

WAIKATO DISTRICT COUNCIL LIVESTOCK MOVEMENT BYLAW 2011

Waikato District Council, in exercise of its powers under the Local Government Act 2002 and its respective amendments, the Land Transport Act 1998 and its respective amendments, and all other relevant powers, hereby makes the following bylaw:

1.0 SHORT TITLE AND COMMENCEMENT

- 1.1 This bylaw shall be known as the “Waikato District Council Livestock Movement Bylaw 2011”.
- 1.2 This bylaw shall come into force in the former Waikato District Council area on 1 November 2011 (*Note 1).
- 1.3 This bylaw shall come into force over the full Waikato District on 1 July 2012 (*Note 2).

**Note 1: The former Waikato District Council area is the area excluding that part of the former Franklin District Council area transferred to Waikato District Council pursuant to the Local Government (Auckland Boundaries) Determination 2010 (order in Council dated 15 March 2010 – NZ Gazette No. 31, page 858).*

**Note 2: The full Waikato District is the Waikato District Council area including that part of the former Franklin District Council area transferred to Waikato District Council pursuant to the Local Government (Auckland Boundaries) Determination 2010 (order in Council dated 15 March 2010 – NZ Gazette No. 31, page 858).*

2.0 REVOCATION

- 2.1 The “Waikato District Council Livestock Movement Bylaw 2006” is revoked from the day the new bylaw comes into force.
- 2.2 The “Franklin District Council Livestock on Roads Bylaw 2010” is revoked from 1 July 2012.

3.0 PURPOSE OF BYLAW

- 3.1 Within rural areas of the Waikato District Council, livestock are moved using roads as part of the everyday operations of some farms. This activity has the potential to adversely affect the safety of road users and the efficiency and structure (surface of roads) of the road network. The purpose of this bylaw is to:
- (a) Ensure the safety of road users, persons moving livestock and the livestock.
 - (b) Protect the structure and surface of roads.
 - (c) Prevent Roads being used as farm races

4.0 APPLICATION

- 4.1 This bylaw applies to all roads under the control and/or management of the Council.

5.0 INTERPRETATION

In this bylaw, unless inconsistent with the context:

Authorised Officer means any employee of the Council appointed to carry out general or specific duties arising from any of the provisions of this bylaw, unless stated otherwise in this bylaw.

Council means the Waikato District Council.

Crossing Manager means the person managing the livestock crossing or moving.

Drove means to move a herd of animals from one place to another.

Drover means any person in the process of moving livestock from one point to another along a road.

Farm means an area of land which is used for the purpose of agriculture including grazing of livestock.

Livestock means all animals that are likely to be kept for commercial purposes and taken onto the road for the purpose of moving from one part of the farm to the other or to another destination. 'Stock' shall have the same meaning as 'Livestock'.

Livestock movement means to drive, muster, lead or herd livestock along or across the road reserve.

Dairy Crossing Permit is a time specific permit for the regular movement of dairy cows (once a month or more) across a public road between gates which are generally opposite each other.

Livestock Moving Permit is a time specific permit for multiple droves of any distance and/or infrequent crossings (generally less than once a month) allowing a farmer to move livestock along and/or across a designated section or sections of public road.

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

Pilot vehicle means and includes any motor cycle, 4 wheel farm bike, car, utility vehicle, tractor, 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.

Road means a road as defined in section 2 of the Land Transport Act 1998 and includes -

- a) a street; and
- b) a motorway; and
- c) a beach; and
- d) a place to which the public have access, whether as of right or not; and
- e) all bridges, culverts, ferries, and fords forming part of a road or street or motorway, or a place referred to in paragraph d); and
- f) all sites at which vehicles may be weighed for the purposes of the Land Transport Act 1998 or any other enactment

and located within the area of jurisdiction of the Waikato District Council.

Road user means any motorist, cyclist, pedestrian or drover.

Traffic Management Plan means a sketch plan or map or other approved document outlining the safety procedures/methods that the stock manager will use to ensure the safety of all road users whilst moving stock along or across the road.

Urban area means any area where the posted speed limit is 70 kph or less.

