

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, 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 on 1 July 2011.

2.0 REVOCATION

- 2.1 The "Waikato District Council Livestock Movement Bylaw 2006 is revoked from the day the new bylaw comes into force.

3.0 PURPOSE OF BYLAW

- 3.1 Within rural areas of the Waikato District Council, livestock is 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 of the road network. The purpose of this bylaw is to:

- (a) Ensure the safety of Road users, persons moving livestock and 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.

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

Council means the Waikato District Council.

Crossing Manager means the person managing the livestock crossing,

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

Farm means an area of land which is used exclusively or principally for the purposes 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.

Livestock droving means to drive, muster, lead or herd livestock along the road in the road reserve. This activity is covered by either a Livestock Moving Permit or a Livestock Droving Permit.

Livestock movement means any movement of livestock along or across the road reserve.

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

A Livestock Droving Permit is a specific single-use permit to move livestock along the road for distances greater than 5 km.

A Livestock Moving Permit is a time specific permit for multiple droves of less than 5 km 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 Transport Act 1962 and located within the area of jurisdiction of the Waikato District Council.

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

A Traffic Management Plan is 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 driving stock along 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 reserve as follows:

- (a) Within an urban area
- (b) On any road with an average daily traffic count of 2000 vehicles per day, or more;
- (c) On any other road, public reserve or public place that Council may restrict from time to time.
- (d) Without a relevant permit
- (e) Where the livestock may be reasonably moved across private land instead of across or along a road.

7.0 LIVESTOCK MOVEMENT PERMITS – GENERAL

7.1 Three permits are available for moving livestock along or across roads within the Waikato district. They are the Livestock Crossing Permit, Livestock Moving Permit and the Livestock Droving Permit

- 7.2 No person shall move any livestock without a relevant permit, except for the purpose of returning livestock to a farm in the event of an animal escape or similar emergency
- 7.3 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 stock manager shall notify the Council within 24 hours of the emergency situation first occurring.
- 7.4 Where any livestock movement permit has been issued, the permit holder shall comply with all permit conditions at all times.
- 7.5 Specific minimum conditions for Live Stock Crossing, Live Stock Moving and Live Stock Droving Permits are listed on the back of the relevant permit application form. These conditions are appended to this Bylaw as Appendix I

Note: The General Manager Roading and Projects has discretion to impose any additional safety performance standards that may be considered necessary.

- 7.6 Where a farm with an existing permit is sold 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 8.1).

8.0 LIVESTOCK CROSSING PERMIT

- 8.1 New Livestock Crossing Permit applications will be evaluated against the specific criteria outlined in Clause 2.1 of the Council's Livestock Movement Policy, 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" (see Appendix 3) and the resultant score used to ascertain the crossing's suitability to continue and/or when conversion to underpass will be required.
- 8.2 No new permit will be issued if the crossing does not meet the traffic volume, sight distance or social impact criteria, nor if it scores above 50 on the graph.
- 8.3 Exceptions may be applied to no exit roads where approval is gained from all affected parties. During the review outlined in clause 8.4, affected parties must be consulted and gained approval resubmitted to the Council.
- 8.4 Crossing permits, when approved, shall remain valid for 2 years unless the permit holder has breached the permit conditions and/or has acted contrary to this bylaw.
- 8.5 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 8.6 and previous permit compliance and current traffic safety and environmental issues.
- 8.6 Applications will be evaluated against the relevant criteria referred to in Clause 2.1 of the Council's Livestock Movement Policy.
- 8.7 If the crossing scores above 50 on the graph, the permit holder will be advised of the period the crossing will be allowed to remain before an underpass is required and a permit will be issued accordingly.

9.0 LIVESTOCK MOVING PERMIT

- 9.1 An application for a Livestock Moving Permit must be submitted to Council at least 10 days before the first intended movement of stock.
- 9.2 The permit application shall 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 and any other special conditions which the Council considers should be included. The plan shall generally be in accordance with the current New Zealand Transport Agency Code of Practice for Temporary Traffic Management.

- 9.3 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 8.6 and previous permit compliance and current traffic safety and environmental issues, previous permit compliance and current traffic safety and environmental issues. Where appropriate, the permit may be renewed.
- 9.4 Should Council decide to not renew the permit as a result of the review process, the permit holder will be given 6 months notice of Council's intention to cancel the permit.

10.0 LIVESTOCK DROVING PERMIT

- 10.1 A livestock droving permit application must be submitted to the Council at least 10 working days prior to the intended livestock movement.
- 10.2 The permit application shall be accompanied by a sketch plan or map (traffic management plan) for the journey, outlining how the applicant proposes to meet the general conditions outlined on the application form and any other special conditions that the Council considers should be included. The plan shall generally be in accordance with the current New Zealand Transport Agency Code of Practice for Temporary Traffic Management.

