



**BULLER**  
DISTRICT COUNCIL

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# **Proposed livestock Movements Bylaw 2010 to replace Stock Droving Bylaw 1996**

**Open for consultation, submissions will be  
received up until 4pm 4<sup>th</sup> October 2009.**

<p style="text-align: center;"><b>BULLER DISTRICT COUNCIL BYLAW LIVESTOCK MOVEMENTS BYLAW</b></p>
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**BYLAW TO CONTROL THE MOVEMENT OF LIVESTOCK  
ACROSS AND ALONG PUBLIC ROADS**

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**BULLER DISTRICT COUNCIL  
LIVESTOCK MOVEMENTS BYLAW (2010)**

**INTRODUCTION**

Buller District Council may make bylaws to regulate the movement of livestock on, across or along public roads under the control of the Council under the authority of and in accordance with the provisions of the Bylaws Act 1910, Transport Act 1962 and the Local Government Acts 1974 and 2002.

**1. TITLE**

- 1.1 This bylaw is made under Section 145 of the Local Government Act 2002 and shall be known as the Buller District Council Livestock Movements Bylaw (2010).

**2. COMMENCEMENT AND APPLICATION**

- 2.1 This bylaw comes into force on 1<sup>st</sup> July 2010 and applies to all parts of all roads under the control of Buller District Council.

**3. REVOCATION**

- 3.1 The Buller District Council Stockdroving Bylaw 1996 will be revoked from the date of implementation of Buller District Council Livestock Movement Bylaw 2010.

**4. PURPOSE OF THE BYLAW**

- 4.1 The purpose of the Bylaw is to improve the control of the movement of livestock on public roads:
- (a) to protect:
    - (i) the safety of all road users including those associated with moving livestock;
    - (ii) the structure and surface of the carriageway in the roads; and
    - (iii) public and private structures and utilities situated in the road.
  - (b) to reduce inconvenience, nuisance and potential hazard for all road users; and
  - (c) to minimise any loss of social value or environmental quality from use of the road.

## 5. SCOPE OF THE BYLAW

5.1 This bylaw provides for the:

- (a) acceptance of long-term, intermittent, or temporary movement of livestock on, across or along public roads in the district;
- (b) establishment of two grades of livestock movement on roads: conditional and restricted;
- (c) evaluation of livestock movements on public roads to be against specified criteria;
- (d) establishment of three forms of consent for conditional livestock movements:
  - (i) a Livestock Crossing Consent for regular or frequent movement of livestock across a public road that is conditional for livestock movements in accordance with Chart 1 in Schedule 1;
  - (ii) a Livestock Droving Consent for a specific movement of livestock along any public road with an average annual daily traffic volume greater than 100 vehicles for a distance greater than 5 km;
  - (iii) a Livestock Moving Consent for irregular or infrequent movement of livestock across a public road or along a public road for a distance less than 5 km where average annual daily traffic exceeds 100 vehicles;
- (e) setting of charges to cover the costs of administration and monitoring; and
- (f) administrative mechanisms for the operation of this bylaw.

## 6. COMPLIANCE WITH OTHER ACTS

6.1 Nothing in this bylaw shall derogate from any provision of the Health and Safety in Employment Act 1992, the Resource Management Act 1991, the Litter Act 1979, the Animal Welfare Act 1999, the Impounding Act 1955, the Land Transport Acts 1993 and 1998, the Transit New Zealand Act 1989 or any statutory or regulatory requirement.

## 7. INTERPRETATION

7.1 For the purposes of this bylaw:

(NOTE: Words in *italics* are also defined.)

**'Approval or approved'** means approved in writing by an *authorised officer* of the *Council*.

**'Authorised officer'** means any person appointed by the Chief Executive of the *Council* for the purposes of acting as an *authorised officer* under this bylaw.

**'Carriageway'** means that part of a *road* constructed or made for use of vehicular traffic and includes any shoulder, edging, kerbing or channelling thereof.

**'Characteristic'** means any of the features of a *road* or *livestock movement* described in Schedule 1 of this bylaw.

**'Competent person'** means a *person* being over the age of 14 years and being able to provide reasonable care and supervision.

**'Consent'** means a consent in writing given by the *Council* authorising a *consent holder* to move *livestock* on, across or along a *road*.

**'Consent holder'** means a person who has obtained *consent* for the movement of *livestock* on, across or along a *road*.

**'Council'** means the Buller District Council.

**'Livestock'** means any animal kept or normally kept for commercial purposes, whether so kept or not, and may include, but is not limited to, any hoofed animal, domestic fowl or poultry.

