



Stock Droving Bylaw 2008

Explanatory Note

This Bylaw provides for the orderly droving of stock on roads through and within the *District* in a manner that is functional and enforceable while protecting the safety and wellbeing of the public at large. Particular regard is given to traffic safety and damage to roads, and a permit is required for all droves over 10km and conditions are set on all such droves.



Contents

1.	Definitions	5
2.	Permits for Droving	5
3.	Conditions for Drovers	6
4.	Roads not to be closed for droves	7
5.	Movement of Dairy Cattle and Goats	7
6.	Damage	8
7.	Animal Health	8
8.	Fees	8
9.	Council Officers	8
10.	Penalty	8
	Schedule 1	9
	Schedule 2 Assessment Criteria	12



Western Bay of Plenty District Council

Stock Droving Bylaw

Authority

Pursuant to the powers vested in it under sections 145 and 146 of the Local Government Act 2002, section 684 of the Local Government Act 1974, and section 72 of the Transport Act 1962 the Western Bay of Plenty District Council makes this Bylaw.

Title

This Bylaw is the Western Bay of Plenty District Council Stock Droving Bylaw 2008. This Bylaw comes into force on 1 July 2008.

Repeal

The Western Bay of Plenty District Council Stock Droving Bylaw 1999 is repealed.

Scope

The objective of this Bylaw is to –

- (a) Provide for the orderly droving of stock on roads through and within the District in a manner that is functional and enforceable while protecting the safety and wellbeing of the public at large; and
- (b) Give particular regard to traffic safety and damage to roads; and
- (c) Require a permit for all droves over 10km; and
- (d) Set conditions for all droves on Council roads.

Savings

All approvals, permits, and other acts of authority (including any resolutions of the Council) which originated under the Western Bay of Plenty District Council Stock Droving Bylaw 1999, and all applications, and other acts of parties and generally all documents, matters, acts, and things which so originated and are continuing at the commencement of this Bylaw, continue for the purposes of this Bylaw to have full force and effect.

The revocation of the Western Bay of Plenty District Council Stock Droving Bylaw 1999 does not prevent any legal proceedings, criminal or civil, being taken to enforce that bylaw and such proceedings continue to be dealt with and completed as if that bylaw had not been revoked.



Application of General Bylaw, Chapter 1

The provisions of the Western Bay of Plenty District Council General Bylaw 2008, Chapter 1 Introduction and any bylaw passed in amendment or substitution of that Chapter are implied into and form part of this Bylaw.

Making of this Bylaw

The initial resolution to make this bylaw was passed by the Western Bay of Plenty District Council at a meeting of the Council held on 1 May 2008 and was confirmed following consideration of submissions received during the special consultative procedure, by a resolution of the Council at a subsequent meeting of the Council held on 26 June 2008.

The Common Seal of the Western Bay of Plenty District Council was affixed pursuant to a resolution of the Council on 26 June 2008 in the presence of:

Chief Executive Officer

Seal

Date _____



1. Definitions

- 1.1 The definitions in the Western Bay of Plenty District Council General Bylaw 2008 apply unless otherwise provided in this Bylaw.
- 1.2 For the purposes of this Bylaw, and unless inconsistent with the context, the following definitions apply: Definitions of certain terms
- Cattle** includes any bull, cow, ox, heifer, steer or calf.
- Drover** means any person who leads or drives stock in a public places, and drove has a corresponding meaning.
- Horse** means any horse, mare, gelding, rig, colt, filly, ass, or mule.
- Practical route** includes any modifications to farm layout so as to ensure stock movement on the Road is kept to a minimum.
- Stock** means –
- (a) any live horse, cattle, sheep, swine, alpaca, llama, bison, donkey, hinny, mule or water buffalo that is not in a wild state.
 - (b) any deer, goat, thar, rabbit, possum or other animal that is kept within a fence or enclosure for domestic or farming purposes.
- Within the District** means a drove which starts or finishes within the District.