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 Committee which shall consider the objection and make a decision on the matter.
- 11.3 The Roding 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 Committee has met. The notification shall include reasons for the decision

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 crossing 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 livestock crossing permit.

13.0 SAFETY ON ROADS

13.1 Persons moving livestock along or across the road shall at all times ensure the safety of road users by providing adequate warning signs and amber 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 not cause damage to the road, or any public amenities or private property, and shall be responsible for repairing any damage caused.

14.2 Any person moving livestock along or across the road which results in livestock excrement being deposited on the road shall immediately remove such livestock excrement to the satisfaction of the Council.

14.3 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 Roading and Projects or authorised officer.
- (b) The Council (or its agents or contractors) is required to remove excessive stock excrement or mud from the road.

14.4 If the Council has incurred costs as described in clause 14.3 above, the person who has caused such costs to be incurred shall reimburse the Council on demand.

15.0 PERMITS AND FEES

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

- (c) Commits, or causes, or permits to be committed, any act contrary to this bylaw, or
- (d) Omits, or knowingly permits to remain undone, any act required by this bylaw, or
- (e) 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

- (f) Obstructs or hinders any officer of the Council in the performance of any power, or duty conferred upon him or her by this bylaw
- (g) Provides incorrect stock crossing numbers, frequency of use or any other 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 _____ 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 Livestock Crossing Permits

1. Entranceways, including additional adjacent shoulders at points where livestock cross the road berm, must be constructed to the minimum dimensions shown on standard drawing TSG-E3 and surfaced with brown rock or sand so that 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.
2. 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.
3. 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 may also be used to warn traffic in areas of limited visibility.
4. The requirements of the Health and Safety Act 1992 and its amendments shall be complied with at all times.
5. At least one competent adult shall be present at all times while livestock are using the crossing.
6. Stock crossing the road shall be controlled so that road users shall not be delayed for longer than 2 minutes and the stock are not allowed to wander away from the crossing point. *7.5m* *the minimum*
7. 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. *Footprint*

Excessive stock excrement must be removed from the road immediately following every crossing.

8. 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.
9. Other special conditions may be applicable to this permit and, where relevant, will be stated below.
10. This permit is valid for 2 years from the date of issue unless indicated otherwise.

Special Conditions

11. A stock mat is required to be used? Yes / No
12. Other requirements :

Conditions for Livestock Moving Permits

1. 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. In some cases, a droving permit will be required for any extra droving activity.
2. The stock manager and/or drover in charge is responsible for providing adequate warning for traffic. Traffic control shall be strictly in accordance with the approved traffic management plan submitted with the application. Required warning signs shall be used and flashing lights operated and clearly visible for a distance of 250 metres. Road cones may also be used to warn traffic in areas of limited visibility.
3. 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.

Entranceways, including additional adjacent shoulders at points where livestock cross the road berm, must be constructed to the minimum dimensions shown on standard drawing TSG-E3 and surfaced with brown rock or sand so that mud is not tracked across the road.

Droving Stock

4. No stock shall be driven during the hours of darkness, except for the purpose of returning escaped stock to the nearest secure area.
5. The number of livestock in any one mob shall not exceed the maximum applied for under this permit.
6. Each mob shall be accompanied by at least one competent adult drover and as many other competent assistants as is necessary to control the animals where the number of cattle is less than 100, or the number of sheep is less than 500, and by a minimum of two competent adult drovers and as many other competent assistants as is necessary to control the animals for any number exceeding 100 cattle or 500 sheep.
7. 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. Where possible and practical, the stock manager shall take all reasonable steps to make way for, or allow, vehicles to pass through the livestock.

Livestock Crossing(s)

8. At least one competent adult shall be present at all times while livestock are using the crossing.
9. Stock crossing the road shall be controlled so that road users shall not be delayed for longer than 2 minutes and the stock are not allowed to wander away from the crossing point.
10. Excessive stock excrement must be removed from the road immediately following every crossing. Council may require the use of stock mats or other measures in order to meet this requirement.

General

11. 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.
12. Other special conditions may be applicable to this permit and, where relevant, will be stated below.
13. This permit is valid for years from the date of issue. (between 1-5)

Special Conditions

Conditions for Livestock Droving Permit

1. Only the date and route included in the application and the approved traffic management plan are covered by this permit. Any variance to the date and time stated must be approved by the authorised officer.
2. No stock shall be driven during the hours of darkness, except for the purpose of returning escaped stock to the nearest secure area.
3. The number of livestock in any one mob shall not exceed the maximum applied for under this permit.
4. Each mob shall be accompanied by at least one competent adult drover and as many other competent assistants as is necessary to control the animals where the number of cattle is less than 100, or the number of sheep is less than 500, and by a minimum of two competent adult drovers and as many other competent assistants as is necessary to control the animals for any number exceeding 100 cattle or 500 sheep.
5. The stock manager and/or the drover in charge are responsible for providing adequate warning for traffic. Traffic control shall be in accordance with the approved traffic management plan submitted with the application. Required warning signs and/or flashing lights shall be displayed and clearly visible for a distance of 250 metres.
6. 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. Where possible and practical, the stock manager shall take all reasonable steps to make way for, or allow, vehicles to pass through the livestock.
7. 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 the road.

