



ROTORUA DISTRICT COUNCIL LIVESTOCK MOVEMENT BYLAW 2012



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1.0 SCOPE AND GENERAL

PURSUANT to the powers contained in the Local Government Act 2002, and any other authority enabling it in that behalf, the Rotorua District Council **HEREBY RESOLVES** to make the following Bylaw:

1.1 SHORT TITLE

This Bylaw shall be referred to as the “**Rotorua District Council Livestock Movement Bylaw 2012**”.

1.2 COMMENCEMENT

This Bylaw originally came into force on the 2nd day of April 2007.

This Bylaw was subsequently reviewed and amended on the 15th day of November 2012, and came into force on the 26th day November of 2012.

1.3 REPEAL

The Rotorua District Council Stock on Roads Bylaw 1990 was repealed on the 2nd day of April 2007.

2.0 OBJECTIVES

- 2.1 The objectives of this bylaw include:
- The safety of all road users
 - The protection of:
 - a) the structure and surface of roads.
 - b) all utilities and structures contained within the Councils road reserve.
 - The prevention of roads being used as races.
 - Minimising inconvenience, nuisance and potential danger to all road users.

3.0 INTERPRETATION

- 3.1 For the purposes of this Bylaw, unless the context requires otherwise, the following definitions apply:

Authorised Officer means any person appointed or authorised in writing by the Chief Executive or by the Council to act on its behalf and with its authority and includes a member of the police.

Berm means the edge of a road between the kerb or road shoulder and the property boundary.

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

Council means the Rotorua District Council.

Council permit means a written consent issued by the Council for a Stock Crossing.

Dairy cattle means and includes any cow used to produce dairy products.

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 means and includes any cow, bull, ox, heifer, steer, sheep (includes any ram, ewe, wether, lamb, goat or kid), donkey, mule, calf, horse, mare, gelding, colt, filly, foal, boar, sow, pig, llama or deer of any kind. Livestock includes dairy cattle unless otherwise stated in this Bylaw.

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 or an amber flashing light in operation in front of or behind the mob.

Public Place has the same meaning as assigned to that term in section 147(1) of the Local Government Act 2002.

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

Road has the same meaning as assigned to that term in section 2(1) of the Land Transport Act 1998.

Road users mean motorists, cyclists and pedestrians.

Stock and Livestock where mentioned in this bylaw are interchangeable.

To move means to ride, drive, muster, lead or otherwise shift livestock whose feet are in contact with the road.

3.2 Words implying the singular include the plural and vice versa.

4.0 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, by Ordinary Post.

5.0 COMPLETE RESTRICTION ON MOVEMENT OF LIVESTOCK

- 5.1 No person shall move livestock along any road as follows:
- (a) During the hours of darkness;
 - (b) At any time when there is not sufficient visibility to render clearly visible a person, vehicle or livestock at a distance of at least 170 metres;
 - (c) Any other road, public reserve or public place that Council may seek to restrict from time to time.
- 5.2 Nothing in this Clause shall prevent the riding or leading of horses on any Council controlled road or any State Highway provided that at all times the horses are as far as is practicable to the left hand side of the road or highway and travel in the direction of the traffic flow. It is recommended that for the safety of the rider suitable safety equipments should be worn at all times when they are riding their horse on the road.

6.0 LOCAL MOBS

Local mobs may be driven on roads without the need to obtain a Council permit PROVIDED THAT:

- 6.1 Except as provided in sub-clause (6.3) hereof, no road shall be used by a farmer for the purpose of driving any stock from one part of his farm to another where the road does not intersect his farm. In particular, without limiting the generality of this sub-clause, no such use shall be made by a farmer of any road for the purpose of driving mobs or herds from one part of a farm to another.
- 6.2 Where a road intersects a farm and it is necessary for any stock to cross that road as part of farming operations, the Council may require the farmer by notice signed by an Authorised Officer to use only such points of entry and exit to and from the farm as may be necessary to ensure that the least danger or inconvenience to other road users or damage to the road shall arise.
- 6.3 Notwithstanding the restriction imposed by sub-clause (6.1) hereof, any stock may be driven from one part of a farm to another where those parts of the farm are not adjacent to each other but rather are separated by a natural barrier or other obstruction the nature of which renders it impracticable to drive such animals between such parts without using the road and the distance to be travelled by the animals does not exceed five kilometres. The Council may if it thinks fit specify the points of entry and exit to and from either of such parts of the farm.
- 6.4 The number of livestock in any one mob shall not exceed 600 head of cattle or 3000 sheep.
- 6.5 (i) Each mob shall be accompanied by more than one experienced person 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 more than two experienced persons for any number of cattle exceeding 300 head or any number of sheep exceeding 1,500.

