

# Waikato District Council

## Proposed Livestock Movement Bylaw 2022.

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:

### Introduction

#### 1.0 SHORT TITLE AND COMMENCEMENT

- 1.1 This bylaw shall be known as the “Waikato District Council Livestock Movement Bylaw 2022”
- 1.2 This bylaw shall come into force on (Day) (Month) (Year)

#### 2.0 PURPOSE OF BYLAW

- 2.1 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; and
  - (b) Protect the structure and surface of roads.

#### 3.0 APPLICATION

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

#### 4.0 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 Crossing Permit	is a time specific permit allowing for the movement of livestock across a public road between gates which are generally opposite each other, or are of a maximum distance of 100 meters from each other.
Local street	Roads less than 70km/h residential streets in urban areas/ townships/ villages
Main street	Roads less than 70km/h – such as CBD and main roads through townships and villages
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	has the same meaning as contained in section 2 of the Land Transport Act 1998 and includes - a) a street; b) a motorway; c) a beach; d) a place to which the public have access, whether as of right or not; 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 excludes: a) culverts that are stock underpasses; and b) unformed Legal Roads on farmland.
Road user	means any motorist, cyclist, pedestrian or drover.
High Volume Sealed Rural Collectors	Road in rural areas more than 70km/h that have more than 1000 vehicles per day
Low Volume Sealed Rural Collectors	Sealed roads in rural area more than 70km/h that have less than 1000 vehicles per day
Traffic Management Plan	means a sketch plan or map or other approved document outlining the safety procedures/methods that the crossing manager appointed by the permit holder 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, and includes main roads and local streets
Urban collectors	Road more than 70km/h in urban areas with more than 200 vehicles per day

## 5.0 COMPLETE RESTRICTION ON MOVEMENT OF LIVESTOCK

5.1 Except in accordance with Clauses 7, 8, 9 and 10 and Appendix 3, no person shall move any livestock along or across any public road:

- (a) Within an urban area; or
- (b) On any National, Regional, and Arterial road; or

- (c) On any other road, public reserve or public place that Council may restrict from time to time; or
- (d) Where the livestock may be lawfully and reasonably moved across private land owned or managed by the owner of the stock instead of across or along a road.

## **6.0 MOVEMENT OF LIVESTOCK ON ROADS PERMITTED IN CERTAIN CIRCUMSTANCES**

6.1 Unless prohibited under Clause 5 of this Bylaw, the movement of livestock along or across an unsealed and rural roads road is permitted. This is subject to the following conditions:

- (a) Livestock shall not be 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)
- (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; or
  - Staff wearing 'Dayglo' safety vests; or
  - Staff using orange or red flags to warn traffic of stock on the road; or
  - TW6 'Stock Crossing' signs (attached to a vehicle or closed when stock are not on the road); or
  - 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 notify the owners of the public amenity or private property (which ever shall apply) of the damage and 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.
- (h) Livestock are moved along or across the same section of:
  - i. An unsealed road no more than 6 days per week on average per year; or
  - ii. A rural road no more than 4 days per week on average per year

6.2 The movement of livestock is permitted if it is for the purpose of returning livestock to a farm in the event of an animal escape or similar emergency.

## **7.0 LIVESTOCK CROSSING AND LIVESTOCK MOVING PERMITS**

7.1 Two permits are available for moving livestock across or along roads:

- (a) Livestock Crossing Permit; and
- (b) Livestock Moving Permit

7.2 Livestock Crossing Permits and Livestock Moving Permits are required in accordance with Appendix 3.

- 7.3 In the event of safety concerns or non-compliance with Clause 6.1, 6.2 and 6.3, Council may, at the discretion of an Authorised Officer, require a person to apply for a permit for Livestock Crossing and Livestock Movement on Rural Roads and Unsealed Roads.
- 7.4 In emergency situations where livestock will have to be moved across or along a public road for a longer period of time, 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 with a description of the emergency situation and an estimation of the duration the temporary permit will be required.
- 7.5 Where any permit has been issued, the permit holder shall comply with all permit conditions at all times.
- 7.6 All permits issued by Council will be subject to specific minimum conditions. These conditions are contained in Appendix 2 of this Bylaw and will be listed on the reverse of the permit application forms. Council's Authorised Officer may impose any other conditions which are considered necessary for safety or performance requirements.
- 7.7 Where an existing permit has been issued and the property relevant to the permit has been transferred or leased to a different person (without modification to farm size or farming practices), the new owner may apply to the Council to have the permit assigned to them. Any such application must be in writing and must have the consent of the current permit holder. Any applications will be assessed against the requirements of this Bylaw.

