



# Stock Crossing Bylaw 2022

Effective 1 September 2022



## Contents

1.0	Introduction	2
2.0	Definitions	3
3.0	Prohibition of movement without permission	4
4.0	Permits for stock crossings	4
5.0	Applications for stock crossing permits	5
6.0	Conditions of permits	5
7.0	Stock underpass	6
8.0	Inspections	7
9.0	Suspension and revocation of licence, permit, consent or approval	7
10.0	Fees and charges	8
11.0	Offences and penalties	8
12.0	Exceptions	8
13.0	Schedules	8
	Schedule 1: Stock movement graph	9
	Schedule 2: Permit requirements	10
	Appendix 1	11

<b>Title</b>	Stock Crossing Bylaw 2022
<b>Sponsor</b>	Strategic Planning Group Manager Service Delivery
<b>Approved by</b>	The Hauraki District Council
<b>Adoption date</b>	27 July 2022
<b>Adoption report</b>	3163664
<b>Review by</b>	September 2027
<b>Document reference</b>	3107477 v4
<b>Property of the Hauraki District Council</b>	

## 1.0 Introduction

### 1.1 Purpose

The purpose of this bylaw is to provide for the orderly movement of livestock along and across local roads within the District while protecting the surface and structure of the road, and the safety and wellbeing of road users. This bylaw applies to any road in the district controlled by the Council, including of State Highways under formal delegation from Waka Kotahi New Zealand Transport Agency.

### 1.2 Title

This bylaw is the Hauraki District Council Stock Crossing Bylaw 2022.

### 1.3 Enabling enactments

This bylaw is made in accordance with the Land Transport Act 1998.

### 1.4 Commencement

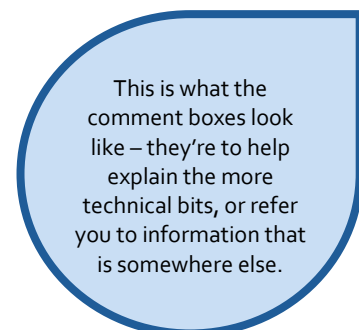
This bylaw comes into effect on 1 September 2022.

### 1.5 Review

The review of this bylaw will be undertaken at the direction of the Council, however it will be reviewed at least every 5 years.

### 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.



## 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>Competent person</b>	means a person being over the age of 14 years and being able to provide reasonable care and supervision.
<b>Drove / drive</b>	means to move a herd of animals from one place to another.
<b>Permit</b>	means a permit in writing given by the Council authorising a permit holder to move stock on, across or along a road.
<b>Permit holder</b>	means a person who has obtained consent for the movement of stock on, across or along a road.
<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.
<b>Stock movement</b>	means any movement of livestock on, across or along a road where the animals move by their own efforts and are free of individual control, such individual control being by means of being ridden or lead or driven on a bridle, halter, collar or similar restraint.
<b>Traffic management plan</b>	means a plan, drawing, sketch or map indicating the method or measures for the ensuring the safety of the livestock and all other road users to be used by the consent holder, that is acceptable to the Council.

---

### 3.0 Prohibition of movement without permission

No person is to move any stock on any road in the district to which this Bylaw applies, except in accordance with this Bylaw.

Wandering stock can be reported to our animal control team. Callouts can result in impounding of stock and will incur fees. See our website for more.

### 4.0 Permits for stock crossings

#### 4.1 Classifications

- a) Permitted - movement is allowed without application for a permit, provided the requirements of clause 4.2 are followed as a minimum requirement;
- b) Conditional – an application for permission must be lodged in accordance with clause 5 of this bylaw. Movement where the number of stock or the road classification exceeds the maximum requirements for a permitted stock movement, or at least one condition of 4.2 cannot be met.