6.0 COMPLETE RESTRICTION ON MOVEMENT OF LIVESTOCK

6.1 No person shall move any livestock along or across any public road as follows:

- (a) Within an urban area; or
- (b) On any road with an average daily traffic count of 2000 vehicles per day, or more; or

- (c) On any other road, public reserve or public place that Council may restrict from time to time; or
- (d) Unless in accordance with Clauses 7, 8, 9 or 10 of this bylaw or
- (e) Where the livestock may be reasonably moved across private land instead of across or along a road.

7.0 MOVEMENT OF LIVESTOCK ON ROADS PERMITTED IN CERTAIN CIRCUMSTANCES

- 7.1 Unless prohibited under Clause 6. of this bylaw, and with the exception of dairy herds, the movement of livestock along or across a road is permitted on unsealed roads, subject to the following conditions:
- (a) Livestock shall not be moved during the hours of darkness. (The hours of darkness means those hours between half an hour after sunset and half an hour before sunrise the next day)
 - (b) There shall be at all times adequate warning of the presence of livestock, both in front and behind, which must be clearly visible at a distance of no less than 170 metres. Adequate warning shall comprise not less than 2 of the following warning mechanisms:
 - Amber flashing light and/or hazard lights on vehicles
 - Staff wearing 'Dayglo' safety vests
 - Staff using orange or red flags to warn traffic of stock on the road
 - TW6 'Stock Crossing' signs (attached to a vehicle or closed when stock are not on the road)
 - Two road cones, not less than 900mm high, at least 30m apart on each side of the crossing point (removed when stock are not on the road).
 - (c) The livestock shall be moved in such a manner so as to ensure that their time on the road is minimised.
 - (d) Persons moving livestock shall take all reasonable and practical steps to make way for or allow vehicles to pass through the stock;
 - (e) Persons moving livestock shall remove excessive stock excrement from the road;
 - (f) Persons moving livestock shall take all reasonable steps to avoid damage to the road, to any public amenities and to private property, and shall repair any damage so caused;
 - (g) The movement of livestock along a road shall at all times be under the control of at least two competent persons, one maintaining a position in front of, and another maintaining a position behind the livestock.
- 7.2 In the event of particular safety concerns or repeated non-compliance with Clause 7.1, Council may, at the discretion of the General Manager Rooding & Projects require a permit for ongoing livestock movement and impose any additional safety requirements that are considered necessary.

8.0 LIVESTOCK MOVEMENT AND DAIRY CROSSING PERMITS

- 8.1 Two permits are available for moving livestock along or across roads within the Waikato district, being a Dairy Crossing Permit and a Livestock Moving Permit.
- 8.2 No person shall move any livestock without a relevant permit other than as permitted in Clause 7 above except for the purpose of returning livestock to a farm in the event of an animal escape or similar emergency.
- 8.3 In the event of a longer-term emergency situation, such as the collapse or flooding of an underpass, a temporary livestock crossing or livestock moving permit may be issued for a restricted period of time. In this case, the crossing manager shall notify the Council within 24 hours of the emergency situation first occurring.
- 8.4 Where any Livestock Movement Permit or Dairy Crossing Permit has been issued, the permit holder shall comply with all permit conditions at all times.
- 8.5 Specific minimum conditions for Dairy Crossing and Livestock Moving Permits are listed on the back of the relevant permit application form. These conditions are appended to this Bylaw as Appendix I. The General Manager Rooding & Projects has discretion to impose any additional safety performance standards that may be considered necessary.

- 8.6 Where a farm with an existing permit is transferred or leased without modification to farm size or farming practices, the new owner can apply to the Council to have the permit assigned to them. Standard review criteria will be used in the assessment. (Refer to Clause 9.1).

