

RANGITIKEI DISTRICT COUNCIL

STOCK DROVING AND GRAZING BYLAW 2013

1 Introduction

- 1.1 This bylaw shall be referred to as the “Rangitikei District Council Stock Droving and Grazing Bylaw 2013”.
- 1.2 This bylaw shall come into force and take effect on the day after it is adopted by the Rangitikei District Council.
- 1.2.1 The amendment to Grazing stock on road reserves in Section 5 - point eight of this Bylaw which comes into force on 15/08/2019.
- 1.3 This bylaw addresses those circumstances where it is not practicable to use internal movement of stock within a farm, take advantage of underpasses or to transport stock in a truck.

2 Purpose of Bylaw

- 2.1 The purpose of this bylaw is to:
- Improve road safety
 - Reduce damage caused to the road, road reserves and vehicles by stock excrement and mud

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 First 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 with its authority, and may include a police officer.
Council	The Rangitikei District Council.
Dairy cattle	Cattle retained for milk production.
Grass shoulder	Any uncultivated margin of a road adjacent to but not forming part of either the portion of the road used for vehicular traffic or footpath (if any) and including any drainage ditches.
Hours of darkness	Any period of time between half an hour after sunset and half an hour before sunrise on the next day.

Pavement	The hard surface of a road
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 reserve	All parts of the public vested land between opposite title boundaries, including pavement, drainage channels, berms and footpaths and grass shoulder.
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, 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 First 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.
Unformed Road	Any road that does not have a formed carriageway (commonly referred to as a ‘paper road’).
Urban area	Includes those areas zoned as Residential, Commercial and Industrial under the operative District Plan (i.e. does not include Rural Living and Rural Zones).

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

4 Stock droving

State Highway

4.1 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.

Strategic and Arterial roads

4.2 No person shall drive any stock along or across any strategic or arterial road (or portion thereof) which is listed in the First Schedule of this bylaw, except where that animal has escaped and is being returned to the premises where it is kept.

Urban areas

4.3 No person shall drive any animal along or across any street in any urban area, except where that animal has escaped and is being returned to the premises where it is kept. Exception is also extended to animals being driven to or from stockyards, or using historically designated and signposted stock routes which are located in an urban area.

Rural Roads

4.4 A person may drive any stock along or across any other road (i.e. not being a State Highway, strategic or arterial road or in any urban area) PROVIDED THAT all of the following requirements are complied with at all times during the droving activity:

- a) No stock shall be driven along or across a road during the hours of darkness, 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. Exception is extended when returning escaped stock provided that the utmost caution is taken.
- b) The number of stock in any one movement does not exceed 600 head of cattle (including dairy cattle) or 3000 head of sheep.
- c) Proper control of the stock shall be exercised by a person experienced in animal control throughout the droving.
- d) The stock are driven so as to make continuous forward movement.
- e) The stock are driven so as to avoid causing undue delay to vehicular traffic.
- f) The methods defined in the Second Schedule of this bylaw to warn the public of the presence of animals are employed.
- g) Crossings used for more than six trips in any consecutive fourteen day period require permanent signage. 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.

- h) All gates to properties along the path of the driven stock are to be closed by the drover prior to driving commencing, in order to prevent any damage to property by wayward stock.
- i) The drover of any stock that is being driven along or across the road reserve must ensure that all reasonable steps are taken to clean the road reserve of any faecal matter as soon as practicable, to the satisfaction of any enforcement officer, to reduce nuisance, road safety issues or degradation of any part of the road reserve. Reasonable steps include:
 - i. Adequate removal of faecal waste with a broom and/or shovel.
 - ii. Placement of a removable protective cover across the road, which shall be removed immediately when stock have completed their crossing. , such cover to be in accordance with The Road Controlling Authorities Forum guidelines.¹
 - iii. Installation of an underpass².

5 Grazing of stock on road reserves

5.1 A person may allow stock to graze the grass shoulder of road reserves, using temporary fencing, PROVIDED THAT all of the following requirements are complied with at all times:

- No person shall allow stock to graze the grass shoulder during the hours of darkness.
- No person shall erect, or allow to remain, any permanent fencing on any part of the road reserve³.
- All fencing materials must be designed to be clearly visible to road users and to cause minimum risk of harm if contacted by a vehicle.
NOTE: Metal waratahs, barbed wire and/or timber posts SHALL NOT be used at any time.⁴
- No temporary fence shall be sited so that it is less than 1.5 metres from the carriageway, edge markers, culverts, road signs or utility services.
- Stock may be tethered on the grass shoulder, 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.
- Any person grazing stock on the grass shoulder shall ensure that the stock is properly contained within the temporary fencing enclosure or tethered securely, so as to prevent the escape of any stock.

¹ Road Controlling Authorities Forum (NZ) Inc., *Best Practice Guidelines for Stock Crossings 2010* and any later revisions. Funding may be available through the New Zealand Transport Agency for the acquisition of a protective mat.

² Please refer to Council's Stock Underpass Policy for information regarding the process for Council contribution to installation costs for underpasses.

³ Under certain circumstances, Council may issue a permit to occupy a road reserve under its Procedure for Permissible Encroachment on Council Road Reserves

⁴ Acceptable fencing materials include polywire, polytape or a similar product and pigtail standards.

- The owner of any stock that is being grazed on the grass shoulder, must ensure that all reasonable steps are taken to remove any faecal matter as soon as practicable, to the satisfaction of any enforcement officer, to reduce nuisance, road safety issues or degradation of the road reserve, including the grass shoulder.
- No person shall graze any portion of the road reserve which is not directly adjacent to his or her property without the written permission of either the owner of the property adjacent to the road reserve which is proposed for grazing or an authorised owner of the Council (who will have regard for the adjoining owner's use and preferences for the area).

6 Breach of bylaw

- 6.1 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.

7 Penalties for breach of the bylaw

- 7.1 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.

- 7.2 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.

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

8 Fees and Cost Recovery

- 8.1 If the Council is required to carry out any remedial work to the road, footpaths, fences, drains or road reserve due to the use of that road 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 drover to the Council.

FIRST 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

SECOND 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 driver does not have an alternative traffic management plan in accordance with the Code of Practice for Temporary Traffic Management are as follows:

(a) Crossings

- There shall be no more than 10 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 (b) below shall apply.
- Warning signs (permanent or temporary) shall be employed. As a minimum, one traffic cone (as defined in New Zealand Transport Agency's standards for temporary traffic control) with the words "stock" shall be located on each approach between 80-100 metres of the crossing.

(b) Driving

- Temporary warning devices shall be employed. As a minimum, one temporary sign (as defined in New Zealand Transport Agency's standards for temporary traffic control) shall be placed in the middle of the road, or on each vehicle, to ensure at all times between 80 and 100 metres of advance warning to other road users.

Temporary warning devices such as headlights, flashing lights or safety yellow signs shall be employed on vehicles.