



Rangitikei
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RANGITIKEI DISTRICT COUNCIL

STOCK DROVING AND GRAZING BYLAW 2008

1 Introduction

- 1.1 This bylaw shall be referred to as "The Rangitikei District Council Stock Droving and Grazing Bylaw 2008".
- 1.2 This bylaw shall come into force and take effect on the day after it is adopted by the Rangitikei District Council.¹
- 1.3 The Rangitikei District Council Stock Droving Bylaw 2001 shall hereby be revoked.

2 Purpose of Bylaw

- 2.1 The purpose of this bylaw is to:
 - Limit the droving and/or straggling of stock along or across a road and grazing of stock on road reserve in the Rangitikei District in order to improve road safety.
 - Impose restrictions which will reduce damage caused to carriageways by stock excrement and mud while minimising inconvenience, nuisance, and potential danger to motorists and other road users.
 - Otherwise enable farmers to continue with their day-to-day farming activities without unnecessary intervention while ensuring that carriageways, drainage channels and footpaths are not used for the movement of animals within the Rangitikei District unless there is no reasonable alternative immediately available to any farmer.

3 Definitions

- 3.1 The following words shall have the corresponding meaning:

Arterial Road A major district road which is of high district importance, and is listed in the Third Schedule of this bylaw and which forms links between districts or within the district.

Authorised Officer Any person appointed by the Council to act on its behalf and

¹ This bylaw was adopted by the Rangitikei District Council on 29 May 2008.

	with its authority, and may include a police officer.
Council	The Rangitikei District Council.
Dairy cattle	Cattle retained for milk production.
Hours of darkness	Any period of time between half an hour after sunset and half an hour before sunrise on the next day.
Occupier	Includes a sharemilker/sharefarmer where stock are grazed on land in the District, but the land owner/lessee does not own the animals.
Paper road	Any road that does not have a formed carriageway.
Permit Holder	A person to whom a Stock Droving and/or Stock Grazing Permit(s) has been issued.
Person	Includes any company or other incorporated body.
Road	With the exception of motorways, means a road as defined in Section 315 of the Local Government Act 1974, but shall exclude any paper road.
Road Margin	Includes any uncultivated margin of a road adjacent to but not forming part of either the roadway or footpath (if any).
Roadway	That portion of the road used or reasonably usable for the time being for vehicular traffic in general
Rural road	Any road which is not a State Highway, strategic or arterial road or urban street.
Section of Road	That area of road bounded by the property boundaries and extending between the two furthest warning signs. The minimum length of a “section of road” shall be 150m in each direction.
State Highway	A State Highway declared under Section 11 of the Land Transport Management Act 2003
Stock	Includes cattle, sheep, horse, deer, alpaca and llama of any age or sex.
Strategic Road	A primary arterial road of high regional importance, and is listed in Table A of the Third Schedule of this bylaw and which serves as a link of importance within the regional economy and has access standards for permitted activities pursuant to the Rangitikei District Plan determined on the basis of strategic functions and traffic volumes.

Trip	One movement of animals along or across the same section of road. One movement is to a destination along or across a section of road; a second movement is from that destination along or across that same section of road or part thereof to another destination/place.
Undue Delay	A delay to vehicular traffic in excess of ten minutes at any one time.
Urban street	A road or that portion of a road which is within an area controlled by a 70 km per hour speed restriction or less; but does not include roads designated as a Stock Route.

3.2 Words implying the singular include the plural and vice versa.

4 Rules

4.1 State Highway – The Rangitikei District Council does not have jurisdiction to consider the issuing of a Drover's Permit in relation to State Highways. Any person wishing to drive any animal along or across any State Highway must apply to New Zealand Transport Agency.

4.2 Strategic and Arterial roads – No person shall drive any stock along or across any arterial road or portion thereof which is listed in the Third Schedule of this bylaw, except:

- In the case of escape, or
- In accordance in all respects with a written Drover's permit which may be issued by the Authorised Officer pursuant to the provisions of Clause 5 of this bylaw and the First and/or Second Schedules of this bylaw.

Note: Other than in circumstances of an escape, a permit is always required to drive stock along or across a strategic or arterial road or that portion thereof which is listed in the Third Schedule of this bylaw.

4.3 Urban Communities – No person shall drive any animal along or across any urban street (as defined in Clause 3 of this bylaw), except:

- In the case of escape, or
- In accordance in all respects with a written Drover's Permit which may be issued by the Authorised Officer pursuant to the provisions of Clause 5 of this bylaw and the First and/or Second Schedules of this bylaw.

