and located within the area of jurisdiction of the Waimakariri District Council and is generally the whole area between property boundaries but excluding any unformed (paper) road.

Stock Crossing Permit means a written consent issued by the Council for the regular movement of stock.

Stock Movement means any movement of livestock/stock on, across or along a road where the animals move by their own efforts and are free of individual control, such individual control being by means of being ridden or led on a bridle, halter, collar, or similar restraint.

Urban Area means the area of a town or village that has a designated speed limit of 70km/h or less.

3 **PREAMBLE**

- 3.1 It is a general principle that road users must travel at a speed that allows them to stop safely in the prevailing conditions.
- 3.2 However, it is also recognised that when road users face unexpected conditions, those causing these conditions should take steps to advise the road users.
- 3.3 This bylaw has been developed recognising that in rural areas farmers need to move stock along and across roads, but in doing so road users and the physical assets need to be protected.
- 3.4 To meet the objectives of this bylaw the following situations are covered:
- **The droving of stock along roads where no specific approval is required, as long as certain conditions are met.**
 - **The droving of stock along roads in other situations where specific approval is required.**
 - **Where droving of stock is not permitted on some roads and in some circumstances.**
 - **The regular movement of stock from one side of the road to another or between farms, which requires a stock crossing permit.**
- 3.5 All traffic signs and markings be them temporary or permanent shall be installed to comply with both MOTSAM (Manual of Traffic Signs and Markings) and the TCDM (Traffic Control devices Manual) and any future amendments or replacements.

4 STOCK UNDERPASSES

- 4.1 Stock underpasses avoid the need for stock to cross a road and so their use is not covered by this bylaw.

5 STOCK DROVING PERMITTED

- 5.1 Nothing in this clause shall apply to the regular movement of stock as covered in Clause 8 of this bylaw.

- 5.2 A person may move livestock along or across any road without the need for specific approval in the following situations and when the following conditions are complied with:

5.2.1 When returning livestock to a farm in the case of an escape or an emergency on any road, including those named in Schedule A, noting that where possible the conditions in Clause 5.2.2 should be met.

5.2.2 On any road not named in Schedule A, provided the following conditions are met:

- a) it is during the hours of daylight;
- b) there is sufficient visibility to render clearly visible a person, vehicle warning sign, or livestock at a distance of at least 250 metres on sealed roads and 170 metres on unsealed roads;
- c) it is more than 10 metres from an urban residential zone boundary;
- d) the number of livestock in any one mob shall not exceed 600 head of cattle or 3,000 head of sheep or 50 head of other livestock;
- e) each mob shall be accompanied by at least one experienced drover and additional assistance at a ratio that will ensure that animals are under control all the time and are capable of being directed or stopped by the drovers and/or dogs;
- f) drovers and their assistants must wear fluorescent safety vests or similar high-visibility clothing;
- g) the drover shall be responsible for providing adequate warning for traffic by ensuring that clear sight distances are provided at all times by using as a minimum one of the following methods:

Either

Temporary signs (TW-6 or supplementary "STOCK" sign) placed so that at no time they are no more than 1km in front of and 1km behind the mob and are clearly visible from a distance of at least 250m on sealed roads and 170m on unsealed roads.

Or

At least two pilot vehicles accompanying the mob with one in front of the mob and one behind the mob positioned so that they are clearly visible from a distance of at least 250m on sealed roads and 170m on unsealed roads at all times.

- h) 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, and any Council or private property will be minimised;

- i) the drover shall keep the animals moving along the road at all times so as to make reasonable progress towards the destination;
- j) tired, injured or dead animals shall be removed immediately from the road carriageway and within four hours from the berm.

5.2.3 Any person causing damage to the road structure and surface or other utilities and structures within the road, or Council property in the course of moving any livestock shall be liable for costs incurred by Council to rectify the damage.

5.2.4 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 STOCK DROVING PERMITTED WITH SPECIFIC APPROVAL

6.1 Nothing in this clause shall apply to the regular movement of stock as covered in Clause 8 of this bylaw.

6.2 A person may move livestock along or across any road in the following situations only if written permission is obtained from the Council and the conditions set in that approval are complied with. The Council may only refuse permission if there is a high risk to road safety and inconvenience to road users, and/or a high likelihood of damage to property:

6.2.1 Where conditions in Clause 5.2.2 cannot be met.

6.2.2 On any road named in Schedule A where the stock are being moved and no other reasonable route is available. In this case the conditions in Clause 5 will apply, and time of day restrictions and extra traffic management conditions may be required depending on the particular circumstances. These will be discussed and agreed with the person seeking permission.

6.2.3 Within urban residential boundaries and when required for special events or activities associated with the local A & P Show. In these cases specific conditions will be discussed and agreed with the person seeking permission to ensure the safety and convenience of road users is maintained and damage to property is prevented.

