



# Stock Crossing Bylaw 2007

Effective 1 September 2007



## Contents

1.0	Introduction	2
2.0	Definitions	3
3.0	Prohibition of movement without a permit	3
4.0	Permits	3
5.0	Conditions of permits	4
6.0	Suspension and revocation of licence, permit, consent or approval	5
7.0	Application for and transfer of licence, permit, consent or approval	6
8.0	Fees	6
9.0	List of schedules passed	6
	Schedule 1: Stock movement graph	8

<b>Title</b>	Stock Crossing Bylaw 2007
<b>Sponsor</b>	Strategic Planning Group Manager Engineering Services
<b>Approved by</b>	The Hauraki District Council
<b>Adoption date</b>	12 July 2007
<b>Adoption report</b>	1209149
<b>Review by</b>	At the direction of the Council
<b>Document reference</b>	2604676
<b>Property of the Hauraki District Council</b>	

## 1.0 Introduction

### 1.1 Purpose

The purpose of this bylaw is to set the requirements for movement of stock on any road in the district controlled by the Council, including of State Highways under formal delegation from New Zealand Transport Agency.

### 1.2 Title

This bylaw is the Hauraki District Council Stock Crossing Bylaw 2007.

### 1.3 Enabling enactments

This bylaw is made in accordance with the Land Transport Act 1998, following the revocation of the Transport Act 1962.

### 1.4 Commencement

This bylaw comes into force on 1 September 2007.

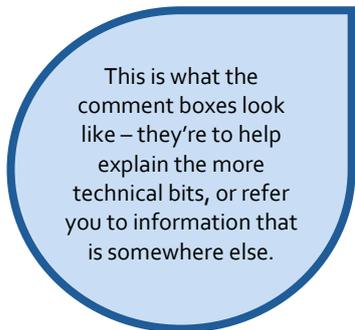
This bylaw was separated from Part 2 (Land Transport) of the Hauraki District Council Consolidated Bylaw 2007 by resolution of the Hauraki District Council on 31 July 2019.

### 1.5 Review

The review of this bylaw will be undertaken at the direction of the Council.

### 1.6 Related information

There is related information in comment boxes in this bylaw. Related information does not form part of this bylaw and may be inserted, changed or removed without any formality.



This is what the comment boxes look like – they're to help explain the more technical bits, or refer you to information that is somewhere else.

## 2.0 Definitions

Unless the context requires otherwise, the definitions of words or terms used in this bylaw that are also used in the Land Transport Act 1998 are those defined in that Act.

<b>Authorised Officer</b>	means any person delegated, appointed or authorised in writing by the Council to act on its behalf.
<b>Council</b>	means the Hauraki District Council or any person delegated or authorised to act on its behalf.
<b>Road</b>	Includes - (a) a street; (b) and a motorway; (c) and 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.
<b>Stock</b>	means cattle, deer, llamas, alpacas, donkeys, mules, horses, sheep, goats, and any other animal farmed, and dependant on humans for their care and sustenance.

## 3.0 Prohibition of movement without a permit

No person shall move any stock on any road in the district unless a valid permit is held and the stock movement takes place in compliance with the permit.

## 4.0 Permits

### 4.1 Issue of permits

The Council may issue a permit for the movement of stock on or across one or more roads within the district, subject to such conditions as it may determine.

### 4.2 Consideration of permit applications

In considering the application, the Council shall have regard to:

- a) the numbers and nature of the stock, the frequency of intended use of the route and the time involved in the movement of the stock on the road;
- b) the other uses, condition and physical characteristics of the road and possible alternative routes;

- c) the safety of users of the road and damage to property on or adjacent to the road;
- d) any Council policy relating to the issue; and
- e) other considerations that may be relevant in the circumstances.

## 5.0 Conditions of permits

### 5.1 Standard conditions of permits

The following are standard conditions and shall apply to all permits issued by the Council:

- a) The temporary stock warning signs as specified in the New Zealand Transport Agency Code of Practice for Temporary Traffic Management (inclusive of any subsequent amendments or replacements thereof) that are imposed as conditions of the permit shall be displayed at all times during the stock movement.
- b) Drivers working on the road during the movement shall comply with the New Zealand Transport Agency Code of Practice for Temporary Traffic Management (inclusive of any subsequent amendments or replacements thereof) that are imposed as conditions of the permit at all times during the stock movement.
- c) Stock shall at all times move at a rate of progress of not less than one kilometre per hour. This provision does not apply during stock rest or over-night periods.
- d) Stock shall be controlled at all times during their movement.