## **8.0 LIVESTOCK CROSSING PERMIT**

### Applications

- 8.1 Any application for a Livestock Moving Permit must be received by Council at least 10 working days before the first intended movement of stock; and
- 8.2 New Livestock Crossing Permit applications will be evaluated against the criteria in Council's Livestock Crossing and Livestock Movement Permits (Appendix 2), the processes outlined in Council's Policy "Stock Movement and Crossing Policy" (Appendix 3), Sight Distance Requirements (Appendix 1), and Livestock Movement Policy (Appendix 4).
- 8.3 Subject to Clauses 8.2, a new permit will not be issued if the proposed crossing location does not meet the following criteria:
- (a) Road hierarchy;
  - (b) Frequency of use;
  - (c) Sight distance; or
  - (d) Any other criteria as specified in the Livestock Movement Policy
- 8.4 Council may issue a permit where the proposed crossing location does not meet the specified criteria if any of the following circumstances apply:
- (a) The proposed crossing is located on a no exit road, taking into consideration the views of the owners or occupiers of affected or neighbouring properties located on the part of the road above the crossing point and the blind end of the road: or
  - (b) The proposed crossing is located in the Aka Aka drainage district, where installation of an underpass is impractical or prohibitively expensive: or
  - (c) The proposed crossing is located on a Main Street or Local Street that has been identified as a restricted activity in Appendix 3, provided that the frequency of use, sight distance and other criteria are met.

### Approvals

- 8.5 A Livestock Crossing Permit will be revoked if:
- (a) The Permit Holder has breached their permit conditions; or
  - (b) The Permit Holder has acted contrary to this Bylaw; or
- 8.6 If the livestock crossing permit is categorised as prohibited in accordance with Clause 5.1 and Appendix 3 of this Bylaw, Council may, at its discretion, issue a temporary permit in exceptional circumstances.

Any temporary permit will only be issued for a maximum period of 12 months and will not be renewed. After the expiry of that 12-month period, an underpass must be installed.

#### Renewals

- 8.7 Any renewal applications:
- (a) Must be received by Council at least 20 working days prior to the expiry date of the permit;
  - (b) Must include updated livestock crossing details; and
  - (c) Any applications will be assessed against the requirements of this bylaw, current traffic safety, and previous permit compliance

### **9.0 LIVESTOCK MOVING PERMIT**

#### Applications

- 9.1 Any application for a Livestock Moving Permit must be:
- (a) Received by Council at least 10 working days before the first intended movement of stock; and
  - (b) Accompanied by a traffic management plan.
- 9.2 A traffic management plan which is to accompany any application for a Livestock Moving Permit must:
- (a) Detail all intended routes or journeys;
  - (b) Outline how the applicant proposes to meet the conditions in the Livestock Movement Policy (Appendix 4) on the application form;
  - (c) Be in accordance with the current New Zealand Transport Agency Code of Practice for Temporary Traffic Management.
- 9.3 New Livestock Moving Permit applications will be evaluated against the criteria in Council's Livestock Movement Permits (Appendix 2), "Stock Moving and Crossing Policy" (Appendix 3), Sight Distance Requirements (Appendix 1) and the Livestock Movement Policy (Appendix 4).

#### Approvals and Renewals

- 9.4 Livestock Moving Permits will be issued for a period of between 1 to 5 years, depending on specific stock movement, traffic safety criteria and non-compliance with this Bylaw.
- 9.5 Any renewal application:
- (a) Must be received by Council at least 10 working days prior to the expiry date of the permit; and
  - (b) Must include any relevant updated livestock crossing details; and
  - (c) Will be evaluated in accordance with this Bylaw, previous permit compliance and current traffic safety.