6.3 A permit shall be issued for a period of ten years unless otherwise agreed.

6.3.1 Conditions in a permit may be reviewed by the Council if the material factors relating to the activity have changed.

6.3.2 Conditions in a permit may be reviewed by the applicant at any time subject to agreement by the Council.

6.3.3 A permit is issued to the applicant and he/she remains responsible for ensuring conditions are complied with.

7 STOCK DROVING NOT PERMITTED

- 7.1 Except as allowed in Clause 5.2.1 no person shall move livestock along or across any road in the following situations:
- 7.1.1 During the hours of darkness;
 - 7.1.2 At any time when there is not sufficient visibility to render clearly visible a person, vehicle, warning sign or livestock at a distance of at least 170 metres;
 - 7.1.3 Within 10 metres of an urban residential zone boundary, except as allowed in Clause 6;
 - 7.1.4 On any road named in Schedule A, except as allowed in Clause 6;
 - 7.1.5 All State Highways contained within the District, except where stock has escaped or a written authority issued by NZTA is in place.

8 REGULAR MOVEMENT OF STOCK

- 8.1 The regular movement of stock from one side of a road to another is only permitted when a stock crossing permit has been issued.
- 8.2 The regular movement of stock is not permitted on roads in Schedule A, except where a permit has been issued prior to 30 June 2008. No new stock crossing permits will be approved for roads listed in Schedule A.
- 8.3 Where it is possible and reasonable to drive the stock along an alternative stock droving route then this shall be used rather than the road. In these cases a stock crossing permit will not be approved.
- 8.4 The Council may from time to time set administration and inspection fees to be paid. These fees will be based on reasonable costs incurred by the Council as a result of the stock crossing permit. These must be paid at the time of application for a stock crossing permit.
- 8.5 Stock crossing permits may be issued with conditions requiring the installation of a stock underpass within a reasonable period, as determined by Council in consultation with the applicant, on roads where traffic volumes or safety issues are likely to result in unacceptable problems to road users.

9 SCHEDULE A

- 9.1 Schedule A lists roads in the Waimakariri District on which stock movement is restricted and regular movement of stock is not permitted.
- 9.2 The Council may, by resolution, add roads to or remove roads from Schedule A at any time. In doing so, the Council will consult with the affected parties in accordance with the *Local Government Act 2002*.

10 OFFENCES

- 10.1 Any person who drives stock along or across roads when and where the conditions in Clause 5 are not met commits an offence against this bylaw.
- 10.2 Any person who drives stock contrary to the approval conditions given under Clause 6 commits an offence against this bylaw.
- 10.3 Any person who drives stock when and where driving is not permitted under Clause 7 commits an offence against this bylaw.
- 10.4 Any person who regularly drives stock along or across a road without first obtaining a stock crossing permit from the Council commits an offence against this bylaw.
- 10.5 Any person who regularly drives stock across a road, other than at a place for which a stock crossing permit has been granted, or contrary to the conditions of such a permit, commits an offence against this bylaw.
- 10.6 Any person who allows stock to cause damage to the road structure or surface or other utilities and structures within the road commits an offence against this bylaw.

11 PENALTIES/REMEDIES

- 11.1 Any person who breaches Clause 10.6 above shall be liable to pay the costs of remedying any damage caused in the course of committing the offence, as provided in Section 176 of the *Local Government Act 2002*.

12 BYLAW TO BE REPEALED

- 12.1 All bylaws concerning stock movement in force made by the Council or its predecessors are hereby repealed, provided that this repeal shall not affect the past operation of any such repealed bylaws, or the validity or invalidity of anything done or suffered, or any right required, or duty or liability incurred under those bylaws.