**'Livestock movement'** 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.

**'Road'** means a road as defined in section 315 of the Local Government Act 1974, being all the land under the control of Buller District Council maintained for public use as a highway and being the full width of the legal road between adjacent property boundaries and including both the *carriageway* and any unformed parts to the sides of the *carriageway*, but excluding any unformed road.

**'Traffic management plan'** 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*.

**'Person'** means a legal person and includes a corporation sole and also a body of persons whether corporate or incorporate.

- 7.2 In this bylaw one gender may include all genders, the singular may include the plural and the plural includes the singular.

## COMPLIANCE WITH THE BYLAW

### 8. CONTROL OF LIVESTOCK MOVEMENTS

8.1 No person shall:

- (a) move, or cause or allow to be moved, any livestock to which the provisions of this bylaw apply except in accordance with the provisions of this bylaw; or

- (b) move, or cause or allow to be moved, any livestock on a road restricted for the movement of livestock by this bylaw.

## 9. COUNCIL MAY RESTRICT MOVEMENT

- 9.1 In the event that an authorised officer considers it necessary to close or restrict access to any road as a result of obstruction from road works, flooding, landslide, civil emergency or any other event, the authorised officer shall have discretionary power to halt or divert any movement of livestock from the use of that road notwithstanding any prior consent for movement of livestock on that road.

## 10. MOVEMENTS TO COMPLY WITH BEST PRACTICE

- 10.1 Any and every movement of livestock on a public road shall comply with the requirements of any applicable statute, regulation, code of practice or similar directive relating to the safety, health and welfare of livestock.

## LIVESTOCK MOVEMENTS AND CONSENTS

### 11. CLASSIFICATION OF LIVESTOCK MOVEMENTS

- 11.1 Livestock movements on roads shall be classified as one of the following types:
- (a) **conditional** – any movement of stock that does not exceed any individual limit or combination of limits set out in Schedule 1 as the maximum limit of a livestock movement that is not restricted;
  - (b) **restricted** - movement that exceeds or is likely to exceed the maximum limits for livestock movements on or across or along public roads as set out in Schedule 1.

### 12. LIVESTOCK MOVEMENTS TO REQUIRE CONSENT

- 12.1 Any livestock movement that is conditional within the terms of this bylaw shall require a current and valid livestock movement consent specific to the location, timing and size of the livestock movement.
- 12.2 The Council shall, where it deems necessary, apply appropriate specific conditions to livestock movement consents issued for a livestock movement that is restricted within the terms of this bylaw.

### 13. EXEMPTIONS

- 13.1 Livestock movements on public roads that are the result of an emergency, such as flooding or fire, landslide and damage to fences, or similar, or for the purposes of returning wandering or loose livestock to the owner's property or to a temporary pound, shall be exempt from clause 12.2.
- 13.2 Where livestock are moved on to a road to graze it and are securely contained by temporary fencing or similar measure to ensure that no animal intrudes onto or across the carriageway while grazing within the road adjacent to the livestock owner's property, and such road is not restricted for livestock movements by this bylaw, and the livestock are within the road only during the hours of daylight, such livestock movement shall be exempt from clause 12.2.

#### **14. APPLICATION FOR LIVESTOCK MOVEMENT CONSENT**

- 14.1 Every person who wishes to:
- (a) move livestock across a road regularly or frequently, or
  - (b) move livestock along a road occasionally, or
  - (c) move livestock along a road with average annual daily traffic greater than 100 vehicles for a distance greater than 5 km,
- on a road where livestock movement is conditional under Schedule 1 shall make an application to the Council for a livestock movement consent using the prescribed application form obtainable from the Council no less than five (5) working days prior to the first intended movement of livestock.
- 14.2 The Council may determine the nature and content of the application form, which may be altered or amended at any time.

#### **15. FEE TO ACCOMPANY APPLICATION**

- 15.1 Every application for a livestock movement consent shall be accompanied by the application fee in accordance with the Schedule of Charges.
- 15.2 The application for consent will not be processed until the application fee is paid.

#### **16. COUNCIL MAY REQUIRE FURTHER MATERIAL**

- 16.1 On receipt of any application for a livestock movement consent 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) a traffic management plan appropriate to the location, timing and size of the livestock movement.

## **17. APPLICATION TO BE PROPERLY EXECUTED**

17.1 The applicant shall be responsible for ensuring that the application and every document required for the proper consideration of the application shall be properly executed and any act done for or on behalf of the applicant in making the application shall be deemed to be an act of the applicant.