## **10.0 DECLINING A PERMIT APPLICATION**

- 10.1 If an application to issue or renew any permit is declined, the applicant shall be notified in writing with reasoning for decision.
- 10.2 A person who has received written notice that a permit application has been declined may, within 10 working days of receipt of the notice, lodge an objection in writing to the General Manager Service Delivery of the Council stating the grounds of their objection.
- 10.3 The objection shall be referred to a Sub-Committee consisting of the Chair of Council's Infrastructure Committee or their deputy; the Chair of Council's Policy and Regulatory Committee or their deputy, and the Mayor who shall consider the objection and make a decision on the matter.
- 10.4 The decision of the Sub-Committee appointed in Clause 10.3 shall be final.
- 10.5 The applicant shall be notified of the decision in writing no later than 10 working days after the Sub-Committee has determined the objection. The notification shall include reasons for the decision.

### Extension Period

- 10.6 If Council decides to renew a permit, an extension period of 6 months from the date of the written notification of the Council's decision, will be granted to enable the permit holder to make alternative arrangements, after which time the permit shall be cancelled.
- 10.7 If a permit holder is unable to make alternative arrangements during the Extension Period outlined in Clause 10.6, they must notify Council, in writing and at least 10 working days prior to the expiration of the Extension Period, of the reasons why alternative arrangements could not be made.
- 10.8 Council may, at its discretion grant a further temporary Extension Period of 6 months

## **11.0 REVOKING OR SUSPENDING A PERMIT**

- 11.1 Any Livestock Crossing Permit or Livestock Moving Permit may be revoked, suspended or reviewed if the General Manager Service Delivery or their equivalent is satisfied that:
- (a) The permit holder has failed to comply with any of the conditions of their permit; or
  - (b) The frequency of livestock crossing the road has increased beyond that authorised by the Livestock Crossing Permit, or
  - (c) The status or road hierarchy of the road over which the crossing or movement occurs has changed significantly from that prevailing when the permit was issued such that safety will be severely compromised if the crossing or movement continues, or
  - (d) Or other such relevant matters considered appropriate.

## **12.0 SAFETY ON ROADS**

- 12.1 If, 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 considered most appropriate.

## **13.0 DAMAGE TO ROADS AND ENVIRONMENT**

- 13.1 Irrespective of whether permits have been issued, any person moving livestock along or across the road shall:

- (a) Take all reasonable precautions to ensure that livestock do not cause damage to the road, any public amenities or private property;
- (b) Be responsible for the costs of repairing any damage caused; and
- (c) Ensure excessive stock excrement or mud is removed from the road along which the livestock are being moved.

13.2 Council shall have the right to recover costs from any person moving livestock along or across a road where:

- (a) The movement of the livestock has caused damage to the road resulting in unscheduled maintenance or repair of the road reserve or road surface being required; or
- (b) Excessive stock excrement or mud is required to be removed from the road along which the livestock are being moved.

#### **14.0 INSPECTION OF STOCK CROSSINGS AND ROADS**

14.1 Council may choose to inspect stock crossings, roads and/or the environment for the purpose of:

- (a) Identifying if the Bylaw has been breached; or
- (b) Identifying if Livestock Crossing or Livestock Moving Permit Conditions are being met; or
- (c) Validating data contained in any Livestock Crossing or Livestock Moving permit applications.

14.2 The frequency of inspections will be at Council's discretion.

14.3 Based on inspections, Council may:

- (a) require a person to apply for a permit for Livestock Crossing and Livestock Movement on Rural Roads and Unsealed Roads or
- (b) Decline, revoke or suspend permit applications

#### **15.0 PERMITS AND FEES**

15.1 Council may charge a fee for the processing of any applications for permits and any such fee will be payable by the applicant.

15.2 Should ongoing non-compliance relating to livestock movements require repeated visits by Council staff, Council may change an inspection fee payable by the holder of the permit (if applicable) or person responsible for the 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 and can be found in Council's Fees and Charges.

