



New Plymouth District Council Bylaw 2008

(as amended and readopted 2013)

Stock Control

The purpose of this part of the bylaw is to provide for the orderly driving and control of stock on roads through and within the district, with particular regard to traffic safety, and to minimise damage to roads and nuisance on roads.



1. Authority

1.1 This part is made under:

- a) Sections 145 and 146 of the Local Government Act 2002; and
- (b) This part is made under Section 22AB of the Land Transport Act 1998.

2. Purpose

2.1 The purpose of this part is to:

- a) Provide for the orderly droving and control of stock on roads through and within the district, with particular regard to traffic safety, and to minimise damage to roads and nuisance on roads; and
- b) Reinforce among the rural community a growing need to adopt a 'good neighbour policy' to meet the needs of other road users when stock are on roads.

3. Interpretation

3.1 This part shall be in addition to the provisions of Part 1 Introductory and if this part is inconsistent with Part 1 Introductory then the provisions of this part shall prevail.

3.2 In this part unless the context otherwise requires:

Definitions

Drover means any person with the necessary skills and experience to drive stock on a road.

Drive or drove means leading, driving, or moving stock on a road.

Farming unit:

- a) Means land farmed by the same owner or owners that is managed as one farm; and
- b) Includes blocks separated by a road reserve.

Hours of daylight means any period of time between half an hour before sunrise on any one day and half an hour after sunset on that day.

Infrequent movement of stock means the movement of stock along a road on not more than ten occasions in any three week period.

Pilot vehicle means any motor cycle, four wheel farm bike, car, utility vehicle, tractor or truck operating and moving in front or behind the herd or flock.

Regular movement of stock means the movement of stock along the same section of road on more than ten occasions in any three week period.

Stock crossing point means that part of any roadway and associated drainage system used for the purpose of shifting and moving livestock across any road.

Stock race means that part of any road margin fenced off and used specifically for the purpose of droving stock.

Urban area means any road where the speed limit is 70km or less.

4. General requirements

4.1 No person shall drive stock across or along a road if that person is able to drive that stock on private land.

4.2 No person shall drive stock along any road during the hours of darkness, except:

- a) In the case of returning stock to a secure paddock following their escape; or
- b) In an emergency situation.

Note: clause 4.2 does not apply to the movement of stock across a road via a stock crossing point or regular movement of stock along a road. Rules for stock crossing points during the hours of darkness are covered by clause 9 of this part of the bylaw.

4.3 All persons driving stock along the road must wear a bright coloured reflective jacket.

4.4 No person shall drive or permit the driving of stock along any road during the hours of daylight except:

- a) If it constitutes an infrequent movement of stock up to 20km but not through an urban area; or
- b) If it constitutes a regular movement of stock which has been approved by an authorised officer under clause 7; or
- c) Any animal which is being led or ridden or which is drawing a vehicle of any description along any formed road; or
- d) Any stock which is being transported in a vehicle.

4.5 Any person in charge of a drove who intends to drive stock further than 20km through or within the district (either in one day or several days) must apply in writing for approval from an authorised officer at least 10 days prior to commencing the drove.

4.6 An application under clause 4.5 must include:

- a) Stock owner's name and address and contact phone number.
- b) Head drover's name and address.
- c) Number of stock.
- d) Types of stock.
- e) Identification marks of stock.
- f) Number of drovers and dogs.
- g) Intended route through the district.

- h) Statement of daily stages and holding paddocks.
- i) Animal Declaration Status
- j) Proposed methods for ensuring that roads are clean.
- k) Traffic management provisions.

4.7 The authorised officer must approve all applications under clause 6 unless, in the opinion of the authorised officer, the proposed drove is likely to cause a safety hazard.

5. General rules relating to stock movement

5.1 This clause applies to any stock being driven further than 20km through or within the district (which droves are subject to approval by an authorised officer under clause 5.5).

5.2 No person shall drive or permit the driving of any stock along or across any road, or part of it, unless:

- a) The stock are at all times under the control of two or more persons, including one person in control at the front of the herd and a second person in control and located at the rear of the herd; and
- b) The stock are kept moving at a reasonable speed at all times so as to achieve a distance of at least 2km in an hour, not being over the same ground.

5.3 When pilot vehicles are being used for any stock drove, pilot vehicles must:

- a) Have their headlights turned on; and
- b) Have roof mounted amber flashing lights or hazard lights turned on; and
- c) Display temporary warning signs.

6. Removal of Faecal Waste from Roads

6.1 Any drover, farmer or other person in control of any stock crossing the road at a stock crossing point must take all reasonable steps to clean the road free of faecal waste immediately after use by such stock.