9.0 DAIRY CROSSING PERMIT

- 9.1 New Dairy Crossing Permit applications will be evaluated against the specific criteria outlined in Clause 2.1 of the Council's Livestock Movement Policy (Appendix 4), in accordance with the processes outlined in Council's standard operating procedure "Stock Movement Permits" (see process flowchart, Appendix 2). Crossing details will be plotted on the "Graph to determine stock crossing status" (Appendix 3) and the resultant score used to determine the crossing's suitability to continue and/or when conversion to an underpass will be required.
- 9.2 Subject to clauses 9.3, 9.4 and 9.7, no new permit will be issued if the crossing does not meet the traffic volume, sight distance or other criteria noted in the Livestock Movement Policy, nor if it scores above 50 on the graph.
- 9.3 An exception to Clause 9.2 may be applied to no exit roads taking into consideration the views of affected properties located above the crossing point.
- 9.4 An exception to Clause 9.2 may be applied to stock crossings in the Aka Aka drainage district, where installation of an underpass is impractical or prohibitively expensive.
- 9.5 Crossing permits, when approved, shall remain valid for up to 5 years unless the permit holder has breached the permit conditions and/or has acted contrary to this bylaw.
- 9.6 If permit holders wish to renew their permit they must apply to the Council for such renewal at least ten working days prior to the expiry date of the permit and submit updated livestock crossing details with their application. Applications will be evaluated in accordance with the evaluation process described in Clause 9.1, previous permit compliance, current traffic safety and environmental issues.
- 9.7 If the dairy crossing permit application scores above 50 on the graph the Council may either;
- (a) In exceptional circumstances grant a temporary permit for a period of up to 12 months before an underpass must be installed;
 - (b) If land is leased on either side of a road and a lessee holds a Dairy Crossing Permit which expires less than one year before the expiry date of the lease, and after the expiry date of that permit an underpass would be required, a temporary Dairy Crossing Permit may be issued at the discretion of the Council for the remaining term of the lease.

10.0 LIVESTOCK MOVING PERMIT

- 10.1 An application for a Livestock Moving Permit must be submitted to Council at least 10 days before the first intended movement of stock.
- 10.2 The permit application must be accompanied by a sketch plan or map (traffic management plan) for all routes or journeys, outlining how the applicant proposes to meet the general conditions outlined on the application form. The plan shall generally be in accordance with the current New Zealand Transport Agency Code of Practice for Temporary Traffic Management.
- 10.3 Livestock moving permits will be issued for a period of between 1 to 5 years, depending on specific stock movement and traffic safety criteria. If permit holders wish to renew their permit they must apply to the Council for such renewal at least ten working days prior to the expiry date of the permit and submit updated livestock crossing details with their application. Applications will be evaluated in accordance with the evaluation process described in Clause 9.0, previous compliance and current traffic safety and environmental issues. Where appropriate, the permit may be renewed.

11.0 DECLINING A PERMIT APPLICATION

- 11.1 If the authorised officer declines to issue or renew any permit, the applicant or permit holder shall be notified in writing.
- 11.2 A person who has received written notice that a permit application has been declined may, within ten working days of receipt of the notice, lodge an objection in writing to the General Manager Roding and Projects of the Council stating the grounds of their objection. The objection shall be

referred to the Council's Roding and Transport Committee which shall consider the objection and make a decision on the matter.

11.3 The Roding and Transport Committee's decision shall be final.

11.4 The applicant shall be notified of the decision in writing no later than 10 working days after the Roding and Transport Committee has determined the objection. The notification shall include reasons for the decision.

11.5 Should Council decide to not renew the permit as a result of the review process outlined in Clause 9.7, the permit holder will be given 6 months notice of Council's intention to cancel the permit.

12.0 REVOKING OR SUSPENDING A PERMIT

12.1 At any time when an authorised officer considers it necessary to close or restrict traffic flows on a road because of road works, flooding or an emergency, or other event, the authorised officer 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 under the circumstances are most appropriate.

12.2 The General Manager Roding and Projects may revoke or suspend any livestock moving permit, or livestock dairy permit if:

- (a) The permit holder fails to comply with any of the conditions of their permit, or
- (b) The number of livestock or frequency of livestock crossing the road increases beyond that specified and agreed to in the dairy crossing permit, or
- (c) The status or traffic volume on the road changes significantly from that prevailing when the permit was issued such that safety is severely compromised.

13.0 SAFETY ON ROADS

13.1 Persons moving livestock along the road shall at all times ensure the safety of road users by providing adequate warning by way of signs or flashing lights, and adequate supervision of the livestock.

14.0 DAMAGE TO ROADS CAUSED BY MOVING LIVESTOCK

14.1 Persons moving livestock along or across the road shall take all reasonable precautions to ensure that livestock do not cause damage to the road, or any public amenities or private property, and shall be responsible for repairing any damage caused.

14.2 Council shall have the right to recover costs where:

- (a) Unscheduled maintenance or repair of the road reserve or road surface is required due to damage caused by the livestock as assessed by the General Manager Roding and Projects.
- (b) The Council (or its agents or contractors) is required to remove excessive stock excrement or mud from the road.