#### 4.2 Permitted stock movement

A person may drive stock across or along a road where all of the following conditions are met:

- a) The road classification and average number of days stock crossing/moving per week result in a permitted stock movement shown in Schedule 2; and
- b) Stock are not moved during the hours of darkness (the hours of darkness being those hours between half an hour after sunset and half an hour before sunrise the next day); and
- c) No less than 250m of advance warning is provided, comprising :
  - i. No less than 100m of unimpeded visibility between approaching vehicles and sign(s) warning of the crossing; and
  - ii. No less than 150m of unimpeded visibility between the warning sign(s) and the crossing site (refer to Appendix 1); and
- d) All personnel controlling the stock wear high visibility vests.
- e) Stock crossings are maintained and operated to ensure that the road is clean after stock crossings, and to eliminate damage to the road carriageway.
- f) A mat or other surface protection on gravel (unsealed) road crossings should be used to ensure that the road surface is clear of effluent after each stock crossing.
- g) The droving of stock along a road is at all times under the control of at least two competent persons, one maintaining a position in front of, and another maintaining a position behind the stock.
- h) The droving of stock across a road is at all times to be under the control of at least one competent person.
- i) Persons driving stock shall take all reasonable steps to avoid damage to the road, to any public amenities and to private property, and must notify the owners of the public amenity or private property (which ever shall apply) of the damage and repair any damage so caused.
- j) Where damage to a road or portion of a road occurs, the cost of repairing the damage or necessary

Compliance with health and safety legislation remains the sole responsibility of the stock owner.

reinstatement may be recovered by the Council from the person responsible where they can be identified.

### 4.3 Conditional stock crossings

A conditional stock crossing permit is required if any of the following circumstances exist:

- a) The road classification and average number of days stock crossing/moving per week result in a conditional stock movement shown in Schedule 2; or
- b) In circumstances where any of the conditions set out in Clause 4.2 cannot be met.

Remember that you'll need to meet Waikato Regional Council requirements:

<https://www.waikatoregion.govt.nz/community/your-community/farmers/effluent-management>

## 5.0 Applications for stock crossing permits

- a) A person must apply for a permit in accordance with clause 4 by filing an application in the correct form. The relevant form will be available on the Council website or on request.
- b) On receipt of any application for a stock crossing permit the Council may require the applicant to provide, if not already provided, further material necessary to consideration of the application, such as but not limited to, a traffic management plan appropriate to the location, timing and size of the stock movement.
- c) The holder of an existing permit may apply to the Council for a renewal of that permit.
- d) An issued permit applies to a property, and is not transferrable to another property.
- e) A permit may be granted or refused at the discretion of the council, and if granted may be on such terms and conditions as the council thinks fit.

### 5.1 Consideration of permit applications

In considering the application, the Council will 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 risk of 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.

## 6.0 Conditions of permits

- a) Where any permit has been issued, the permit holder must comply with all permit conditions at all times,
- b) A permit will have a term of up to 5 years.

## 6.1 Specific conditions of permits

Conditions imposed on a stock crossing permit may include, but are not limited to, the following matters:

- 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 or flock.
- f) The number of drovers required to be present during the movement. If appropriate, the functions of one or more drovers during the movement may be prescribed.
- g) The extent to which traffic management best practice 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 permit holder to provide proof that it holds an acceptable public liability insurance policy or any other form of indemnity. 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 to or clearing of excessive fouling of the road.
- k) Any measures that the Council may reasonably impose to ensure orderly and safe stock 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.

## 7.0 Stock underpass

- a) 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 meets the requirements of the Council.
- b) Where a stock underpass has been constructed under a road within the Council's control, the underpass is vested in the Council and ongoing structural maintenance of the underpass is the Council's responsibility.
- c) Cleaning of the stock underpass is the responsibility of the person who crosses stock through the underpass.

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

## 8.0 Inspections

### 8.1 Stock crossings and roads

- a) The Council may inspect stock crossings, roads and/or the environment for the purpose of:
  - i. Identifying if the Bylaw has been breached; or
  - ii. Identifying if stock crossing permit conditions are being met; or
  - iii. Validating data contained in any stock crossing permit applications.
- b) The frequency of inspections will be at the Council's discretion.
- c) Based on inspections, the Council may:
  - i. require a person to apply for a stock crossing permit; or
  - ii. decline, revoke or suspend permit applications.

