

CLUTHA DISTRICT COUNCIL ROADING BYLAW

PART 2

STOCK MOVEMENT

200 SCOPE

- 200.1. The objective of this part of the Bylaw is to control the movement of stock along and across roads -
- (a) To ensure –
 - (i) The safety of all road users is not compromised; and
 - (ii) The inconvenience and nuisance to all road users is minimised; and
 - (iii) The road structure and surface, and other utilities and structures within the road reserve, are not damaged, and
 - (b) To recognise, at the same time, that farmers need to use the road in some cases to move stock in order to manage their farms efficiently.
- 200.2. The movement of stock in the Clutha District is subject to any relevant statutory Acts, Regulations, and Standards including, but not limited to:
- Local Government Act 2002
 - Local Government Act 1974
 - Transport Act 1962
 - Traffic Regulations 1976
 - Transit New Zealand's Manual of Traffic Signs and Markings (MOTSAM)
 - Health and Safety in Employment Act 1992
 - Resource Management Act 1991
 - Animal Welfare Act 1999

201 GENERAL CONDITIONS FOR DROVING OF STOCK

- 201.1. No person may move livestock across or along a road where that person may reasonably move the livestock along a race on private land or road reserve.
- 201.2. No person may drive any livestock along any road except:
- (a) During the hours of daylight; or
 - (b) In the case of escape or an emergency; or
 - (c) In the case of the regular movement of stock subject to Clause 202 of this Bylaw.
- 201.3. Where it is not reasonable to move livestock along a race on private land or road reserve, those livestock may not be moved across or along a road unless:
- (a) The livestock are under control by a drover at all times and continuous progress is made towards the destination; and
 - (b) The livestock are driven in such a manner and use only such points of access and exit to and from the road, as will ensure that danger to other road users and damage to the road and road flanks will be minimised; and

- (c) Visible warning signs in accordance with Transit New Zealand Manual of Traffic Signs and Markings are erected and maintained by the landowner; and
 - (d) Where practicable the landowner implements a maintenance programme to cleanse the road pavement, immediately after movement of the stock, of debris and matter which may cause inconvenience to road users.
- 201.4. Stock must be driven so as to cause the least possible disruption to other road users, and the drover must allow any vehicle to proceed along the road with a minimum of delay.
- 201.5. The number of drovers to be stationed at the front and the back of each mob must at all times be sufficient to ensure the stock are under control.
- 201.6. The route taken by any drove must be the most practicable direct route by road between the point of departure and the destination.
- 201.7. All reasonable efforts must be made to ensure that stock are kept:
- (a) Moving at all times, so as to make progress towards the destination; and
 - (b) Where available, and subject to clause 201.7(c), on the road verge and off any adjoining property; and
 - (c) Away from trees, shrubs or flowerbeds planted along the road verge.
- 201.8. When stock are driven across or along any road, a temporary sign or a drover must be suitably placed so as to be clearly visible to, and give adequate warning of stock movements to, other road users.
- 201.9. All injured or dead stock must be removed from the carriageway immediately and from the road verge as soon as practicable, but in any event, on the same day.
- 201.10. No person may drive any stock on a road, or tether or graze any stock on a road verge in circumstances where such driving, tethering or grazing is in contravention of any statute, including tuberculosis status, or other lawful directive relating to animal health and/or the droving of stock.
- 201.11. The Council is not responsible in any way for claims and damages arising from droving stock, whether notified or not, and the owner of the stock should have current Public Liability Insurance to protect his/her liability for damage to third parties.

202 REGULAR MOVEMENT OF LIVESTOCK, INCLUDING DAIRY CATTLE

- 202.1. No road or any part of a road may be used for the regular movement of livestock, including the droving milking stock for milking purposes, without prior written consent of the Council.
- 202.2. As part of the consent conditions, the Council may require the farmer/stock owner to use only specified points of access and exit to and from the farm as it considers necessary to ensure that danger to other road users is minimised, provided that such selected entry and exit points allow the farmer to continue farming operations in an efficient manner. Refer to Council's Policy on Stock Crossings and Stock Races for further information.

- 202.3. Upon receipt of a droving application the Council shall, either give its consent (which may be subject to such reasonable conditions as the Council thinks fit) or refuse its consent. The Council may impose conditions appropriate for each crossing point.
- 202.4. Where heavy use stock crossings apply (and underpasses are not warranted), the Council may require landowner financial assistance to construct durable road pavement over the extent of the crossing.

203 STOCK RACES AND TEMPORARY FENCING

- 203.1. Erection of stock races on road reserve for the regular movement of livestock is only permitted if prior consent is given by the Council. Refer to Council's Policy on Stock Crossings.
- 203.2. Stock grazing of the road reserve is only permitted if prior consent is given by the Council. Refer to Council's Policy on Road Occupation (Temporary Fencing of Road Reserves) for more information.

204 STOCK UNDERPASSES

- 204.1. Where a property that is operated as a split dairy unit has an existing or proposed road crossing that is deemed unsafe and no reasonable alternative siting is available, the Council may require a stock underpass.
- 204.2. Any new dairy conversions or expansions that occur from 1 July 2008 that have property that is operated on opposite sides of the road, must install a stock underpass where the Annual Average Daily Traffic (AADT) is equal or more than 500 vehicles. If the Annual Average Daily Traffic is less than 500, then a stock underpass will be required unless exempted by the District Assets Committee.
- 204.3. For full details refer to Council's Policy for the Installation of Stock Underpasses.

205 NOTIFICATION OF DROVING

- 205.1. Where any person intends to drove stock:
- (a) Any cattle during the Gypsy Day period (mid May to mid June), or
 - (b) Further than 10 kilometres through or within the District, or
 - (c) Through any urban traffic area, or
 - (d) Where the mob is more than 3,000 sheep or 200 cattle,

Then, at least 5 working days before the drove commences, the person in charge of the drove is requested to notify Council of the drove. This requirement is intended to give Council staff the opportunity to assess what notification needs to be made to other road users and the general public.

- 205.2. If a drove cannot reasonably be expected to be completed during the hours of daylight of the day on which the drove commenced, the owner of the stock or his agent must notify Council with the distance of daily stages, location of holding paddocks and consent from owners of holding paddocks.

206 ADDITIONAL CONDITIONS FOR NOTIFICATION-RELATED DROVES

- 206.1. This clause applies to droves that are notified to the Council under clause 205.
- 206.2. No drove may commence when visibility is less than 170 metres.
- 206.3. For mobs where the number of cattle is more than 200 cattle, or 3,000 sheep, each mob must be accompanied by a minimum of two competent drovers and as many other competent assistants as is necessary to control the animals.
- 206.4. Every drover must wear a bright coloured reflective jacket, vest or similar for visibility.
- 206.5. The owner of the stock involved in a drove and the drover in charge are responsible for providing adequate warning for traffic. At all times appropriate warning signs and flashing lights must be displayed and be clearly visible for a distance of 250 metres.
- 206.6. The roadway must be kept clear of debris and other matter that may cause danger or inconvenience for other road users.

207 DAMAGE TO ROADS

- 207.1. Refer to Part 3 of this Bylaw relating to damage to roads.