15.0 PERMITS AND FEES

15.1 A fee may be charged for the processing of applications for permits and will be payable by the applicant.

15.2 An inspection fee may be charged for repeated visits or time associated with ongoing non-compliance or complaints relating to livestock movements.

15.3 The amount of the fees will be set by the Council from time to time pursuant to section 150 of the Local Government Act 2002.

16.0 OFFENCES AND PENALTIES

16.1 Every person commits a breach of this bylaw who:

- (a) Commits, or causes, or permits 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

16.0 OFFENCES AND PENALTIES

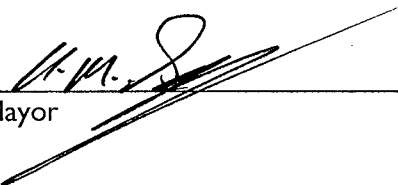
16.1 Every person commits a breach of this bylaw who:

- (a) Commits, or causes, or permits 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
- (e) Provides incorrect livestock crossing numbers, frequency of use or any other incorrect details in any application.

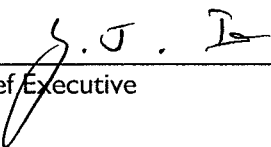
16.2 Every person who commits a breach of this bylaw is liable on summary conviction to a fine not exceeding \$20,000.00.

This bylaw was made pursuant to a resolution passed by the Waikato District Council on 27 September 2011.

The Common Seal of the Waikato District Council
Was hereto affixed in the presence of :



Mayor



Chief Executive



Appendix I

Permit Conditions

(as listed on the reverse side of the permit form)

Conditions for Dairy Crossing Permits

1. Entranceways, including additional adjacent shoulders, at points where stock cross the berm should be surfaced in an appropriate material such as brown rock or sand and be constructed to accommodate the regular movement of stock, to a standard that prevents damage to the road and avoids mud being tracked onto the crossing.
2. Any new entranceways shall be constructed to the minimum dimensions shown on standard drawing TSG-E3 and surfaced with brown rock or sand so that the mud is not tracked across the road. Plan TSG-E3 details Council's requirements for Rural/Residential entranceways and is available from any office of the Waikato District Council.
3. Temporary warning signs are required and all signage must be approved by Council. Council will arrange for the signs to be installed on behalf of the permit holder. A subsidy is available for approved signage. Correct use and maintenance of the signs is the responsibility of the permit holder.
4. An amber flashing light will be required at the crossing point and shall be operated continuously whilst livestock are crossing the road. It is the permit holder's responsibility to arrange installation and operate the light correctly at all times. Road cones no less than 900mm high may also be used to warn traffic in areas of limited visibility.
5. The requirements of the Health and Safety Act 1992 and its amendments shall be complied with at all times.
6. At least one competent adult shall be present at all times while livestock are using the crossing.
7. Persons moving livestock along or across the road must take all reasonable and practical steps to make way for, or allow vehicles to pass through the stock without undue delay.
8. The crossing manager shall take all due care to protect the road reserve and the road surface from any damage at the point where the stock cross the road. Council may require the use of stock mats or other measures in order to meet this requirement.
9. Excessive stock excrement must be removed from the road immediately following every crossing.
10. The permit holder may be liable for payment of costs incurred by the Council to repair any damage caused to the road, or to remove excessive effluent from the road, as a direct result of the crossing manager failing to meet the requirements of Condition 7 above.
11. Other special conditions may be applicable to this permit and, where relevant, will be stated below.
12. This permit is valid for up to 5 years from the date of issue unless indicated otherwise.
13. The permit holder shall advise the Council of any change of ownership or grant of lease of the land to which this permit relates.
14. The permit holder shall advise the Council of any significant change in farming practice that may impact on the ongoing relevance of this permit or the crossing score on the "Graph to determine stock crossing status".