- (ii) The person in charge of the mob shall keep the animals moving along the road at all times so as to make reasonable progress towards the destination.
- (iii) 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.
- (iv) Where the distance the mob is to travel exceeds 5 kilometres and the numbers in the mob exceed 50 cattle or 300 sheep each mob shall be accompanied by at least two pilot vehicles displaying hazard warning lights, an amber revolving light, a sign clearly stating "Stock", one vehicle 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. That all personnel involved in the movement of the stock must wear high visibility safety jackets.
- (v) Where any stock, irrespective of numbers in the mob, is to be moved on any road which has more than 2500 vehicle movements per day, the mob shall be accompanied by at least two pilot vehicles displaying hazard warning lights, an amber revolving light, a sign clearly stating "Stock", one vehicle 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. That all personnel involved in the movement of the stock must wear high visibility safety jackets.
- (vi) Any person causing damage to the road, pavement, berm or Council property in the course of moving any livestock shall be liable for costs incurred by Council to rectify the damage.
- (vii) Any person, being in charge 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.
- (viii) Any person in charge of moving livestock on any road or part thereof shall remove any and all temporary barriers erected to prevent livestock entering private property, forthwith, after the livestock have safely passed such temporary barriers.

7.0 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 the road to another for the purpose of moving dairy cattle to or from a milking shed 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 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.

8.0 STOCK CROSSINGS

8.1 An authorised officer may issue a stock crossing permit for the moving of dairy cattle 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 the additional cost incurred by the Council. This 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 the Council (or its agents or contractors) of stock excrement from the sealed road at the point where the dairy cattle cross.
- (b) The person whose name the stock crossing permit is issued in shall be 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 dairy cattle, including:
 - (i) Entranceways, including additional adjacent shoulders, at points where livestock cross the road berm shall be constructed to the minimum dimensions shown on standard drawing RD 29. (RD 29 is a plan which details Council's requirements for Stock Crossings and is available from the Engineering Department of Rotorua District Council), or subsequent amendments.

Note: Sealing is only required if the road at the stock crossing is a sealed road. Entrances must be sealed 2 metres from the road edge of seal.

If the road is a metal road then stock crossing entrances are not required to be sealed.

Entrances are to be shaped so that effluent drains away from the road.

- (ii) Warning signs at the crossing point to meet the requirements of the Transit New Zealand Manual of Traffic Signs and Markings while dairy cattle are crossing the road.
- (iii) An amber flashing light at the crossing point while dairy cattle are on the road.
- (iv) A person or persons is/are to be present at the road crossing while dairy cattle are using the crossing.
- (v) The requirements of the Health and Safety in Employment Act 1992 shall be 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.

9.0 REFUSAL TO GRANT A PERMIT PURSUANT TO CLAUSE 8 OF THIS BYLAW

- 9.1 Notice that the authorised officer has declined to grant a permit pursuant to clause 8 of this bylaw shall be in writing, addressed to the person concerned and sent by Ordinary Post.
- 9.2 A person who has received written notice that a permit has been refused may, within twenty (20) working days of the receipt of that notice, lodge an objection by writing to the Group Manager, Infrastructure Services stating the grounds of their objection. The Group Manager, Infrastructure Services shall consider the objection and make a decision on the matter.
- 9.3 The applicant shall be notified of the decision in writing by way of Ordinary Post no later than 20 working days after receipt of the written objection. The notification shall include reasons for the decision.

10.0 REVOKING OR SUSPENDING WRITTEN PERMISSION FOR A STOCK CROSSING PERMIT

- 10.1 If a road is under repair or reconstruction and the movement of livestock would in the opinion of the authorised officer cause damage to the road the Council may, notwithstanding the prior issuing of a stock crossing permit authorising the contrary, absolutely prohibit the movement of any livestock 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, in addition to the public notice Council shall send a letter to the permit holder outlining the above, and where practicable complete a letter drop to residents within the vicinity of the proposed road works.
- 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 The authorised officer may revoke any stock crossing permit issued pursuant to clause 8 of this bylaw if any person droving livestock fails to comply with any of the conditions of their permit.
- 10.4 The authorised officer may revoke any 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 The authorised officer may revoke any 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.

11.0 LIVESTOCK IN A PUBLIC PLACE

- 11.1 Any person being the owner or having the care, custody or control of any livestock, shall keep and prevent the same from wandering, or being at large in any public place without proper guidance.
- 11.2 No person shall tether livestock in any public place other than on the grass area directly adjacent to their property without first obtaining written permission from Council. Permission shall be granted subject to such conditions as are considered necessary by the Group Manager, Infrastructure Services or another authorised officer.
- 11.3 A person is allowed to tether any livestock on the grass area directly adjacent to their property provided they do not tether any livestock in a position where the livestock are able to stray within 2.0 metres of the carriageway.
- 11.4 Untethered livestock shall be allowed on any road reserve for grazing purposes only provided the livestock are contained within a temporary fence that complies with the Councils "Fence Encroachment Licence".
- 11.5 Any person causing damage to the 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.

12.0 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 the Council in the performance of any power, or duty conferred upon him or her by this bylaw.
- 12.2 Every person who commits a breach of this bylaw is liable on summary conviction to a fine not exceeding \$20,000.00.

This Bylaw was duly made by the Rotorua District Council by a resolution passed on the 15th day of November 2012 and was confirmed, following consideration of community submissions received during a special consultative procedure, by a resolution passed on the 9th day of October 2012.

THE COMMON SEAL of the
ROTORUA DISTRICT COUNCIL
was hereto affixed in the presence of:



MAYOR



CHIEF EXECUTIVE