## **18. CONSIDERATION OF AN APPLICATION**

18.1 In considering any application for a consent and in imposing any conditions in the consent the Council shall take into consideration the:

- (a) limits and maximum values for characteristics specified in Schedule 1 of this bylaw;
- (b) traffic safety criteria, including traffic volume and sight distances;
- (c) frequency or scale of any potential traffic hazard or obstruction or nuisance;
- (d) social impact;
- (e) environmental impact; and
- (f) potential damage to the road or structures in the road.

## **19. DECISION ON AN APPLICATION**

19.1 The Council shall, within five (5) working days of receiving all information necessary to process an application, after considering the application:

- (a) grant the application as a livestock crossing consent; or
- (b) grant the application as a livestock moving consent; or
- (c) grant the application as a livestock droving consent; or
- (d) grant the application as a restricted livestock movement; and
- (e) notify the applicant of any conditions attached to the consent..

## **20. CONDITIONS OF CONSENT**

20.1 Any livestock movement consent may be granted subject to such conditions as the Council may impose, including but not limited to the:

- (a) dimensions and surface of any entrance to the road;
- (b) dimensions and placement of warning signs;
- (c) use, colour and placement of warning lights;

- (d) use, size and placement of road cones;
- (e) number of competent persons required to be present;
- (f) length of time for which other road users might be halted;
- (g) use of mats or similar devices to protect the road;
- (h) removal of excrement from the carriageway and entrances to the road;
- (i) specific routes to be used;
- (j) specific times for movement;
- (k) maximum number of livestock; or
- (l) meeting of any other conditions reasonably necessary to achieve or ensure compliance with this bylaw.

## **21. VARIATION OF CONSENT**

21.1 The Council may at any time during the term of a consent, by written notice to the consent holder, vary any condition within the consent to address such issues as a change in the:

- (a) nature of the livestock movement;
- (b) traffic volume; or
- (c) legal requirements imposed on the Council.

## **22. COMPLIANCE WITH THE CONSENT**

22.1 The consent holder shall at all times comply with, and be responsible for compliance with, the conditions of the consent.

## **23. TERM OF CONSENT**

23.1 A livestock crossing consent shall be valid, unless revoked under Clause 24 or Clause 25, for a term of two (2) years.

23.2 A livestock moving consent may be issued for a term of one (1) year to five (5) years. The term shall be determined on the basis of the specific livestock movement characteristics and traffic safety criteria.

23.3 A livestock droving consent shall be specific to the livestock movement for which it is issued.

## **24. SUSPENSION OR CANCELLATION OF CONSENT**

- 24.1 The Council may suspend or cancel any consent by giving twenty (20) working-days written-notice to the consent holder where it is in the public interest to do so or if the consent holder fails to comply with any condition of the consent.

## **25. SUMMARY CANCELLATION**

- 25.1 An authorised officer may suspend or cancel any consent immediately by giving written notice to the consent holder, if the:
- (a) Council is lawfully directed to suspend or cancel the consent;
  - (b) consent holder disregards any conditions of the consent in a manner which the authorised officer determines may endanger the health or safety of any person or damage any part of the road or cause environmental degradation; or
  - (c) livestock movement is not effectively controlled to be in accordance with the requirements of a consent.

## **26. TRANSFER OR TERMINATION OF CONSENT**

- 26.1 When the consent holder of any property from which livestock is moved subject to a livestock movement consent ceases to occupy that property for the purposes of the consent then that consent shall be at an end.
- 26.2 The consent holder shall not transfer the rights and responsibilities provided for under this bylaw and under the consent to any other party.

## **BYLAW ADMINISTRATION**

### **27. INCIDENTS TO BE REPORTED**

- 27.1 The consent holder shall inform the Council of any incident which may cause a breach of the consent or this bylaw within one day. Any incident causing or likely to cause a breach of a consent or of this bylaw shall be cause for the Council to review the conditions of the consent.

### **28. COUNCIL MAY RECOVER COSTS**

- 28.1 The Council may set fees and charges for the recovery of the reasonable costs incurred for the:
- (a) application process;
  - (b) administration of the consent;
  - (c) unscheduled maintenance or repair of the road or any part of the road due to damage caused by the livestock movement; and

- (d) unscheduled maintenance to remove excessive livestock excrement from the road carriageway or any entrance to the road after the livestock movement.

## **29. FEES AND CHARGES**

- 29.1 The consent holder shall pay all fees and charges payable to the Council for the reasonable costs of the administration of the consent and for any unscheduled maintenance arising from the consent, as set out in Schedule 2 of this bylaw.
- 29.2 Where a permitted livestock movement gives rise to any unscheduled maintenance to repair the road or any part of the road due to damage caused by the livestock movement or to remove excessive livestock excrement from the road carriageway or any entrance to the road after the livestock movement the consent holder shall pay to the Council the charges payable for such unscheduled maintenance.