Special Conditions

15. A stock mat is required to be used? Yes / No
16. Other requirements.....

Conditions for Livestock Moving Permits

1. Entranceways, including additional adjacent shoulders, at points where stock cross the berm should be surfaced in an appropriate material such as brown rock or sand and be constructed to accommodate the regular movement of stock, to a standard that prevents damage to the road and avoids mud being tracked onto the crossing.
2. Any new entranceways that are to be used by vehicles shall be constructed to the minimum dimensions shown on standard drawing TSG-E3 and surfaced with brown rock or sand so that the mud is not tracked across the road. Plan TSG-E3 details Council's requirements for Rural/Residential entranceways and is available from any office of the Waikato District Council.
3. Only the routes and crossings included in this application and the approved traffic management plan are covered by this permit. No other route or crossings shall be used without prior approval by the authorised officer.
4. The stock manager and/or drover in charge shall be responsible for providing adequate warning for traffic. Traffic control which shall be strictly in accordance with the approved traffic management plan submitted with the application
There shall be at all times adequate warning of the presence of livestock, both in front and behind, which must be clearly visible at a distance of no less than metres, (the distance to be determined in accordance with the speed environment at the crossing point).

Adequate warning shall comprise not less than 2 of the following warning mechanisms:

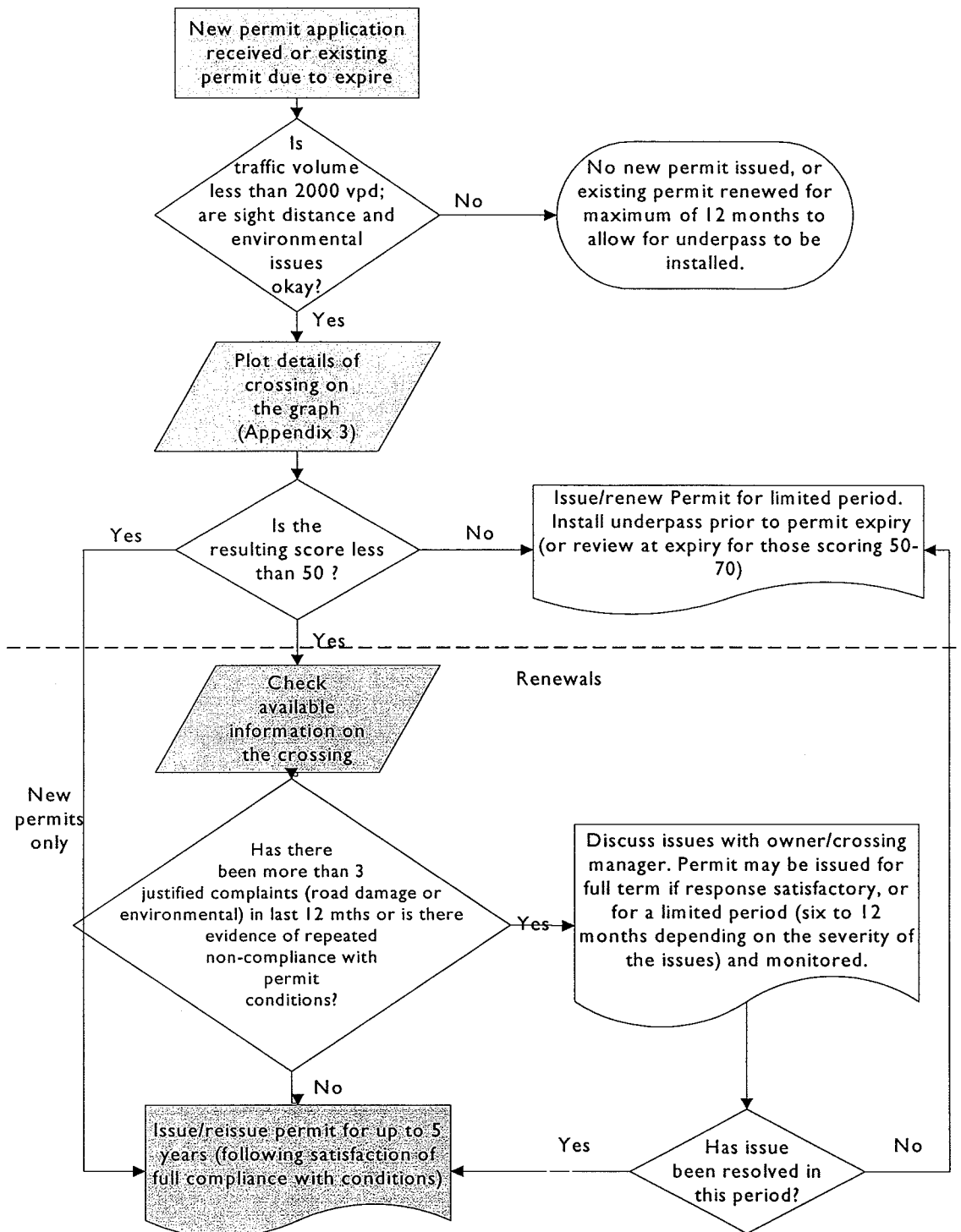
- Amber flashing light and/or hazard lights on vehicles
 - Staff wearing 'Dayglo' safety vests
 - Staff using orange or red flags to warn traffic of stock on the road
 - TW6 'Stock Crossing' signs (attached to a vehicle or closed when stock are not on the road)
 - Two road cones, not less than 900mm high, at least 30m apart on each side of the crossing point (removed when stock are not on the road).
5. The stock manager and/or drover shall ensure that due care is taken to protect the road reserve and the road surface from any damage whilst the stock are being driven along or across the road.
 6. Livestock shall not be moved during the hours of darkness. (The hours of darkness means those hours between half an hour after sunset and half an hour before sunrise the next day)
 7. Excessive stock excrement must be removed from the road immediately after stock has been moved.
 8. The permit holder may be liable for payment of any costs incurred by the Council to repair any damage caused to the road, or to remove excessive effluent from the road, as a direct result of the stock movements carried out under this permit.
 9. Other special conditions may be applicable to this permit and, where relevant, will be stated below.
 10. This permit is valid for years from the date of issue. (between 1-5)
 11. The permit holder shall advise the Council of any change of ownership or grant of lease of the land to which this permit relates.
 12. The permit holder shall advise the Council of any significant change in farming practice that may impact on their ongoing relevance of this permit.