4.4 Rural Roads

4.4.1 A person may drive any stock (except deer) along or across any other rural road (i.e., not being a State Highway, strategic or arterial road or urban street), without first obtaining a permit, PROVIDED THAT all of the following requirements are complied with at all times during the driving activity:

- No stock shall be driven along or across a rural road during the hours of darkness as defined in Clause 3 of this bylaw, nor at any other time when there is insufficient daylight available to render a person or vehicle clearly visible at a distance of 100 metres, and
- The number of stock in any one mob do not exceed 600 head of cattle (including dairy cattle) or 3000 head of sheep, or 100 head of any other animal (except deer) and
- Proper control of the stock shall be exercised by a person/persons experienced in animal control throughout the driving and
- The stock are driven so as to make continuous forward movement, and
- The stock are driven so as to avoid causing undue delay to vehicular traffic and
- The methods defined in the Fourth Schedule of this bylaw to warn the public that animals are on a rural road are duly and fully employed and complied with, and
- For all stock (except sheep and goats) the same section of rural road is not being used for more than six trips (a trip being defined in Clause 3 of this bylaw) in any consecutive fourteen day period, provided that no other reasonable alternative route avoiding the use of any such road is available. This requirement does not apply during any one period of two weeks per year to allow TB and pregnancy testing and the like of cattle.

4.4.2 Where a person wishes to drive stock along or across any rural road other than a State Highway, strategic or arterial road, or urban street and is unable to comply with all of the requirements of Clause 4.4(a) above, except in cases of escape that person must apply to the Authorised Officer for a Drover's Permit pursuant to the provisions of Clause 5 of this bylaw and the First and/or Second Schedules of this bylaw.

5 Permits (Including Renewals)

5.1 When the Authorised Officer receives an application for a Drover's Permit and/or a Grazing Permit, he may:

- Grant or decline the application having regard to the purpose of this bylaw and all other proper relevant considerations, including the provisions of the First and/or Second Schedules of this bylaw.
- Attach to any permit granted such conditions as are reasonable in the particular circumstances, taking into account the provisions of the First and/or Second Schedules of this bylaw and, in particular, Clause 5 of both schedules.
- Determine the term or duration of any permit, having regard to the purpose of this bylaw, and shall specify the date by which any permit issued shall end.

- Following the expiration of any permit, a person may apply for a renewal of that permit or a new permit and all such applications shall be processed by the Authorised Officer in accordance with the provisions of this bylaw as if it is an initial application. The granting of any such renewal shall be entirely at the discretion of the Authorised Officer (subject to the appeal provisions of this bylaw) who, when considering any such application, shall have due regard to the purpose of this bylaw.

6 Grazing Permit

- 6.1 No person shall tether or otherwise put or place any stock for the purpose of grazing the same on any public place (including road reserve) without first obtaining a Grazing Permit from the Authorised Officer.
- 6.2 Notwithstanding the provisions of Clause 6.1, a permit will not be required for single tethered animal on a road reserve, provided the tether is of adequate strength and the length of that tether is such that the stock cannot cross the side drainage channel or enter onto the carriageway.
- 6.3 A Stock Grazing Permit will not be issued to any person who is unable to prevent the animals from straying outside the confines of the area to be grazed.
- 6.4 When applying for a Stock Grazing Permit, the application must clearly define the location of the proposed grazing, the methods to be employed to prevent the animals from straying outside the confines of the area to be grazed and any other matters that may be relevant to the purpose of this bylaw as set out in clause 2.
- 6.5 The Authorised Officer may on receipt of an application for a Stock Grazing Permit, by written notice to the applicant for the permit, require the applicant to provide further information relating to the application.
- 6.6 Any application must be accompanied by the payment of the relevant Stock Grazing Permit fee which may be set by Council pursuant to clause 10 of the bylaw.

7 Appeal

- 7.1 Any person who applies for a permit (including a Stock Grazing Permit), or who is an affected person as defined in Clause 11 of the First Schedule and who is dissatisfied with any decision of the Authorised Officer, may request that the application be considered by the Council, and in that case the Council shall have all the powers and discretions which are granted by this bylaw to the Authorised Officer, including the power to amend any decision previously made

by the Authorised Officer. Any such appeal shall be lodged with the Council within 21 days of the date of the issue of the permit.