2. Permits for Driving

- 2.1 Where any person intends to *drive stock* further than 10km through or *within the district* then before that drove commences and any *stock* enters the *District*, the person in charge of the drove must apply to the *Council* for a permit to drive. Permit Required
- 2.2 The application must be in writing and state – Application Details
- (a) *Stock* owner's name and address and contact phone number:
 - (b) Head *Drover's* name and address:
 - (c) Number of *stock*:
 - (d) Types of *stock*:
 - (e) Identification marks of *stock*:
 - (f) Number of *drovers* and dogs:
 - (g) Intended route *through the District*:
 - (h) Statement of daily stages and holding paddocks:
 - (i) Details of Bovine TB Status Cards.
- 2.3 Overnight stops or stops less than forty eight hours duration do not constitute a point of origin or destination for a drove. Overnight Stops



3. Conditions for Drove

- 3.1 No person may *drive* any *stock* on any *road* during the *hours of darkness* except – Hours of Darkness
- (a) With the written permission of the *Council* and in accordance with and to include adequate signs and warning devices, including but not limited to, flashing lights and reflective clothing, any special conditions the *Council* may prescribe; or
- (b) In the case of escape or emergency.
- 3.2 No *drove* may commence if visibility is restricted to less than 100 metres because of smoke, fog or other atmospheric conditions. Visibility
- 3.3 The number of animals in any one mob must not exceed 600 head of cattle or 3000 head of sheep, or 1000 head of any other type of animal. Stock Numbers
- 3.4 For *drove*s on all *roads* or parts of roads within the *Western Bay of Plenty District* – Number of Drivers Required
- (a) There must be sufficient persons to control the stock so that at all times the *drove* is conducted in a safe manner; and
- (b) Adequate signage must be placed ahead of the mob to alert traffic.
- 3.5 *Drove*s may be conducted on all roads under the control of the Western Bay of Plenty District Council except those roads specified in Schedule 1 where the written permission of Council is required. Stock Routes
- 3.6 The *Council* may, where it considers it necessary to do so, define *stock* routes along which all *driven stock* will travel if the origin and destination makes use of such a *stock* route practical.
- 3.7 In special circumstances and in order to promote the safety of residents and the travelling public the *Council* may, restrict the movement of *stock* on any *drove* by stating the starting or finishing time of the *drove*. Hours of Driving
- 3.8 Where required by the *Council* the Head *Drover* must provide additional *drovers* while the *drove* is moving through defined areas such as built up areas, *road* works, planted roadsides and any other areas where *Council* deems it necessary. The passage of the *drove* beyond the start of the section so defined by *Council* must not be commenced until the personnel specified by the *Council* are in attendance. Additional Drivers
- 3.8 The Head *Drover* must – Speed
- (a) Keep the *stock* in *drove* moving at all times so as to make progress towards the destination at a rate of not less than eight kilometres per day; and
- (b) Make satisfactory arrangements for holding paddocks on route to ensure that no *stock* is on the *road* during the hours of darkness.
- 3.9 If required by the *Council*, *stock* in a *drove* must be identified by an ear tag or other approved marking. Stock Marking



- 3.10 The *Council* may prescribe such other conditions as it deems necessary.
- 3.11 The owner of any *stock* involved in a drove and the Head *Drover* are responsible for providing adequate warning for traffic.
(Note: in the interests of safety Council recommends that every drover while engaged on a drove wear a bright coloured reflective jacket or vest to make themselves more visible to other road users.)
- 3.12 Nothing in this Bylaw, or any other Bylaw removes from the *stock* owner and *drover* their obligations to their employees and the public under the Health and Safety in Employment Act 1992.

4. Roads not to be closed for droves

- 4.1 No *road* may be closed for the droving of *stock* except that, if in the reasonable opinion of the *Council*, the droving of any *stock* would be likely to – Road Closure
- (i) Constitute a danger to *road* users; or
 - (ii) Constitute a nuisance; or
 - (iii) Cause damage to any *road*.

the *Council* may, by public notice given generally or by notice in writing to an individual person or persons, prohibit for such a reasonable period and upon such conditions as the *Council* may prescribe, the droving of *stock* along any *road*.

5. Movement of Dairy Cattle and Goats

- 5.1 No person may move dairy cattle or goats across or along a *road* for milking purposes during the *hours of darkness* except – Dairy Cattle and Goats
- (a) With the written permission of the *Council* and in accordance with any special conditions the *Council* may prescribe; or
 - (b) In the case of escape or emergency.
- 5.2 The *Council* may require the dairy cattle or goats to be moved via specified points of access and exit to and from the farmland as it considers necessary to reduce the danger to *road* users or damage to the *road*.
- 5.3 Where an integrated farm unit is divided into two or more parts and those parts of the farm unit are separated and not adjacent to each other, and there is no practical route, the *stock* owner may apply to *Council* to use the *road* verge. If the Council grants consent, the Council may prescribe any conditions it thinks fit.
- 5.4 In considering any application under Clause 5.3 the *Council* must apply the Assessment Criteria set out in Schedule 2 of Bylaw. Assessment Criteria
- 5.5 Where a *road* transects a farm and it is necessary for dairy cattle or goats to cross that *road* for the purpose of milking, the *Council* by written notice may require the farmer to use only specified points of access and exit to and from the farm as it considers necessary to and to include adequate signs and warning devices, Written Notice



including but not limited to, flashing lights and reflective clothing ensure that danger to other *road* users or damage to the *road* will not arise and Council can apply specific conditions to include any stock crossing point.