Special Conditions

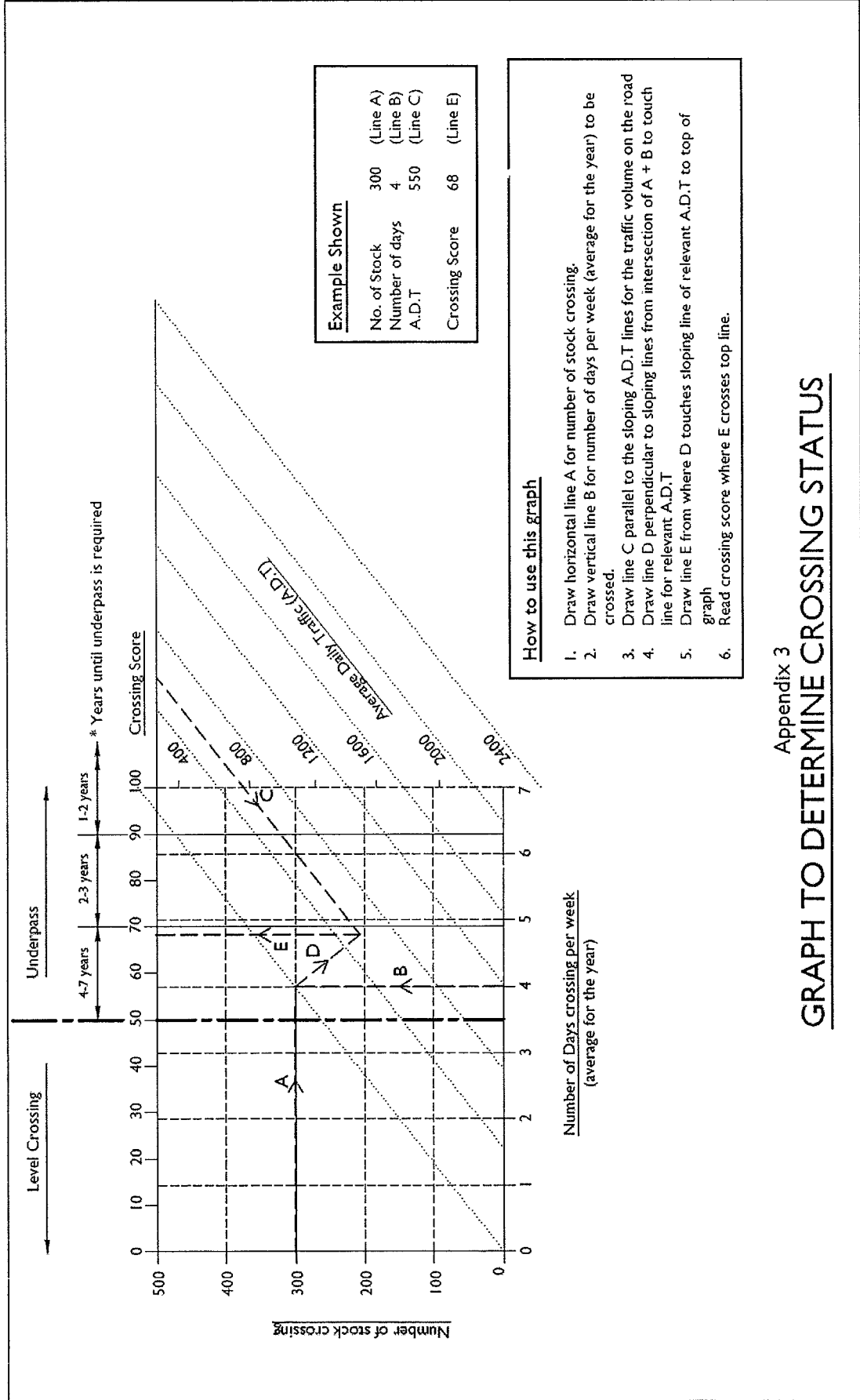
Appendix 2

STOCK CROSSINGS

Process for Evaluating New Permit Applications or Renewing Existing Permits



Note: The traffic volume for a road can be ascertained on request from Council.



Example Shown	
No. of Stock	300 (Line A)
Number of days A.D.T.	4 (Line B)
	550 (Line C)
Crossing Score	68 (Line E)

- How to use this graph**
1. Draw horizontal line A for number of stock crossing.
 2. Draw vertical line B for number of days per week (average for the year) to be crossed.
 3. Draw line C parallel to the sloping A.D.T. lines for the traffic volume on the road
 4. Draw line D perpendicular to sloping lines from intersection of A + B to touch line for relevant A.D.T.
 5. Draw line E from where D touches sloping line of relevant A.D.T. to top of graph
 6. Read crossing score where E crosses top line.

Appendix 3
GRAPH TO DETERMINE CROSSING STATUS

Appendix 4

WAIKATO DISTRICT COUNCIL LIVESTOCK MOVEMENT POLICY

Policy Definition

This policy relates to the Livestock Movement Bylaw 2011. Refer to that document for definitions and interpretation.

1.0 Policy Objectives

- 1.1 To protect the safety of road users.
- 1.2 To protect:
 - (a) Structures and the surface of roads
 - (b) All utilities and structures contained within the Council's road reserves.
- 1.3 To prevent roads being used as races.
- 1.4 To minimise inconvenience, nuisance and potential danger to all road users.
- 1.5 To minimise impact on the environment.
- 1.6 To reduce the number of stock crossings in the district.
- 1.7 To respect the need for efficient farming operations without compromising safety on the road.

2.0 How we intend to achieve these objectives