7.2 To assist the Council, either the Chief Executive Officer of the Council from time to time or any applicant or affected person, may request the Council to appoint an independent Committee to hear evidence and recommend an outcome to Council concerning whether or not a permit should be issued in all the circumstances and if so, what conditions should attach to that permit, taking into account the provisions of this bylaw generally.

7.3 Any such independent Committee shall include at least one person experienced in the type of farming for which a permit is sought, a recognised farm consultant or similar person who has no conflict of interest concerning the application under appeal, and one Councillor appointed to this Committee from time to time by the Council.

8 Breach of bylaw

8.1 A breach of the bylaw is deemed to have occurred where:

- any person fails to comply with the rules and provisions contained in this bylaw
- a permit holder fails to comply with all the conditions of a permit issued to him or her under this bylaw.

9 Penalties for breach of the bylaw

9.1 Where a breach of the bylaw has occurred, an authorised officer shall request that the breach be corrected immediately. Where a verbal request is given, a written confirmation of that request will also be given at the earliest opportunity.

9.2 If the breach is not corrected to the satisfaction of the authorised officer, the authorised officer may immediately cancel any stock driving or stock grazing permit issued to the person responsible for the breach. For the avoidance of doubt, the cancellation of a permit does not remove the responsibility for the breach from the permit holder.

9.3 If, in the opinion of the Council, the breach of the bylaw poses or is likely to pose a significant risk to public health or safety, or has caused, is causing, or is likely to cause significant damage to public property, then the Council may seek to prosecute the person responsible for breaching the bylaw.

9.4 The maximum penalty for breaching a bylaw is \$20,000, pursuant to section 242 (4) of the Local Government Act 2002.

10 Fees and Cost Recovery

- 10.1 Pursuant to the provisions of Section 150 of the Local Government Act 2002 Council may require any person applying for a Stock Droving Permit and/or a Stock Grazing Permit to pay a licensing fee to the Council before any permit(s) is granted.
- 10.2 Fees for stock droving permits or stock grazing permits will be set through the Schedule of Fees and Charges.
- 10.3 If the Council is required to carry out any remedial work to the road, due to the use of that road by a permit holder for the purpose of either stock droving or stock grazing, the Council may recover any such costs incurred by it as a debt due from the permit holder to the Council.

11 Indemnity

- 11.1 No person shall be issued with a Stock Droving Permit or a Stock Grazing Permit unless that person agrees in writing to indemnify the Council from any action, claim, cost or statutory liability whatsoever arising from the issue of such a permit.
- 11.2 All persons allowing stock on the road, and who, in accordance with the provisions of this bylaw are not required to obtain a permit, are hereby deemed to indemnify the Council from any action, claim, cost or statutory liability whatsoever arising from actions of the animals on the road.

12 Transitional Provisions

- 12.1 Every permit granted under the previous Stock Droving Bylaw in force immediately before the date of the commencement of this Bylaw shall be deemed to be a permit granted by the Rangitikei District Council under this Bylaw, on the same conditions except as to duration in the following circumstances:
- Every permit granted under the previous Stock Droving Bylaw shall expire six months after this Bylaw comes into force, or at the date the permit states it expires, whichever is sooner. The permit holder shall be obliged to apply for a new permit on the expiry of the previous permit, in accordance with this Bylaw.
- 12.2 Where an application for a permit has been made before the date of commencement of this Bylaw, and that application has not been processed at the date of commencement of this Bylaw, the application shall be deemed to be an application for a permit of the appropriate kind in accordance with this Bylaw.

12.3 Where an appeal has been lodged in relation to a decision made by the Rangitikei District Council before the date of the commencement of this Bylaw, and that appeal has not been heard at the date of commencement of this Bylaw, the appeal shall be deemed to be an appeal pursuant to this Bylaw.

FIRST SCHEDULE

Permit to Drove Stock Along a Road

The following provisions will apply to any person who wishes to drove stock along any road and who is otherwise required to apply for a permit to drove stock along roads.