6.1b Any drover, farmer or other person in control of any stock being driven further than a stock crossing must attempt to remove any substantial faecal waste immediately after use by such stock'.

6.2 For the purposes of clause 6.1 all reasonable steps includes:

- a) The adequate washing of road surfaces to remove faecal waste, or the reasonable removal of faecal waste using a flat mouth shovel or similar implement or the placement of effluent mats that will be removed after stock have finished crossing the road; and
- b) Depositing such waste in a manner that does not cause annoyance or nuisance or pollution of a water body or water course.

- 6.3** Where any drover, farmer or other person in control of any stock fails to reasonably clean the road, an authorised officer may require cleaning by a contracted party, the costs associated with such cleaning shall be recovered from the farmer or person responsible.

7. Regular movement of stock along road

- 7.1** The regular movement of stock along a road may only be permitted by an authorised officer if:

- a) The stock movement occurs in a Rural Environment Area, as delineated in the District Plan; and
- b) The stock movement takes the shortest possible route; and
- c) The farmer or other person in control of the stock can demonstrate compliance with clauses 7.1 and 7.2.

- 7.2** Movement of stock under clause 7.1 may be subject to:

- a) Any fence line agreement, licence to occupy or encroachment licence as deemed appropriate by the authorised officer.
- b) The use of a stock race that meets the conditions set out in clause 7.3 as deemed appropriate by an authorised officer.

- 7.3** With respect to any stock race, the following (where applicable) are the responsibility of the applicant:

Stock race

- a) All costs of forming and maintaining the stock race.
- b) Regular maintenance and resurfacing of the stock race:
 - i) To eliminate the accumulation of animal wastes; and
 - ii) To prevent pugging of the surface; and
 - iii) To prevent ponding of stormwater and effluent.
- c) All costs of removing the stock race.

- 7.4** Any drover, farmer or other person in control of any stock using the road reserve for the regular movement of stock:

- a) Must comply with clause 8; and
- b) Is liable for all costs incurred by the Council in connection with any breach of the bylaw.

8. Conditions for stock crossing points

- 8.1** Where a road separates a farm or associated grazing leases and it is necessary for the movement of stock across the road reserve for a farming operation, the stock are not permitted to cross the road reserve unless they use a stock crossing point or a stock underpass.

Stock crossing point

- 8.2** For a stock crossing point, the points of access and exit must be, as is practicable in all the circumstances, opposite each other.

- 8.3** Subject to clause 8.4, the minimum sight distance for traffic on either side of a stock crossing point must meet the standards contained within the District Plan as required for vehicle access points.

- 8.4** A stock crossing point may be permitted if it is not able to meet the required sight distance standard if:
- a) There is no alternative practicable location; and
 - b) The proposed stock crossing point, in all other respects, meets the requirements of this bylaw.
- 8.5** Only one stock crossing point is permitted per road crossing per farming unit.
- 8.6** When stock are crossing the road they shall be under the continuous control of one or more persons and managed to ensure no hazard or adverse effects to the traffic movements on the road.

9. Warning devices for stock crossings and regular movement of stock along the road

- 9.1** All stock crossing points and those roads or parts of roads used for regular movement of stock along a road as referred to in clause 8.1 must:
- a) Display temporary reflective warning signs in both directions of oncoming traffic at least 150 metres before a stock crossing or beginning and end points of stock movement along the road; or
 - b) Have amber flashing lights or hazard lights turned on only when the crossing is in use.
 - c) Temporary reflective warning signs must be immediately removed at the completion of each stock movement.
- 9.2** All stock crossing points and roads or parts of roads used for regular movement of stock must be actively supervised when in use and the supervisor must take all reasonable practicable steps to allow traffic to pass through the stock.
- 9.3** Stock crossing points are not permitted to be used outside of daylight hours unless amber flashing lights or hazard lights are in use.
- 9.4** Any person in control of any stock who fails to comply with this clause is liable for all costs incurred by the Council in connection with the breach of this clause.
- 9.5** Nothing in subclauses 10.1 to 10.4 applies to any movement of stock along the road where the stock are contained by a stock race.

10. Stock underpasses

- 10.1** If, in the opinion of an authorised officer, an existing stock crossing point is unsafe or detrimental to the condition of the road, the stock crossing point must be assessed in accordance with the following matters to determine whether a stock underpass should replace the stock crossing point.
- a) The diagram given in Appendix 1; and
 - b) The matters in clause 10.4; and
 - c) Any operational policy of the Council.

**Stock
underpass**

10.2 The Council may from time to time as the Council sees fit adopt by resolution an operational policy in relation to the use of stock underpasses, including (without limitation) information about when stock underpasses should be used, administrative arrangements, and terms and conditions.