#### **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) Obstructs or hinders any officer of the Council in the performance of any power, or duty conferred upon him or her by this Bylaw
- (d) Provides incorrect frequency of use or any other incorrect details in any application.

This Bylaw was made pursuant to a resolution passed by the Waikato District Council on (Day) (Month) (Year)

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

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Executive

<b>Activity</b>	<b>Key Date</b>	<b>Council Resolution</b>
Bylaw made		
Bylaw reviewed		
Next review date		

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# Appendix I

## Sight Distance Requirements

Council will assess any livestock movement or livestock crossing permit applications against the requirements in Table I. 85th percentile means the speed at which 85% of the passing vehicles are either at or below.

Table I: Sight Distance Requirements

<b>85<sup>th</sup> percentile operating speed, measured at the site (or if above not known, posted speed plus 10km/h)*</b>	<b>Minimum sight distance requirements (m)</b>
<b>50</b>	<b>89</b>
<b>60</b>	<b>113</b>
<b>70</b>	<b>140</b>
<b>80</b>	<b>170</b>
<b>90</b>	<b>203</b>
<b>100</b>	<b>240</b>
<b>110</b>	<b>282</b>

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## **Appendix 2 - Permits**

### **Conditions for Livestock Crossing Permits**

1. Entraceways, 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 Council.
3. Temporary warning signs are required to be used when stock are crossing 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 of at least 500 lumens is required at the crossing point and shall be operated continuously whilst livestock are crossing the road. Installation and operation of the light is the permit holders' responsibility. 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 at Work Act 2015 and its amendments shall be complied with at all times.
6. At least one competent person (16 years of age or older) shall be present at all times while livestock are using the crossing.
7. Persons moving livestock across the road must take all reasonable and practical steps to 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. If necessary, Council may require the use of stock mats or other measures.
9. Excessive stock excrement must be removed from the road immediately following every crossing.
10. Council may recover from the permit holder any costs incurred to repair any damage caused or to remove excessive effluent from the road, as a direct result of the crossing manager failing to meet the requirements of Condition 8 and 9 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

#### **Special Conditions**

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

## Conditions for Livestock Moving Permits

1. Only the routes specified in this application and the associated traffic management plan are covered by this permit. No other route shall be used without prior approval by the authorised officer.
2. The stock manager and/or drover in charge shall be responsible for providing adequate warning for traffic. Traffic control shall be in accordance with the traffic management plan submitted with the application.
3. 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).

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

- Amber flashing lights of at least 500 lumens and/or hazard lights on vehicles; or
  - Staff wearing 'Dayglo' safety vests; or
  - Staff using orange or red flags to warn traffic of stock on the road; or
  - TW6 'Stock Crossing' signs (attached to a vehicle or closed when stock are not on the road)
4. 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.
  5. 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).
  6. Excessive stock excrement must be removed from the road immediately after stock has been moved.
  7. Council may recover from the permit holder, any costs incurred to repair any damage caused to, or to remove excessive effluent from, the road, as a direct result of the stock movements carried out under this permit.
  8. Other special conditions may be applicable to this permit and, where relevant, will be stated below.
  9. This permit is valid for ..... years from the date of issue. (between 1-5).
  10. The permit holder shall advise the Council of any significant change in farming practice that may impact on their ongoing relevance of this permit.
  11. Distance stock are driven along a public road must not exceed 400m

