



WAIPA DISTRICT STOCK DROVING BYLAW 2005

In exercise of the powers and authorities vested in it by Section 145 of the Local Government Act 2002 the Waipa District Council makes this Bylaw to control the movement of stock on public roads.

1. SHORT TITLE

This bylaw may be referred to as the Waipa District Council Stock Droving Bylaw 2005 and, except for those parts declared to be limited or extended in their operation, it shall apply to the whole of the Waipa District as from time to time constituted.

2. INTERPRETATION

In this Bylaw, unless the context otherwise requires:

"Council" means the Waipa District Council;

"Dairy Cattle" means cattle in use for milk production;

"Drive" means to direct or guide the movement of stock;

"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; or at any other time when there is insufficient daylight to render clearly visible any stock, person or vehicle at a distance of 100 metres;

"Enforcement Officer" means a person appointed by the Waipa District Council as an enforcement officer;

"Road" means a road as defined in Section 2 of the Land Transport Act 1998;

"Urban Street" means a road or a portion of a road, which is within an area controlled by a 70km per hour speed restriction or less;

"State Highway" means a state highway declared under Section 60 of the Transit New Zealand Act 1989.

"Stock" means any animal normally kept for their meat, wool, skin or milk and includes cattle, goats, sheep and deer.

3. APPLICATION OF THIS BYLAW

This Bylaw applies to all roads under the control and/or management of the Council.

4. URBAN STREETS

No person shall drive any stock along or across any urban street except:

- (a) For the purpose of recovery following an escape; or
- (b) In accordance with a written consent issued by an Enforcement Officer.

5. DAIRY CATTLE

No person shall drive any dairy cattle along or across any road for any purpose except:

- (a) For the purpose of recovery following an escape; or
- (b) Along a cattle race constructed on the road in accordance with a written consent issued by an Enforcement Officer and maintained and used in accordance with the conditions of that consent as required by Schedule 1 to this Bylaw; or
- (c) By a crossing in accordance with a written consent issued by an Enforcement Officer, and maintained and used in accordance with the conditions of that consent as required by Schedule 2 to this Bylaw.

6. OTHER STOCK

A person may drive any stock other than dairy cattle, along any road that is not a state highway or an urban street provided that the following conditions are complied with -

- (a) No stock shall be driven along the road during the hours of darkness.
- (b) Stock being driven along a road shall be accompanied by a sufficient number of competent drovers in order to keep the stock under control at all times while being driven.
- (c) Stock shall be driven at such a rate so as to minimise time on any road, while having regard to their health and well-being and the safety and convenience of road users.
- (d) No stock may be kept on any road during the hours of darkness.

At all times during the droving procedure, appropriate warning signs or lights must be displayed.

7. OFFENCES

Every person commits an offence against this bylaw who drives or otherwise permits stock on any road in contravention to the provisions of this Bylaw unless otherwise authorised to do so.

8. PENALTIES

Every person who commits an offence against this bylaw shall be liable on summary conviction to a maximum fine of \$20,000.00 pursuant to Section 242(4) of the Local Government Act 2004.

9 EXEMPTION

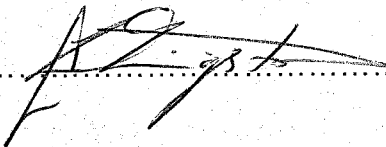
This Bylaw does not apply to roads included in the Transit NZ State Highway network.

10. CONSEQUENTIAL REPEALS

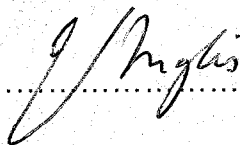
The Waipa District Council Stock Droving Bylaw 1993 is hereby repealed.

The foregoing Bylaw was made by the **WAIPA DISTRICT COUNCIL** by special consultative procedure at a meeting of Council held on the 28th day of June 2005 and became operative on the 1st day of July 2005.