- 2.1 Council intends to phase out the majority of dairy crossings within the next 7 years (by 31 December 2018) and replace them with underpasses.

Priority for conversion to underpasses will be determined following the application of a specific evaluation process described in Clause 9.1 of the Livestock Movement Bylaw 2011. The evaluation process considers the following criteria:

- i) traffic volume
 - ii) herd size
 - iii) regularity of crossing
 - iv) sight distance
 - v) damage to road
 - vi) smell
 - vii) inconvenience to all road users
 - viii) excrement splashed on vehicles and bicycles
 - ix) impact on pedestrians
 - 2.2 Necessary livestock crossings that are allowed to remain, and other livestock movements on district roads, will be required to meet strict safety standards by way of a written permit and will be monitored regularly for compliance with the permit conditions.
- ### 3.0 Subsidies
- 3.1 The Council will use the New Zealand Transport Agency subsidy rules as set out in the Planning, Programming & Funding Manual, Section F10.6, for cost sharing for stock underpasses. At its discretion, and subject to the funding provisions of the Long Term Plan, the Council may contribute up to \$7500 or 25% of the costs of construction of an underpass, whichever is greater.
 - 3.2 Subsidy relates to a standard sized underpass (4m x 2m) approaches and pumping facilities if required.
 - 3.3 The willingness of the farmer to convert the crossing to underpass where criteria is marginal will be taken into consideration when determining subsidy rates.
 - 3.4 The cost of supply and installation of approved temporary warning signs and stock mats may be eligible for subsidy.