### 8.2 Stock underpasses

- a) All stock underpasses must be approved by the Council, and will be inspected by the Council during construction as required.
- b) The Council may require a structural inspection of the stock underpass to determine the safe and efficient operation of the crossing. Access to the stock underpass must be allowed by the land owner if required.
- c) Notice of inspection will be provided by the Council no less than 48 hours prior to inspection date.
- d) The frequency of inspections will be at the Council's discretion.

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

### 9.1

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.



## 9.2

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.

## 10.0 Fees and charges

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

## 11.0 Offences and penalties

A person who fails to comply with this bylaw commits a breach of this bylaw and is liable on conviction to a penalty not exceeding \$1000 under the Land Transport Act 1998.

Unauthorised damage or obstruction to a road is also an offence against s.357 of the LGA74. A person may be liable for penalties under that Act, and to pay the cost of repairing the damage or removing the obstruction.

## 12.0 Exceptions

A person is not in breach of this bylaw if that person proves that the act or omission was in compliance with the directions of an authorised officer.

## 13.0 Schedules

Schedule	Effective date
Schedule 1: Stock Movement Graph	1 September 2022
Schedule 2: Permit requirements	1 September 2022

## Stock Crossing Bylaw validation

This bylaw was adopted at a meeting of the Hauraki District Council on 27 July 2022, following public consultation.