- 5.6 In selecting any points of access and exit, the Council must be satisfied that the farmer can continue to conduct farming operations in an efficient manner.
- 5.7 Any person issued with a notice under Clause 5.5 may object in writing to *Council*, which must consider the objection and may confirm, modify or cancel the notice. Objection
- 5.8 Every person using any *road* for the movement of dairy cattle or goats for milking purposes must place, at the times when the stock are using the road, adequate signs on each side of every *road* crossing point to alert traffic to that *stock*. Signs Required

6. Damage

- 6.1 The *Council* reserves the right to charge the owner and / or the *drover* for any damage caused to Council property as a result of the drove. Damage

7. Animal Health

- 7.1 To control animal health, all *stock* must comply with any directives given or implied by the Ministry of Agriculture and Forestry.
- 7.2 All cattle entering the *District* must have the appropriate Bovine T/B Status Card(s) and *drovers* are required to present the card(s) to an *Authorised Officer* of the *Council* on request. Only cattle from a T/B free herd or from an accredited herd will be allowed to be *driven through the district*. T/B Control

8. Fees

- 8.1 A fee may be charged for the droving of *stock* through and *within the District*. Fees
- 8.2 If the drove is to be completed within 15 days from entry into the *District* and should a *drover* not complete the drove *through the district* within 15 days, an additional fee may be charged. 15 Day Limit

9. Council Officers

- 9.1 Any *Authorised Officer* or *Enforcement Officer* may *drive stock* along any *road* or state highway at any time.

10. Penalty

- 10.1 Every person who commits a breach of this Bylaw is liable to a fine not exceeding \$20,000 as set out in the Local Government Act 2002.



SCHEDULE 1

Roads within the Western Bay of Plenty District on which stock may not be driven, without the written permission of the Council.

WAIHI BEACH / ATHENREE / PIOS BEACH

Adela Stewart Drive	Hereford Place	Scarborough Road
Albacore Avenue	Hillary Street	Scott Street
Angus Lane	Hillview Road	Sea Crest Place
Athenree Road (East of Koutunui Road)	Hinemoa Road	Sea Vista
Ayr Street	Jenkinson Street	Seaforth Road
Beach Road, Waihi Beach	Kauri Point Road	Seaview Road
Bonito Avenue	Koutunui Road	Shaw Road, Waihi Beach
Bowentown Boulevard	Leo Street	Snell Crescent
Brighton Road	Mako Avenue	Tatai Road
Broadway Road	Marina Way	Te Kanawa Place
Browns Drive	Marine Avenue	The Crescent
Citrus Avenue	Marlin Avenue	The Esplanade, Waihi Beach
Denby Close	Mayor View Terrace	The Loop
Didsbury Drive	Nathan Place	The Terrace
Dillon Street	Ocean View Road	Tuhua Place
Dolphin Avenue	Otto Road	Tuna Avenue
Edinburgh Street	Pacific Road	Waiiti Avenue
Edwards Street	Papaunahi Road	Waione Avenue
Elizabeth Street	Park Avenue	Wakanoi Place
Farm Road	Patterson Place	Walnut Avenue
Fyfe Road	Pio Road	West Street
Glen Isla Place	Pohutukawa Drive	Wilson Road, Waihi Beach
Hanlen Avenue	Queen Street, Waihi Beach	
	Roretana Drive	
	Savage Avenue	

TANNERS POINT / TUAPIRO / ONGARE POINT / KAURI POINT

Baigent Place	Harbour View Road, (Ongare Point)	Princes Street
Chelmsford Street	Moana Drive	Stanley Street
Esplanade Road (Kauri Point)	Noble Lane	Tanners Point Road (East of No. 133)
Esplanade Road (Ongare Point)	Ongare Point Road (East of No. 254)	Tuapiro Road (North of No.354)
Giles Way	Potu Road	Victoria Street