You can sign up to get notifications of changes to the Code of Practice for Temporary Traffic Management on the New Zealand Transport Agency's website.

### 5.2 Specific conditions of permit

In addition to the standard conditions contained in clause 5.1, one or more of the following specific conditions may apply to a permit issued by the Council:

- a) The road or roads that the stock may be moved along or across.
- b) The road or roads that the stock may not enter.
- c) The days or dates and the times that stock may be moved.
- d) Areas designated as rest or overnight area.
- e) The nature of the stock and the size of the herd.
- f) The number of drivers required to be present during the movement. If appropriate, the functions of one or more drivers during the movement may be prescribed.
- g) The extent to which the provisions of the New Zealand Transport Agency Code of Practice for Temporary Traffic Management (inclusive of any subsequent amendments or replacements

thereof) applies to the stock movement.

- h) To ensure indemnity against the contingent liability of the Council for damage to the road, any property on or adjacent to the road, or from any other cause contributed, directly or indirectly, to the movement of the stock, the Council may require the provision of an acceptable public liability insurance policy or any other form of indemnity from the permit holder. The omission of the Council to require the permit holder to hold public liability insurance or another form of indemnity or to determine the appropriate amount of the liability shall not constitute a waiver or limitation of its right to be indemnified by the permit holder and the person in charge of the stock movement for claims arising from the movement of stock.
- i) The payment to the Council of the costs of any work on a road that, in the opinion of the Council is necessary or desirable to:
  - i) facilitate the passage of the moved stock, or
  - ii) reinstate damage caused by the moved stock or the removal of stock effluent from the road.
- j) Any measure required to repair damage or clearing excessive fouling of the road.
- k) Any measures that the Council may reasonably impose to ensure orderly and safe stock movement.

### 5.3 Stock underpass

Where stock movement across a road will be in excess of the limits specified in Schedule 1 of this bylaw, the Council may require the construction by the applicant of an approved stock underpass that meet the requirements of the Council.

Historically the Council has taken ownership of constructed stock underpasses and as such will consider providing a stock underpass subsidy towards construction.

## 6.0 Suspension and revocation of licence, permit, consent or approval

### 6.1

Except as may be otherwise provided in any enactment or elsewhere in this Bylaw:

- a) If the holder of a licence, permit, consent or approval:
  - i) acts in a manner contrary to the true intent and meaning of this bylaw; or
  - ii) fails to observe or comply with the terms of or any conditions included in a licence, permit, consent or approval; or

- iii) acts in a way which in the opinion of the Council renders the holder unfit to hold a licence, permit, consent or approval;

then

- b) the Council may, by notice served upon the holder of a licence, permit, consent or approval or the occupier or owner of the licensed premises, as the case may be, require that person to appear before the Council or its nominated Committee at a time and place specified in that notice, to show cause that licence, permit, consent or approval should not be revoked or suspended.

## 6.2

If the Council or the Committee considers the acts or failures of the holder of a licence, permit, consent or approval, or the circumstances of the premises to which the licence, permit, consent or approval applies so warrant, or if there is no response by the licensee, permit holder, owner or occupier, then the Council or that Committee may revoke the licence, permit, consent or approval or suspend it or impose further or amended conditions on it for as long as the Council or that Committee thinks fit.

## 7.0 Application for and transfer of licence, permit, consent or approval

No licence, permit, consent or approval issued to a person named in that licence, permit, consent or approval shall be transferable to any other person and no such licence, permit, consent or approval shall authorise any person other than the person named therein to act in any way under its terms or conditions.

## 8.0 Fees

Any relevant licence, permit, consent or approval fees are documented in the Council's Schedule of Fees and Charges.