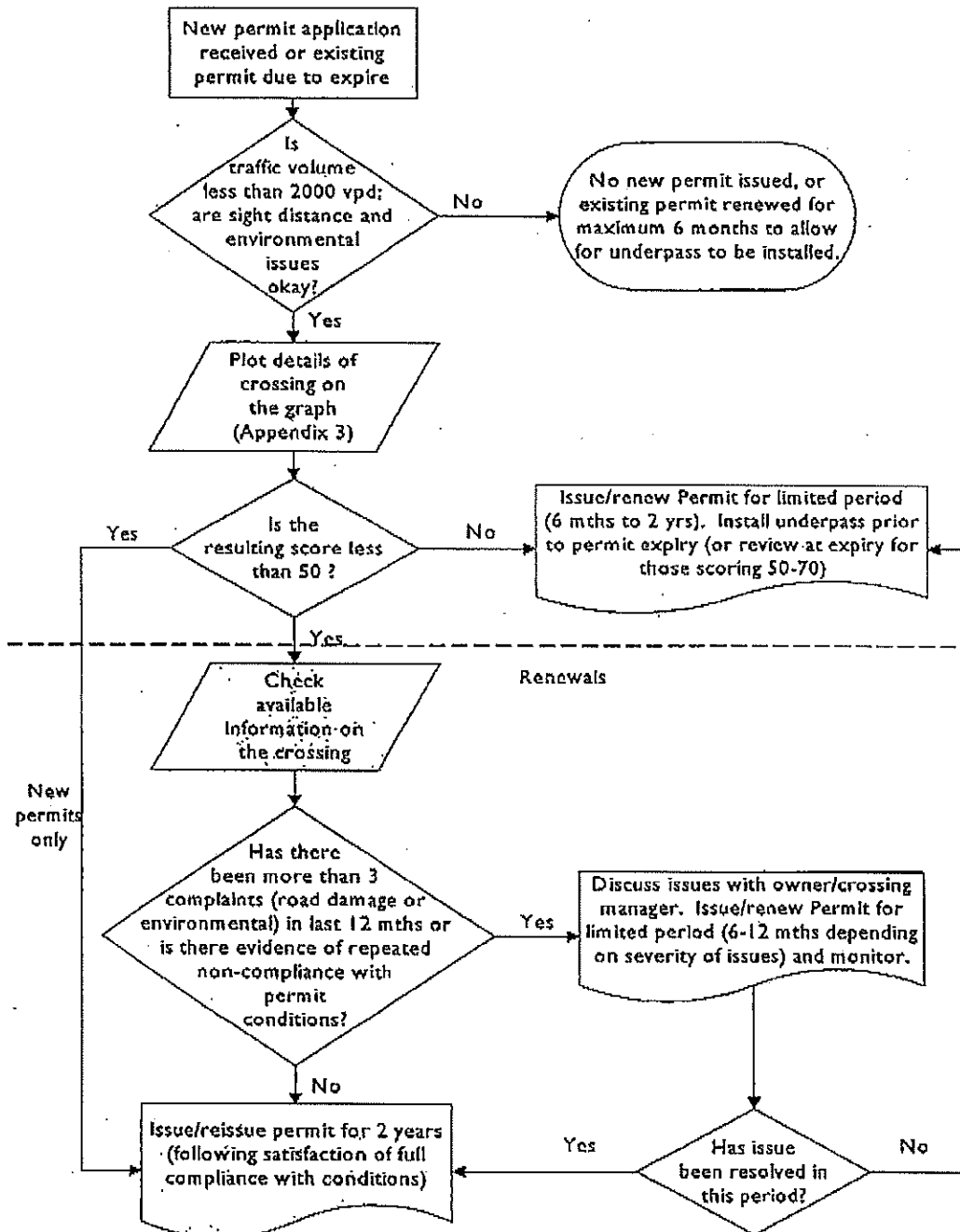
Entranceways, including additional adjacent shoulders at points where livestock cross the road berm, must be constructed to the minimum dimensions shown on standard drawing TSG-E3 and surfaced with brown rock or sand so that mud is not tracked across the road.
8. The permit holder may be liable for payment 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.