10.3 The matters, which the authorised officer must take into account, are as follows:

- a) Herd size.
- b) Frequency of use of crossing point.
- c) Traffic density of road being crossed.
- d) Economic impact on the farmer or other person in control of the stock.
- e) Practicality of underpass installation.
- f) Alternative locations of either the crossing or the underpass.
- g) Any other matter related to the specific circumstances of the farming unit.

10.4 Any person may apply in writing to the Council for approval to install a stock underpass and the application must state the preferred citing of the underpass and be accompanied by the relevant fee set by special consultative procedure.

10.5 Approval for a stock underpass may be subject to such conditions as the Council thinks fit including (without limitation):

- a) The location of the underpass.
- b) The period in which the underpass must be installed.
- c) The conditions relating to the continued use of a stock crossing point in lieu of a stock underpass being installed.
- d) The management of traffic during construction.
- e) The design of the underpass.
- f) The Council cost contribution (if any).

Note: It is anticipated that farmers with short term grazing leases will not be required to apply for a stock underpass under clause 11 as they are unlikely to be economically viable.

10.6 Nothing in this bylaw affects any obligations for building consents, or any discharge of other consent requirements of the Taranaki Regional Council.

11. Decommissioning of stock underpasses and stock crossing points

11.1 Any person who uses a stock underpass or stock crossing point for the purposes of his or her property is responsible for all costs associated with decommissioning the stock underpass or stock crossing.

- 11.2** Decommissioning will be subject to the approval of an authorised officer, who will ensure that the decommissioned underpass or stock crossing point meets all relevant safety standards.

12. Right of Appeal

- 12.1** If the applicant is dissatisfied with the decision of an authorised officer under this part to refuse approval or is dissatisfied with any condition imposed, the applicant may, within 21 working days of receiving the decision, appeal the decision to the Council.
- 12.2** The Council will consider the application afresh and may confirm, modify or reverse the authorised officer's decision.
- 12.3** The Council will give notice of the decision on the appeal and the reasons for the decision to the applicant as soon as possible after having made its decision.

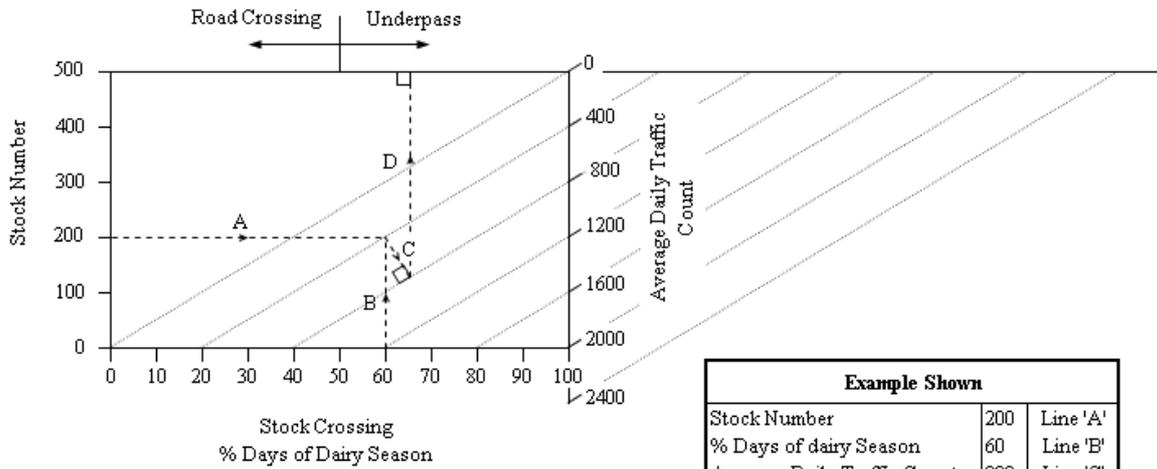
13. Compliance

- 13.1** Where any person is required in writing by the Council to carry out works to comply with this part, that person must complete those works within twelve months of the date of that notification. Any failure to do so is a breach of this part unless that person has obtained consent in writing from an authorised officer to an extension of time for such compliance.

APPENDIX 1

This appendix is for information purposes only. It does not form part of the New Plymouth District Council Bylaw 2008.

Formula for Stock Underpasses



Example Shown		
Stock Number	200	Line 'A'
% Days of dairy Season	60	Line 'B'
Average Daily Traffic Count	800	Line 'C'
Point at which perpendicular Line 'D' cuts top line determines status		

Note: Dairy Season assumed to be 300 days with 2 crossings per day