### Special Conditions

## Appendix 3

### STOCK MOVING AND CROSSINGS POLICY

#### Process for Evaluating New Permit Applications or Renewing Existing Permits

#### Introduction

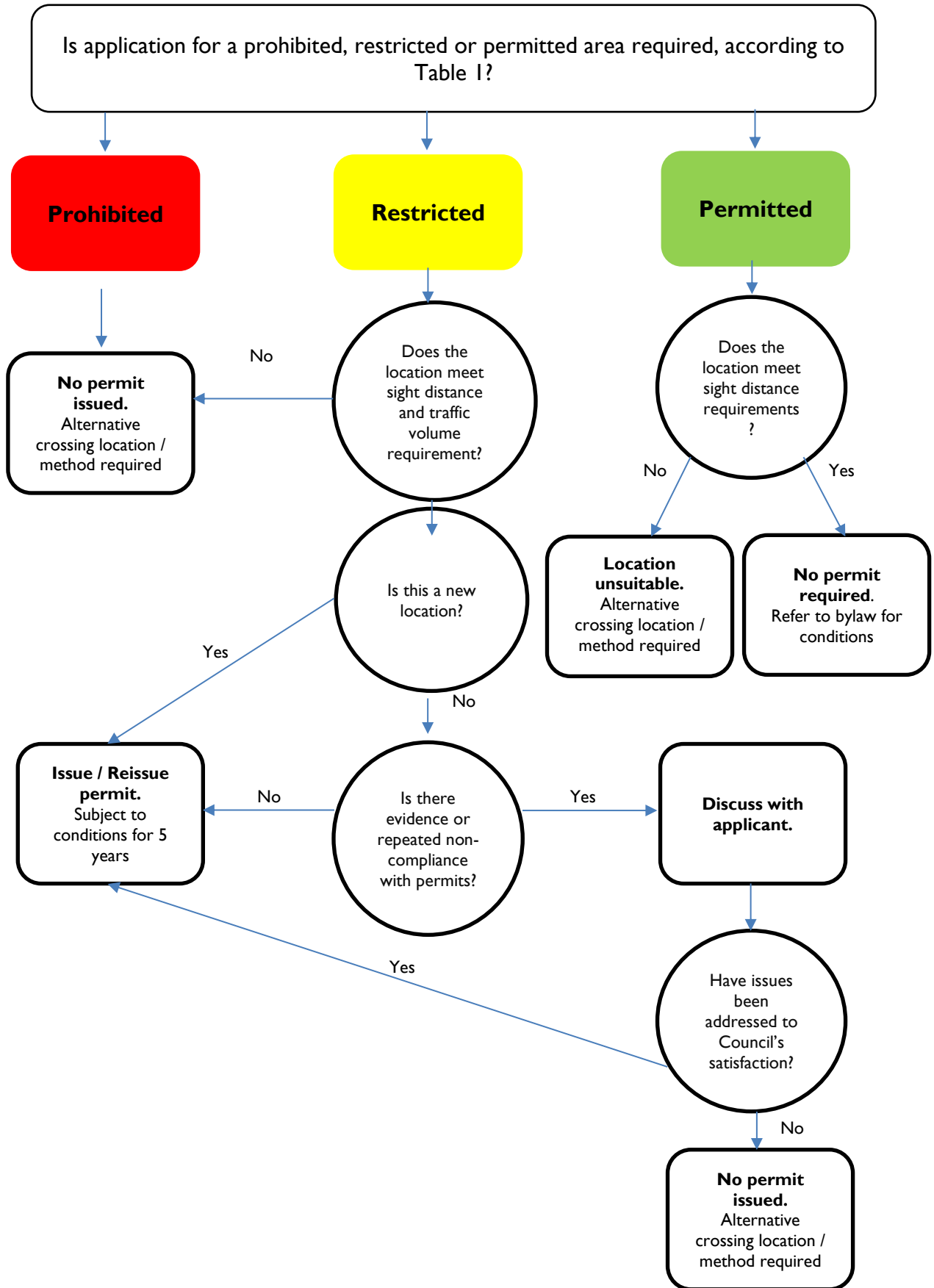
This policy is to be used to identify if a permit is required for stock moving along or across any road.

**Table 1: Assessing permit applications requirements.**

Road hierarchy	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 CBD and main roads through townships and villages									
<b>Local Streets</b>	Roads less than 70km/h residential streets in urban areas/ townships/ villages									
<b>Urban Collectors</b>	Roads above 70km/h - main roads outskirts of urban areas/ townships/ villages) with more than 200 vehicles per day									
<b>High Volume Sealed Rural Collectors</b>	Roads in rural areas above 70km/h that have more than 1000 vehicles per day									
<b>Low Volume Sealed Rural Collectors</b>	Roads more than 70km/h in rural areas that have less than 1000 vehicles per day									
<b>Sealed Rural Roads &gt;70km/h</b>	Roads less than 70km/h and less than 200 vehicles per day)									
<b>Unsealed Roads</b>										

	Permitted (i.e. no permit required)
	Restricted (permit required)
	Prohibited (stock movement is not permitted)

**Figure 2: Assess permit requirements.**



# **Appendix 4**

## **WAIKATO DISTRICT COUNCIL LIVESTOCK MOVEMENT POLICY**

### **Policy Definition**

This policy relates to the Livestock Movement Bylaw 2021. Refer to that document for definitions and interpretation.