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

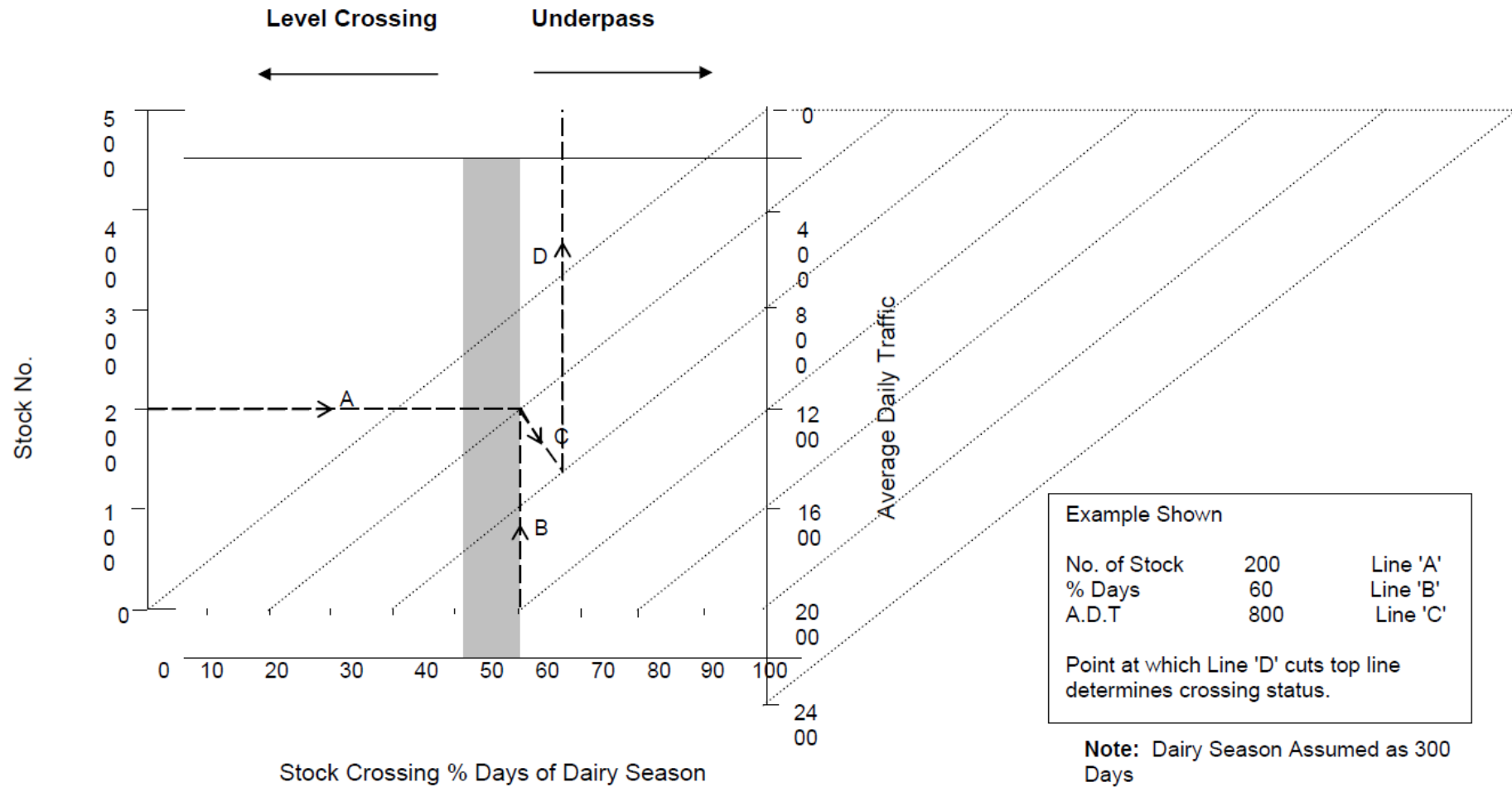
\_\_\_\_\_

Mr. Toby Adams, Mayor

\_\_\_\_\_

Mr. Langley Cavers, Chief Executive

## Schedule 1: Stock movement graph



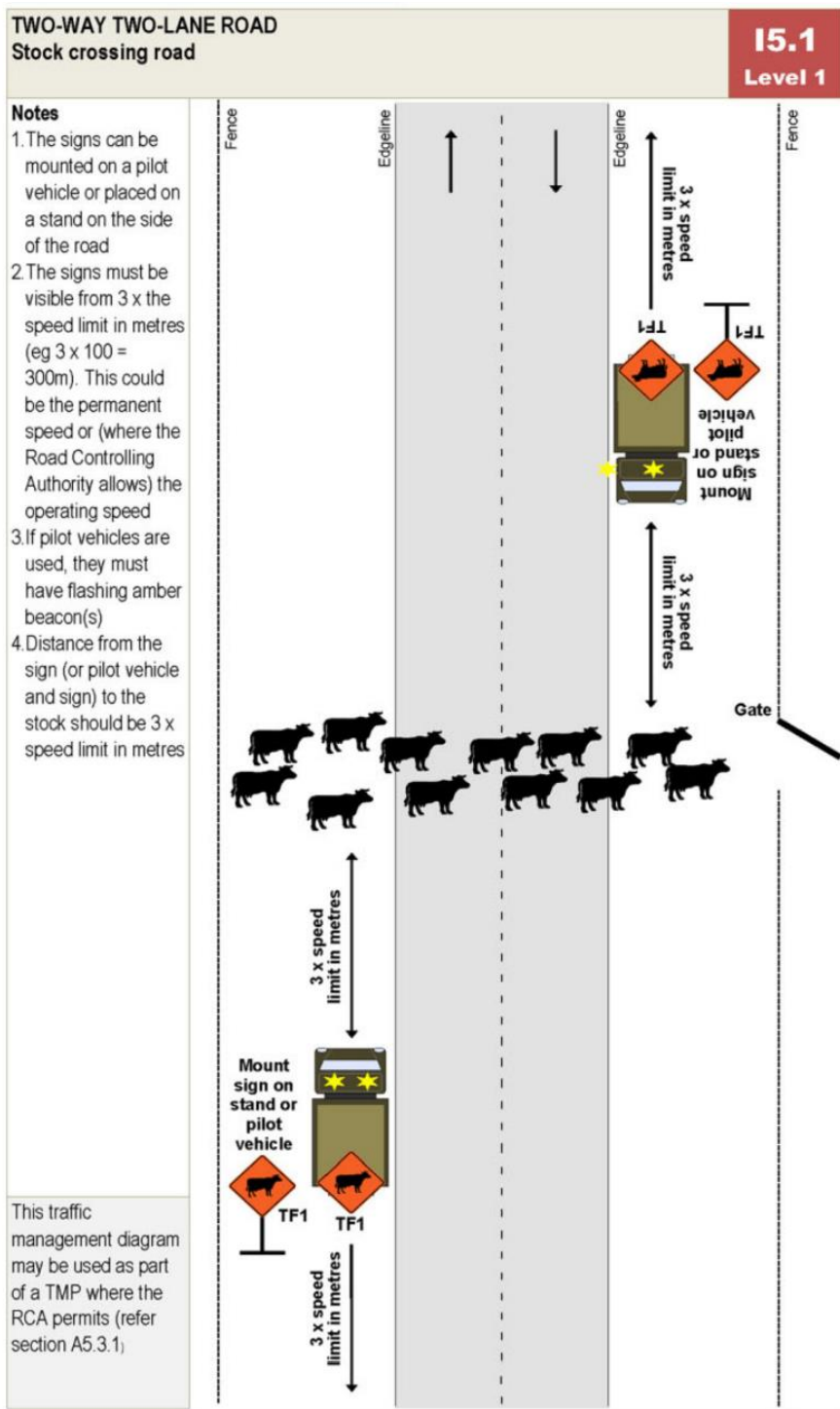
## Schedule 2: Permit requirements

Road classification	Description	Average number of days stock crossing/moving per week								
		<1	1	2	3	4	5	6	7	
<b>Main streets</b>	Roads less than 70km/h such as town centre and main roads through townships and villages.	Conditional	Conditional	Conditional	Conditional	Conditional	Conditional	Conditional	Conditional	Conditional
<b>Local streets</b>	Roads less than 70km/h, such as residential streets in urban areas/townships/villages.	Conditional	Conditional	Conditional	Conditional	Conditional	Conditional	Conditional	Conditional	Conditional
<b>Urban connectors</b>	Typically roads that connect urban areas to rural areas.	Conditional	Conditional	Conditional	Conditional	Conditional	Conditional	Conditional	Conditional	Conditional
<b>High volume sealed rural connectors</b>	Roads in rural areas more than 70km/h that have more than 1000 vehicles per day.	Conditional	Conditional	Conditional	Conditional	Conditional	Conditional	Conditional	Conditional	Conditional
<b>Low volume sealed rural connectors</b>	Sealed roads in rural area more than 70km/h that have fewer than 1000 vehicles per day.	Conditional	Conditional	Conditional	Conditional	Conditional	Conditional	Conditional	Conditional	Conditional
<b>Sealed rural roads</b>	Sealed rural roads with a speed limit more than 70 km/h and fewer than 200 vehicles per day..	Permitted	Permitted	Permitted	Permitted	Permitted	Conditional	Conditional	Conditional	Conditional
<b>Unsealed roads</b>	Roads that are not sealed.	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted	Conditional

	Permitted
	Conditional (permit required)