1. Any application must be accompanied by the payment of the relevant fee set pursuant to Clause 10 of the bylaw.
2. Any application for a permit must be received by the Authorised Officer at least five working days before the first day on which the permit is required.
3.
 - (a) The application must clearly define the location of the proposed droving, a full description of the road area on which the droving is to take place, the overall circumstances necessitating the use of the road for the droving of stock, the manner in which the droving is to take place, the methods to be employed to avoid, remedy or mitigate damage that may be caused to the roadway by animal excrement and mud, the methods to be employed to minimise inconvenience, nuisance, and potential danger to other road users, a traffic management plan identifying traffic safety matters and any other matter that may be relevant to the purpose of this bylaw as set out in clause 2.
 - (b) The Authorised Officer may on receipt of an application for a permit, by written notice to the applicant for the permit, require the applicant to provide further information relating to the application.
 - (c) Where the Authorised Officer seeks further information, he may postpone the determination of the application until he is satisfied that he has all of the information required for this purpose.
4.
 - (a) The Council may publish guidelines from time to time concerning traffic safety related considerations, the use of signage and other appropriate traffic control measures such as cones or flashing lights and any other matter that may be relevant to the purpose of this bylaw as set out in Clause 2.
 - (b) These guidelines must also be taken into account by any applicant in the course of the preparation of any application.
5. The Authorised Officer may determine the conditions to attach to any permit issued, taking into account the purpose of this bylaw as set out in Clause 2, the provisions of this bylaw generally including this schedule, the guidelines issued by him from time to time concerning the matters outlined in paragraph 4 above and any other matters which the particular circumstances of any application may reasonably require.

6. Accompanying every application shall be a current certificate of the applicant's public liability insurance cover, including the amount of cover held. Such cover shall be maintained at all times. Full policy details shall be produced to the Authorised Officer if required and in every case the Authorised Officer must be satisfied that the level of cover is adequate in all the circumstances.
7. A permit may only be used by the person or persons to whom it is issued and shall not be transferable.
8. A permit will not be issued in circumstances where there is a reasonable alternative route available to the applicant and which does not require the use of any public roadway.
9. The animals must be driven so as to make continuous forward movement.
10. In appropriate circumstances, the Authorised Officer may allow the use of the road reserve (as defined in Clause 2 of this bylaw) for the purpose of droving of stock.
11. The Authorised Officer may allow an applicant to develop a race along a road reserve to separate driven animals from other road users. The Authorised Officer will require:
 - 11.1 That the written consent of any affected person be obtained (including lessees and occupiers whose property frontage is traversed by the race), and after those persons have had an opportunity to peruse and consider the details of the proposed application.
 - 11.2 That the cost of forming, maintaining and fencing the race will be the responsibility of the applicant and to a standard approved by the Authorised Officer.
 - 11.3 That the applicant will be responsible for removing the race, fences, etc., when at the expiration of the term of the permit if so required by the Authorised Officer or otherwise when the race, fences etc are no longer required, and shall also be required to restore the road reserve to the satisfaction of the Authorised Officer.
 - 11.4 The Authorised Officer may require any applicant to provide a bond and to otherwise pay a rental to the Council for the use of the road reserve for the duration of the permit.

SECOND SCHEDULE

Permit to Drove Stock Across a Road

The following provisions will apply to any persons who wish to drove stock across any road and who is otherwise required to apply for a permit to drove stock across roads.

1. Any application must be accompanied by the payment of the relevant fee set pursuant to Clause 10 of the bylaw.
2. Any application for a permit must be received by the Authorised Officer at least five working days before the first day on which the permit is required.
3.
 - (a) The application must clearly define the location of the proposed droving, a full description of the road area on which the droving is to take place, the overall circumstances necessitating the use of the road for the droving of stock, the manner in which the droving is to take place, the methods to be employed to avoid, remedy or mitigate damage that may be caused to the roadway by stock excrement and mud, the methods to be employed to minimise inconvenience, nuisance, and potential danger to other road users, a traffic management plan identifying traffic safety related matters and any other matter that may be relevant to the purpose of this bylaw as set out in Clause 2.
 - (b) The Authorised Officer may on receipt of an application for a permit, by written notice to the applicant for the permit, require the applicant to provide further information relating to the application.
 - (c) Where the Authorised Officer seeks further information, he may postpone the determination of the application until he is satisfied that he has all of the information required for this purpose.
4.
 - (a) The Council may publish guidelines from time to time concerning traffic safety related considerations, the use of signage and other appropriate traffic control measures such as cones or flashing lights and any other matter that may be relevant to the purpose of this bylaw as set out in Clause 2.
 - (b) These guidelines must also be taken into account by any applicant in the course of the preparation of any application.
5. The Authorised Officer may determine the conditions to attach to any permit issued, taking into account the purpose of this bylaw as set out in Clause 2, the provisions of this bylaw generally including this schedule, the guidelines issued by him from time to time concerning the matters outlined in paragraph 4 above and any other matters which the particular circumstances of any application may reasonably require.