#### **1.0 Policy Objectives**

- 1.1 To protect the safety of:
  - (a) road users;
  - (b) Persons moving the livestock;
  - (c) The livestock.
- 1.2 To protect structures and the surface of roads
- 1.3 To minimise inconvenience, nuisance and potential danger to all roads users; and
- 1.4 To respect the need for efficient farming operations without compromising safety on the road.
- 1.5 To eliminate the number of unsafe stock crossings in the district.

#### **2.0 How we intend to achieve these objectives**

- 2.1 Council intends to ensure that all stock crossings are safe and in appropriate locations. Where the locations and their sight distance are considered to be unacceptable they are to be replaced with underpasses. Requests for stock crossings will be evaluated against the operating procedures in Appendix 3 of the Livestock Movement Bylaw 2021. Consideration will be given to the following criteria:
  - (i) Road Hierarchy
  - (ii) Sight distance
  - (iii) Regularity of crossing
  - (iv) Compliance with permit conditions
- 2.2 Where a proposed Livestock Crossing location does not meet the required criteria then an alternative complying location must be used or an underpass constructed.
- 2.3 Livestock crossings that meet the criteria, 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, for cost sharing for stock underpasses. At its discretion, and subject to the funding provisions of the Long Term Plan, the Council may contribute to the costs of construction of an underpass as shown in the following graph:

# Cost sharing for stock underpasses or overpasses

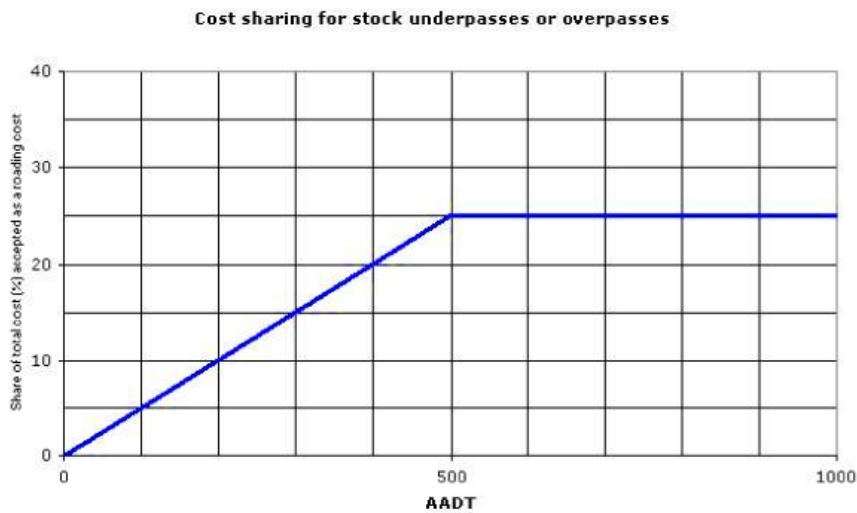


Figure 1

## Formula for cost sharing for stock underpasses or overpasses

CS =  $0.05 * \text{AADT}$  (on roads having less than 500 AADT) in percent

### Where:

CS = 25 percent (on roads having greater than or equal to 500 AADT)

CS = Approved Organisations' or Transport Agency's (state highways) contribution, including the Transport Agency's funding assistance, to the total construction cost of an access structure on an existing road (in percent)

AAADT = average traffic volume per day

- 3.2 Subsidy relates to a standard sized underpass (4m x 2m), approaches and pumping facilities if required.
- 3.3 The cost of supply and installation of approved temporary warning signs and stock mats may be eligible for subsidy.