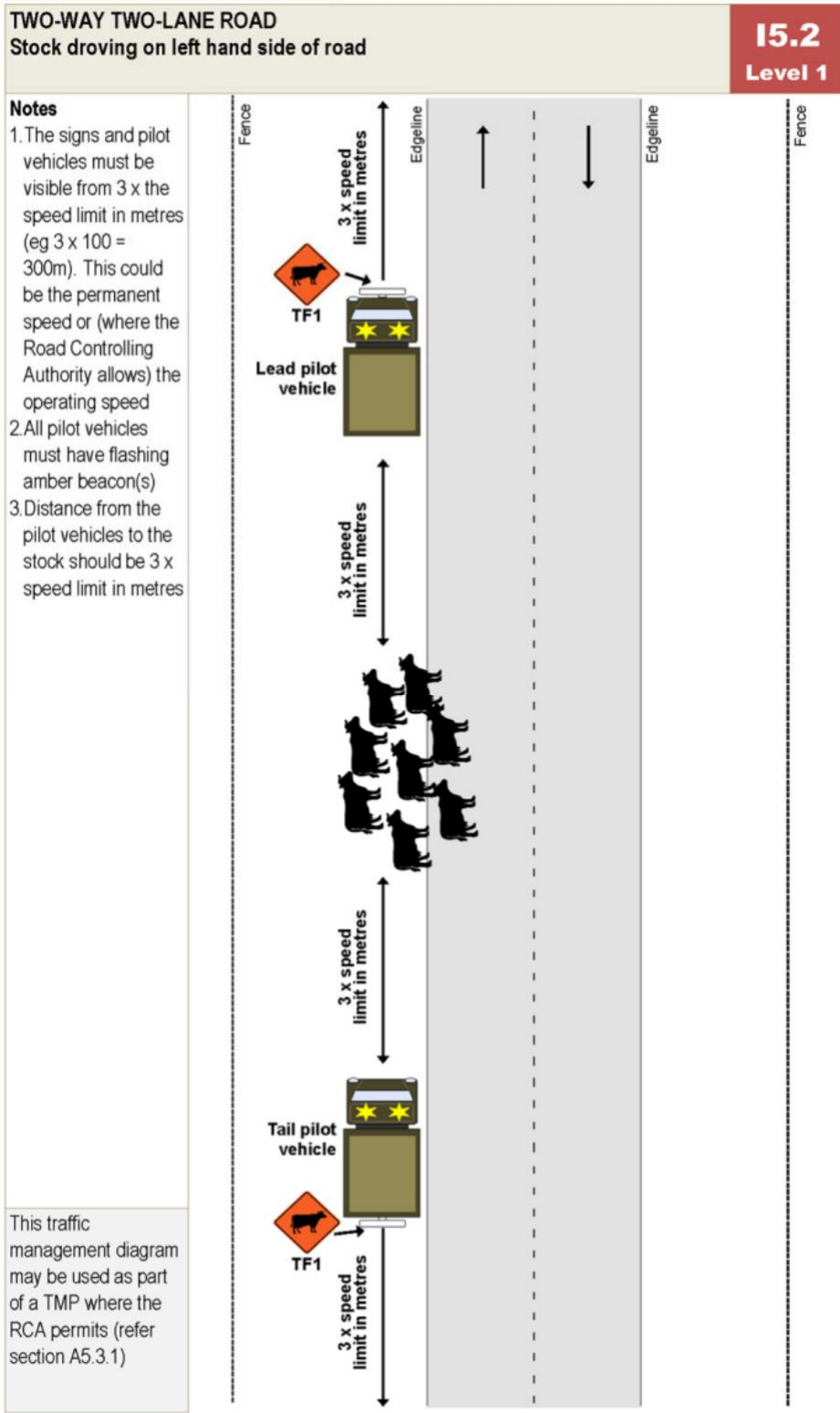
## Appendix 1

### Minimum requirements for stock crossing<sup>1</sup>



<sup>1</sup> NZTA – Stock under control (crossing and driving) guide: <https://www.nzta.govt.nz/assets/resources/code-temp-traffic-management/docs/Section-I-stock-copttm-4th-ed-april2015.pdf>

## Minimum requirements for stock driving





For more information:

- **W** [www.hauraki-dc.govt.nz](http://www.hauraki-dc.govt.nz)
- **E** [info@hauraki-dc.govt.nz](mailto:info@hauraki-dc.govt.nz)
- **P** 07 862 8609 or 0800 734 834 (from within District)

Visit us at one of our offices:

- Paeroa: 1 William Street
- Ngatea: 84 Orchard West Road
- Waihi: 40 Rosemont Road