6. The exit and entry points of any crossing are to be installed to the greatest extent practicable directly opposite one another and are to be fitted with gates. If they cannot be installed opposite one another, a permit to drive stock along a road may also be required.
7. Accompanying every application shall be a current certificate of the applicant's public liability insurance cover, including the amount of cover held. Such cover shall be adequate and shall be maintained at all times. Full policy details shall be produced to the Authorised Officer if required and in every case the Authorised Officer must be satisfied that the level of cover is adequate in all the circumstances.
8. A permit may only be used by the person or persons to whom it is issued and shall not be transferable.
9. A permit will not be issued in circumstances where there is a reasonable alternative route available to the applicant and which does not require the use of any public roadway.
10. Straggling of dairy cattle may be permitted at a crossing provided the Authorised Officer has approved the layout and management of such a crossing.
11. Any permit issued pursuant to this bylaw will not relieve the applicant of any requirement to obtain such resource consents that may be required from time to time from either the Regional Council or District Council.

THIRD SCHEDULE

List of Strategic and Arterial Roads

For the purpose of this bylaw, a permit is required under all circumstances to drive stock along or across the roads listed in this schedule.

Road Name	Start Name	End Name
Kakariki Road (Strategic Road)	SH 1	Bridge – Rangitikei River
Wellington Road (Arterial Road)	Restricted speed limit	SH 1
Calico Line (Arterial Road)	Restricted speed limit	SH 1
Wanganui Road (Arterial Road)	Restricted speed limit	SH 3
Makirikiri Road (Arterial Road)	SH 1	Pukepapa Road
Pukepapa Road (Arterial Road)	Restricted speed limit	SH 3

FOURTH SCHEDULE

The methods to be employed to warn the public that animals are on the road in circumstances where a permit is not required and the property owner does not have an alternative traffic management plan in accordance with the Code of Practice for Temporary Traffic Management are as follows:

(a) Permanent Crossings

- There shall be no more than 150 metres between the extremities of the gates through which the animals are to pass on either side of the road, otherwise the driving requirements defined in paragraph (c) below shall apply.
- Permanent warning signs (as set out in New Zealand Transport Agency's manual of traffic signs and markings), shall be installed on each approach 160 metres before the first gate post beside which the animals are to pass.
- Temporary warning devices shall be employed. As a minimum, four standard traffic cones (as defined in New Zealand Transport Agency's standards for temporary traffic control) shall be employed on each approach, with three cones on the centre line and one cone offset on the verge, adjacent to the front cone. The front cone shall be employed on each approach and shall be placed opposite the first gate post beside which the stock are to pass and the remaining cones shall be spaced at a reasonable distance thereafter up to a maximum of 80 metres, again on each approach.
- The minimum sight distance for traffic on either side of the crossing shall be no less than 200 metres.

(b) Temporary Crossings

- There shall be no more than 150 metres between the extremities of the gates through which the animals are to pass on either side of the road, otherwise the driving requirements defined in paragraph (c) below shall apply.
- Temporary warning signs (as set out in New Zealand Transport Agency's manual of traffic signs and markings), shall be employed on each approach 160 metres before the first gate post beside which the animals are to pass.
- Temporary warning devices shall be employed. As a minimum, four standard traffic cones (as defined in New Zealand Transport Agency's standards for temporary traffic control) shall be employed on each approach, with three cones on the centre line and one cone offset on the verge, adjacent to the front cone. The front cone shall be employed on each approach and shall be placed opposite the first gate post beside which the animals are to pass and the remaining cones shall be spaced at a reasonable distance thereafter up to a maximum of 80 metres, again on each approach.

- The minimum sight distance for traffic on either side of the crossing shall be no less than 200 metres.

(c) Droving

- A temporary warning sign (as set out in New Zealand Transport Agency's manual of traffic signs and markings), shall be placed at the edge of the pavement, together with a single centre line cone (as defined in New Zealand Transport Agency's standards for temporary traffic control), at the start and end points of travel.
- Should a mobile vehicle/s be in use, temporary warning devices such as flashing lights or safety yellow signs shall be employed on the vehicle/s.

Please Note: If these requirements, together with those specified in clause 4.4(a) cannot be complied with in all respects, a permit must be obtained. (See Clause 4.4(b)).