IN WITNESS WHEREOF the Common Seal of the **WAIPA DISTRICT COUNCIL** was hereunto affixed pursuant to a resolution of Council passed on the 28th day of June 2005 in the presence of:

..... Mayor



..... Chief Executive

SCHEDULE 1 CONDITIONS FOR CONSTRUCTION OF A CATTLE RACE ON ROADS

As a means of providing for the passage of dairy cattle over short distances applications may be considered to construct races along road verges clear of carriageways. Applications may be approved at the discretion of an Enforcement Officer and subject to the following conditions:

1. That the cost of forming and maintaining the race shall be the responsibility of the applicant.
2. That no race shall be constructed closer than 3.0 metres to the nearest edge of any sealed or metalled carriageway.
3. That electric fencing, or some other form of light fencing, be installed at the edge of the race nearest to the carriageway sufficient to restrain the cattle during passage along the race. The use of waratahs or any other steel posts are not permitted.
4. That topsoil and grass be removed from the surface of the proposed race and any contouring of the road verge be completed prior to forming the race with pit sand or other approved material.
5. That the race shall be formed with gradients and crossfall to ensure that adequate drainage is maintained and that existing roadside drainage is not impeded.
6. That regular maintenance and resurfacing of the race shall be undertaken by the applicant to eliminate the accumulation of animal wastes, to prevent pugging of the surface, or ponding of stormwater and stock effluent.
7. That where the race is required to traverse the frontage of property not owned by the applicant, it shall be his responsibility to obtain the owners consent and to make mutually acceptable arrangements for crossing, and maintaining any entrances.
8. That where it is necessary for the dairy cattle to cross the road at the end of a roadside race the crossing shall be made to a gateway constructed directly opposite to ensure that the stock movement across the road is by the shortest possible route. Relevant sections of Schedule 2 of this Bylaw shall apply to any approval and installation of the road crossing.
9. That should the farming operation change and make the race redundant it shall be the owner's responsibility to remove fencing from the road and to reinstate the road.

Construction of races will not be approved within a road if, or to the extent that, there is an alternative route available. Land owned or occupied by the applicant, or in the

Where an alternative route appears to be available across land that is not owned by the applicant, or in the case of a sharemilker by his principal, then the Council may require evidence that the owner or occupier of that land will not permit the applicant's dairy cattle to use it.

SCHEDULE 2

CONDITIONS FOR THE INSTALLATION OF ROAD CROSSINGS FOR DAIRY CATTLE

General

The most acceptable means of moving cattle from one side of a road to the other is by way of a stock underpass. Applications may be approved at the discretion of an Enforcement Officer and subject to the following conditions:

Conditions

1. The exit and entry points of any cattle crossing are to be installed directly opposite one another in the road fences and fitted with gates.
2. Crossings shall be sited with a minimum of 170 metres clear visibility in both directions and no closer than 60 metres to an intersection.
3. Temporary warning signs are to be installed at the applicant's expense on each approach to the crossing. Such signs shall comply with current standards for colour, size and shape, and shall be C1 hinged to allow opening when the crossing is in use and are to be kept closed at all other times.
4. Internal farm races and farm management practices are to be arranged so that only one crossing is required per property and there is no requirement to drive stock along the road.
5. Internal farm races leading to road crossings are to be hard surfaced to reduce the carriage of mud etc, onto the road by stock movement. Surfaces between fences and the edges of scaled or metalled formations shall be similarly maintained at the owner's expense and shall be shaped to ensure effluent and surface drainage away from the road carriageway.
6. The last 50 metres of any internal race up to the property boundary and to the edge of the road formation shall be formed to a gradient no steeper than 1:20 and shall be sufficient to stand the herd within the property before driving it across the road in one supervised movement. No unsupervised crossings will be permitted and stock is to be driven and not allowed to meander between the two gates without control.
7. No posts, rails, gates, wires, tapes, or any combination or structure formed by these materials, will be permitted within the road to define the crossing, or to facilitate uncontrolled stock movements.
8. Provision must be made for the proper and complete clearing of excrement, mud or other debris from road surfaces after each use of the crossing.
9. Crossing of stock is to be completed with a minimum of delay and inconvenience to motorists using the road.