## **30. OFFENCES AND PENALTIES**

- 30.1 Every person who fails to comply with this bylaw or breaches any condition of a consent granted under this bylaw or fails to comply with any notice served under this bylaw commits an offence under section 239 of the Local Government Act 2002 and is liable to a fine not exceeding \$20,000 under section 242(4) of the Local Government Act 2002.

## **31. REVIEW OF DECISIONS**

- 31.1 If any person is dissatisfied with a decision of an authorised officer, that person may request the Council to review any such decision by notice to the Chief Executive Officer not later than twenty (20) working days after the decision of the authorised officer has been received.

## **32. SERVICE OF DOCUMENTS**

- 32.1 A person authorised by the Council shall sign any notice or document to be served or delivered to a consent holder and such notice or document may be left at a conspicuous place at the consent holder's property or handed to an employee of the consent holder at the consent holder's property or given or served by delivery or courier or sent by facsimile or electronic mail or registered post addressed to the:
  - (a) 'address for service' specified in a consent; or
  - (b) consent holder's last known place of residence; or
  - (c) registered office of an incorporated entity.

### **33. DATE OF SERVICE**

- 33.1 Any notice or document sent by registered post shall be deemed to have been received on the third working day following posting. Any notice or document left at a conspicuous place at the property of or handed to an employee of the consent holder at that property or given or served by delivery or courier or sent by facsimile or electronic mail shall be deemed to have been received on the same day as the notice or document was despatched.

## **SCHEDULE 1: LIMITS FOR LIVESTOCK MOVEMENTS**

### **S1.1 INTRODUCTION**

S1.1.1 A conditional livestock movement is for all stock movements but where no characteristic exceeds the limits for a restricted livestock movement.

S1.1.3 A restricted livestock movement is one where at least one characteristic of the number of animals or the traffic volume or the number of movements in any month, or a characteristic specific to the location or timing of the movement, exceeds the maximum limits allowed for a livestock movement to protect the safety of all road users, including the livestock.

S1.1.4 Where a livestock movement across a road is restricted or identified as becoming likely to be restricted, the Council and livestock owner may agree to provide an alternative to an at level crossing by means of a livestock underpass or overpass subject to section 341 of the Local Government Act 2002.

### **S1.2 RESTRICTED LIVESTOCK MOVEMENT**

S1.2.1 A livestock movement shall be classed as restricted under this bylaw where the characteristics of the movement are as follows:

- (a) number of animals being moved exceeds the maximum appropriate to the average daily traffic volume at the site of the movement as indicated on Chart 1; or
- (b) number of livestock movements exceeds 60 in any month; or
- (c) less than 200m of unimpeded visibility is present between any approaching vehicle on the open road and any potential hazard or obstruction and warning sign of such, or less in accordance with the posted speed limit and the table given in Appendix 1 to Schedule 1 (based on calculation of safe vehicle stopping distance and the provisions for Stock crossing road in good visibility given in TMD200 of the Code of Practice for Temporary Traffic Management Local Roads Supplement).

S1.2.2 The following roads or parts thereof here specified shall require a restricted permit for livestock movements:

- (a) [insert names as necessary]

## APPENDIX 1

Calculation of vehicle braking distance (d) is dependent on the vehicle speed (v) and the coefficient of static friction (f) between the vehicle's tyres and the road surface. For normally driven and worn tyres on a normal dry road an appropriate value for (f) is 0.6. For normally driven and worn tyres on a wet road surface an appropriate value for (f) is 0.4. Therefore:

If (v) = 100 km/h and (f) = 0.6, (d) = 169.93 m.

If (v) = 100 km/h and (f) = 0.4, (d) = 254.90 m.

Table of visibility distance for sign (A) and warning distance (B) from sign to stock crossing at varying posted speed limits in good visibility (TMD200) and poor visibility (TMD201).