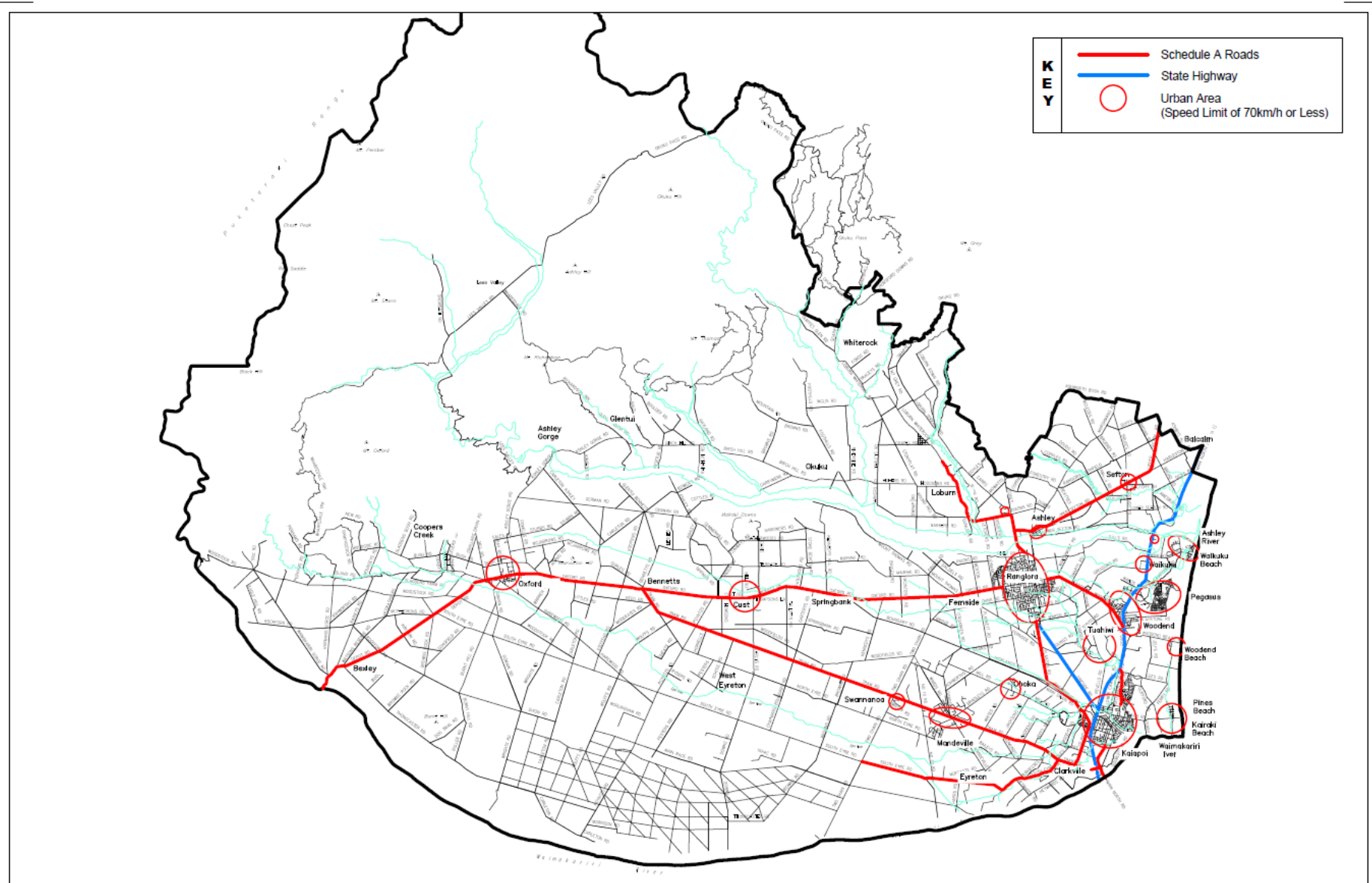
WAIMAKARIRI DISTRICT COUNCIL STOCK MOVEMENT BYLAW 2008

SCHEDULE A

ROADS IN THE WAIMAKARIRI DISTRICT UPON WHICH STOCK MOVEMENT IS RESTRICTED UNDER CLAUSE 6 OF THE BYLAW

Note that the roads in Schedule A are all of the strategic and arterial roads in the District as well as all of the urban roads. The only exceptions are Rangiora Woodend Road, part of Island Road and South Eyre Road which are collector roads.

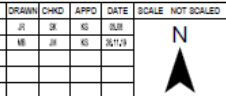
1. All roads within Urban areas
2. Main North Road
3. Williams Street
4. Tram Road
5. Smith Street
6. Millton Avenue
7. Cones Road from Milton Avenue to Dixons Road
8. Dixons Road, Loburn, from Cones Road to Barkers Road
9. Loburn Whiterock Road from Barkers Road to Barwells Road
10. Oxford Road
11. Depot Road
12. Kippenberger Avenue
13. Rangiora Woodend Road
14. Island Road
15. Skewbridge Road
16. Flaxton Road
17. Fawcetts Road
18. Upper Sefton Road from Fawcetts Road to the Hurunui District Council Boundary
19. South Eyre Road from Diversion Bridge to Tram Road



KEY	— Schedule A Roads
	— State Highway
	○ Urban Area (Speed Limit of 70km/h or Less)



ISSUE	AMENDMENT	DRAWN	CHKD	APPS	DATE	SCALE	NOT SCALED	SHEET TITLE
A	FIRST ISSUE	JT	SR	KS	26/12/13			
B	REDRAWN FROM MICROSTATION TO AUTOCAD	MB	JR	KS	26/12/13			



STOCK MOVEMENT
BYLAW

PROJECT TITLE
SCHEDULE A ROADS

PLAN No.		2875
ISSUE B	SHEET	01

APPENDIX A - MAP