Special Conditions

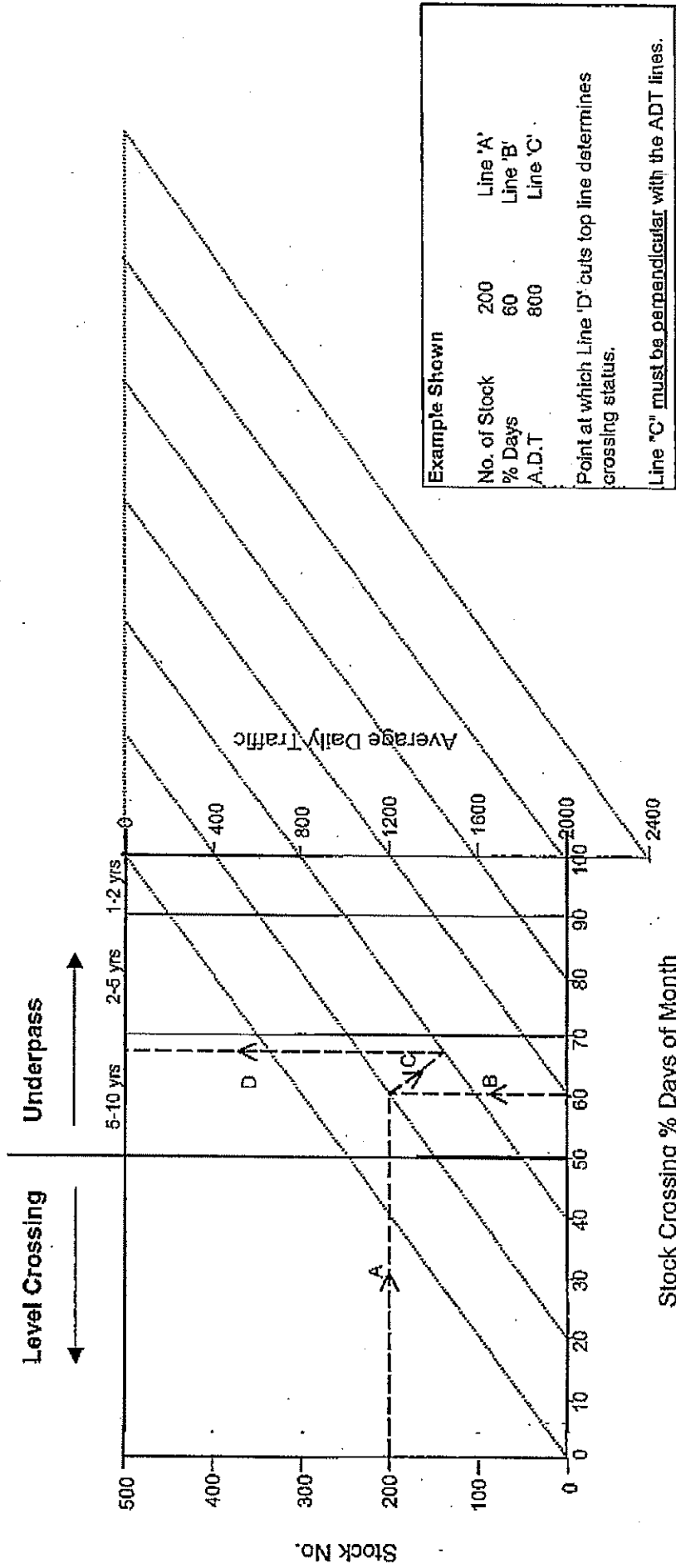
Appendix 2

STOCK CROSSINGS

Process for Evaluating New Permit Applications or Renewing Existing Permits



(not to scale - example only)



Appendix 3 STOCK MOVEMENT - GRAPH TO DETERMINE CROSSING STATUS

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 reserve.
- 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.

2.0 How we intend to achieve these objectives

- 2.1 The Council intends to phase out the majority of livestock crossings within the next 5 years (by 2016) and replace them with underpasses.

Priority for conversion to underpasses will be determined following the application of a specific evaluation process described in Clause 8.1 of the Livestock Movement Bylaw 2011. The evaluation process considers the following criteria:

Traffic Safety criteria

- i) traffic volume *
- ii) herd size *
- iii) regularity of crossing *
- iv) sight distance

* criteria used in "graph to determine stock crossing status" (Appendix 3 to Livestock Crossing Bylaw 2006)

Other Criteria

- v) damage to road
- vi) social impact
- vii) environmental concerns

The willingness of the farmer to convert the crossing to underpass where criteria is marginal will be taken into consideration when determining subsidy rates.

- 2.2 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 LTCCP, the Council may contribute up to 25% of the costs of construction of the underpasses.
- 3.2 The cost of supply and installation of approved temporary warning signs and stock mats may be eligible for subsidy.