TMD200			
Km/h	A (m)	B (m)	A+B (m)
50	50	50	100
60	60	60	120
70	70	70	140
80	80	80	160
90	90	90	180
100	100	100	200
TMD201			
Km/h	A (m)	B (m)	A+B (m)
50	50	30	80
60	60	80	140
70	70	105	175
80	80	120	200
90	90	135	225
100	100	150	250

## Requirements for Stock Movement Permits

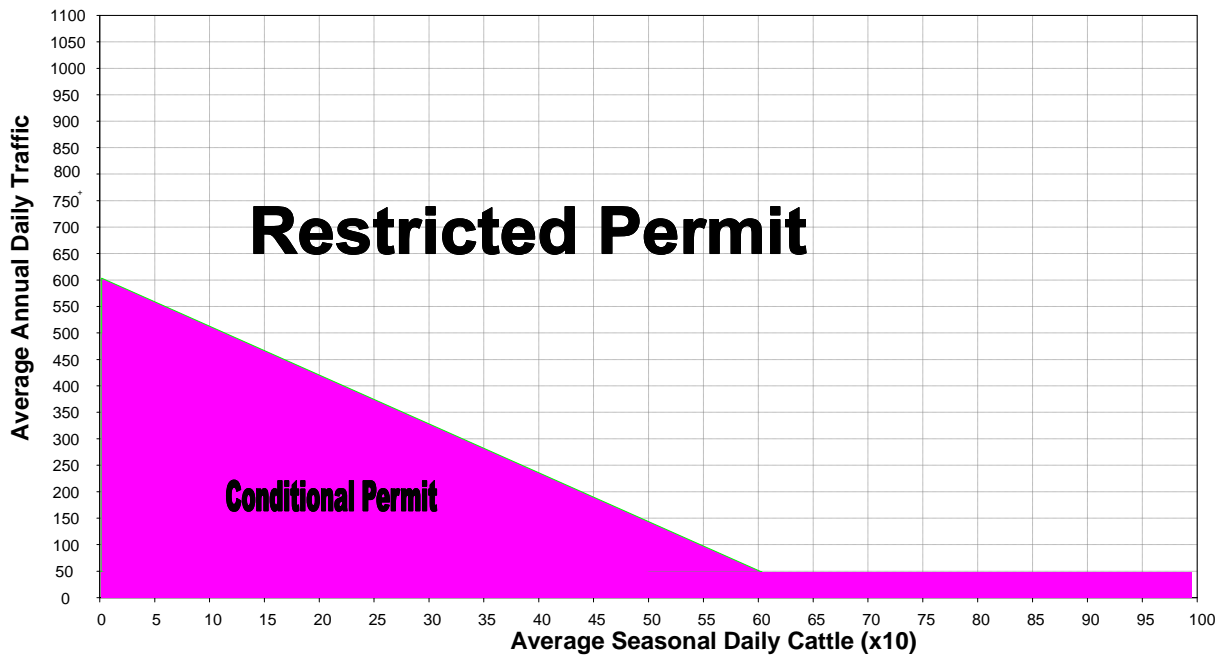


CHART 1 of SCHEDULE 1

## SCHEDULE 2: FEES AND CHARGES

### S2.1 INTRODUCTION

S2.1.1 Under section 150 of the Local Government Act 2002 the Council may set fees and charges for the recovery of the reasonable costs incurred for the:

- (a) application process for granting a consent;
- (b) administration of the consent;
- (c) unscheduled maintenance or repair of the road or any part of the road due to damage caused by livestock movement subject to a consent; and
- (d) unscheduled maintenance to remove excessive livestock excrement from the road carriageway or any entrance to the road after any livestock movement subject to a consent.

## **S2.2 APPLICATION FEE**

- S2.2.1 An application fee shall be payable to the Council with each application for a consent to move livestock on, across or along any public road.
- S2.2.2 The application fee shall be set annually by the Council.
- S2.2.2 The application fee for the year beginning 1 July 2009 shall be \$200

## **S2.3 CHARGES**

- S2.3.1 Charges shall be payable to the Council by every holder of a livestock movement consent to recover the reasonable costs incurred by the Council arising from the consent.
- S2.3.2 The charges may comprise one or more of:
- (a) a charge for the administration of the consent where the Council has received a complaint and compliance monitoring of the consent is necessary;
  - (b) a charge for the unscheduled maintenance or repair of the road or any part of the road due to damage caused by livestock movement subject to the consent; and
  - (c) a charge for unscheduled maintenance to remove excessive livestock excrement from the road carriageway or any entrance to the road after any livestock movement subject to the consent.

## **S2.4 DETERMINATION OF CHARGES**

- S2.4.1 The calculation of charges shall be based on recovery of reasonable costs incurred by the Council as a result of the livestock movement consent.

## **S2.5 PAYMENT OF CHARGES**

- S2.5.1 Charges shall be payable to the Council within 30 days of the date of the notice of the charges levied.

## **S2.6 APPEALS AGAINST CHARGES**

- S2.6.1 Any person wishing to object to any assessment of charges levied by the Council in respect of a livestock movement consent has the right to appeal in accordance with the provisions of the Local Government Act 2002.