## 9.0 List of schedules passed

- a) Schedule 1: Stock Movement Graph

## Stock Crossing Bylaw validation

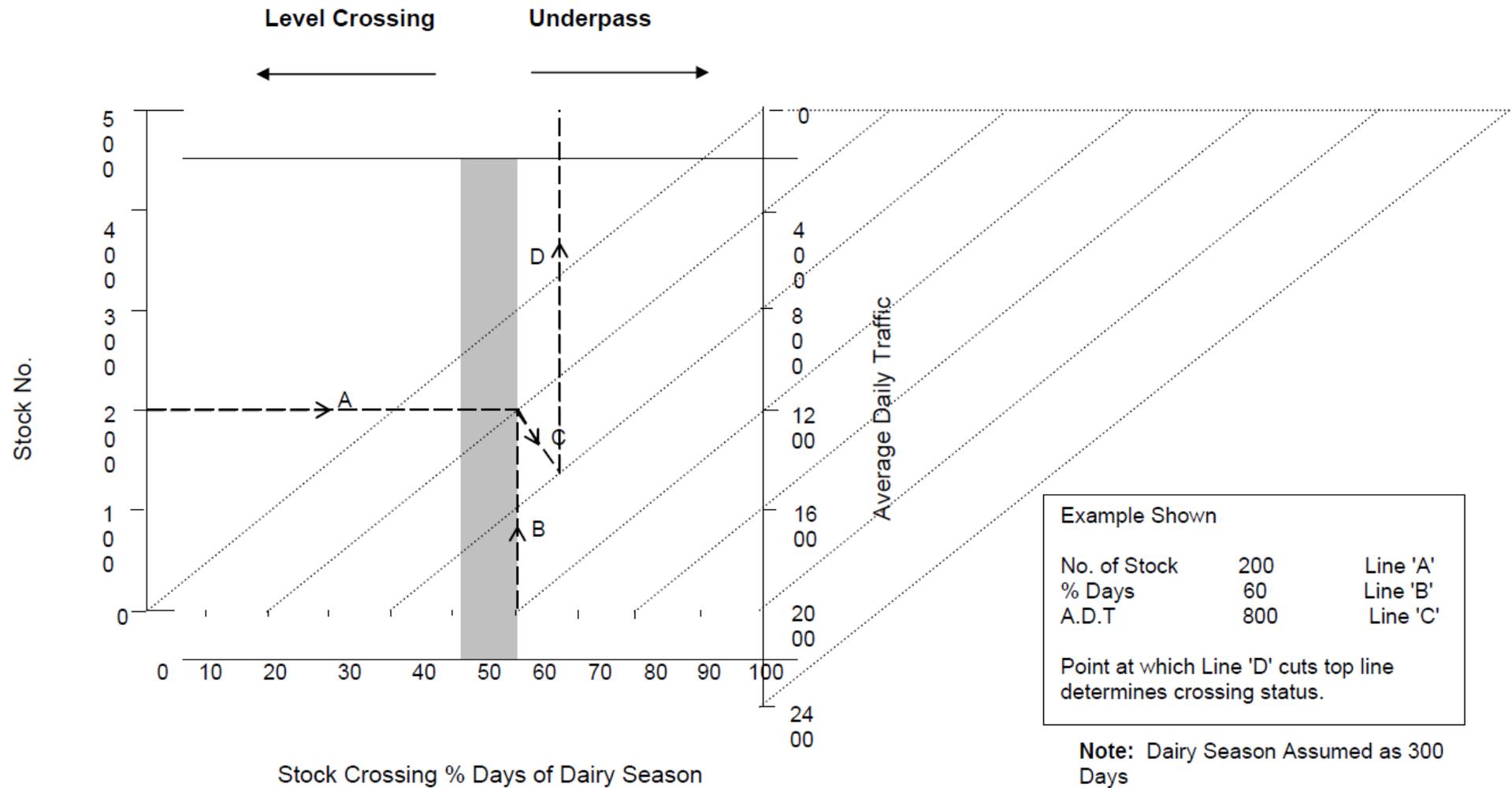
This bylaw was adopted at a meeting of the Hauraki District Council on 12 July 2007, following public consultation.

The Common Seal of the Hauraki District Council was affixed in the presence of:

\_\_\_\_\_ Mr. John Tregidga, Mayor

\_\_\_\_\_ Mr. Langley Cavers, Chief Executive

### Schedule 1: Stock movement graph





For more information:

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