

## A Guide to Stock Control in the Waipa District

Stock control is administered by the animal control division of Waipa District Council under the provisions of the Impounding Act 1955.

This legislation is designed to:

- protect the interests of property owners,
- set the rules for the establishment and management of public pounds and the impounding of wandering and trespassing stock,
- protect road users from the hazards of wandering stock.

Further to this, the Waipa District Traffic and Stock Droving Bylaw 2012, administered by Council's roading division, provides the legal requirements in relation to stock droving.

### **What is the definition of "Stock"?**

"Stock" is defined in the Impounding Act 1955 as any horse, cattle, deer, ass, mule, sheep, pig, or goat of any description.

### **Who is liable for costs in the event of your stock straying off your property?**

As the owner, YOU are!

### **What are these costs?**

If the stock stray on to private property you will be liable for any trespass costs claimed by the owner of the property, or alternatively for any damages caused by the animals. There may also be sustenance/grazing costs. If the animals are impounded you will also be charged all costs incurred during this process.

Costs may therefore include any of the following:

- impounding fees
- stock ranger's fee (based on hourly rate for each ranger involved)
- transport costs
- trespass costs
- grazing costs
- advertising
- any damages
- any other miscellaneous costs incurred such as veterinary attention etc.

### **What happens in the event of a road accident caused by wandering stock where the owner's negligence is proven?**

The owner of the stock is liable for all damages caused and there could be criminal charges laid in some circumstances.

**It is the responsibility of all stock owners to ensure their animals are safely enclosed at all times, and that all road-side boundary fencing and gates are stock-proof and well maintained.**

### **What should I do if an animal strays on to my property?**

**If the owner of the stock is known to you**, you may detain the stock in a convenient place on your land, but **you must notify the owner within 24 hours**. You can do this personally or by delivering a written notice (detailing number of stock, description, any brands/ear-tags, where the stock were found and details of any trespass rates that you wish to claim) to the stock owner's home. You must feed and give all necessary care and attention to the stock during the time they are on your property.

Once the owner has paid all required sustenance and trespass fees (as stated in the Impounding Regulations) to you, you must release the stock. For fee details pursuant to the Impounding Regulations, please contact Council's animal control staff.

If the stock are not claimed within 48 hours or if the owner of the stock is not known to you, you must make arrangements to deliver the animals to the nearest stock pound and advise Council staff of these arrangements.

Once the stock are impounded, Council will send a notice to the owner (if known) or advertise the animals and, if claimed, recover all Council costs plus sustenance/trespass/cartage costs on behalf of the land-owner. If the stock are not claimed, they are sold by public auction.

There are some situations where the owner of the land trespassed upon can claim damages from the owner of the stock **instead** of trespass rates. These damages are recoverable by the owner of the land. Refer to the Impounding Act 1955 or check with Council staff for more information.

### **What are the rules on road-side grazing and stock droving?**

#### **Road-side Grazing:**

Anyone wishing to graze stock on a rural road-verge must first obtain a permit from Council's Transportation Engineer. Issued permits are likely to include the following conditions:

- grazing of road-sides is only permitted during daylight hours
- grazing of bulls or untethered horses is not permitted
- temporary fencing must be removed immediately after the stock have been moved
- fencing must not be sited closer than 2.0 metres from the edge of the seal or metal
- no Warratah standards or wooden posts may be erected. Pigtail standards or similar supports with no sharp ends are permitted.

#### **Stock Droving:**

Waipa District Council's Public Places Bylaw 2018 provides for movements of stock on all roads managed/controlled by Waipa District Council. Please note, state highways are managed by New Zealand Transport Agency (NZTA).

Dairy Cattle must not be driven along or across any road except a cattle race or crossing in accordance with written consent issued by Waipa District Council.

Sheep and non-dairy cattle may be driven along any road that is not a state highway or an urban street provided that the following conditions are complied with:

- no stock shall be driven along the road when there is insufficient daylight to clearly see at a distance of 170m
- 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
- 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
- at all times during the droving procedure, appropriate warning signs or lights must be displayed.

### **How can I find out more?**

For further information on a stock control matter, refer to the Impounding Act 1955, Waipa District Council Public Places 2018, or talk to Council's Customer Support staff who will refer you to the correct officer.