**KATIKATI**

Alexander Street	Gilfillan Drive	Marshall Road
Atlanta Court	Gledstane Road	Mulgan Street
Beach Road, Katikati	Gordet Drive	Park Road, Katikati
Belmont Rise	Gray Street	Philip Walter Drive
Binnie Road	Grosvenor Place	Polley Crescent
Blundell Place	Hansen Place	Riverlea Drive
Boyd Street	Henry Road (East of Rawaka Drive)	Robinson Street
Busby Road	Heron Crescent	Rosemary Place
Carisbrook Street	Highfields Drive	Sheffield Street
Church Street	Hyde Street	Station Road, Katikati
Clive Road	Irwin Court	Stewart Street
Crossley Street	Jocelyn Street	Tui Street
Donegal Place	Johnston Street	Twickenham Close
Earl Drive	Katterns Street	Waterford Downs
Fairview Road	Kea Street	Wedgewood Street
Fencourt Crescent	Kowhai Court	Wills Road (North of Sewerage Screening Plant)
Francis Drive	Levley Lane	
	MacMillan Street	
	Major Street	

OMOKOROA / TE PUNA

Anderley Ave	Hamurana Road	Owen Place
Ashwood Grove	Harbour View Road	Ruamoana Place
Astelia Drive	Kaharoa Ave	Snodgrass Road (north of Borrell Road)
Beach Road	Kayelene Place	The Esplanade
Bramley Drive	Kowhai Grove	Tinopai Drive
Colleen Place	Links View Ave	Tralee Street
Coppelia Ave	Margaret Place	Vivian Drive
Farnell Court	Matahiwi Road	Wallace Road
Gane Place	McDonnell Street	Walnut Grove
Gellibrand Place	Myrtle Drive	Waterview Terrace
Gerald Place	Omokoroa Road (North of Railway Line)	Western Ave

TE PUKE

Aran Place	Gilmore Street	No 2 Road (North of No. 15)
Atuaroa Avenue	Gisborne Road	No. 3 Road (North of Whitehead Ave)
Barnett Place	Glen Terrace	Norrie Street
Barrow Place	Gordon Street	Oroua Street
Bayview Street	Gray Avenue	Otawa Street
Beatty Avenue	Harris Street	Oxford Street
Belvedere Street	Hastings Street	Palmer Place
Ben Keys Street	Hayward Court	Princess Street
Bishoprick Crescent	Herbert Street	Puriri Avenue
Boucher Avenue	Hookey Drive	Queen Street
Brown Terrace	Jocelyn Street	Randell Place
Cameron Road	Killarney Street	Raymond Avenue
Carberry Crescent	King Street	Saunders Place
Chaytor Street	Kowhai Avenue	Seddon Street (south of Ben Keys St)
Clifden Terrace	Kylemore Place	Slater Place



Clydesburn Avenue
Collins Lane
Commerce Lane
Conifer Place
Cooney Street
Donovan Street
Dudley Vercoe Drive
Dunlop Road
Edgehill Place
Fairview Place
Fenton Terrace
Fenton Terrace East
Galway Place
George Street

Landscape Road
Lee Street
Lenihan Drive
Lowry Road
Macloughlin Drive
Magnolia Place
Malyon Street
McBeth Drive
Milsom Place
Moehau Street
Mountbatten Place
Muir Place
Nettlingham Place
No 1 Road (North of No. 79)

Stapleton Place
Station Road, Te Puke
Stewart Street, Te Puke
Strathaven Way
Tui Street
Tynan Street
Valley Road
Washer Place
Whitehead Avenue
Williams Drive
Wiltshire Place

MAKETU / PAENGAROA / PUKEHINA

Beach Road, Maketu
Black Road (West of No. 39)
Bledisloe Park Avenue
Church Road
Conway Road
Costello Crescent
Gardner Road
Hall Road
Hapimana Road
Kauri Place

Kiokio Place
Lemon Road
Little Waihi Road
Maketu Road (North of No. 58)
Ngararoa Drive
Ngaroma Lane
Otimi Street
Park Road, Maketu
Pukehina Parade
Rauporoa Road
School Road

Spencer Avenue
Taupata Street
Te Awhe Road
Town Point Road
Walter Street
Whenuariri Place
Williams Crescent
Wilson Road North (North of Arawa Ave)
Wilson Road South (Sth of McKenzie Rd)



SCHEDULE 2

ASSESSMENT CRITERIA

Council will use the following assessment criteria when considering applications under Clause 5.4 of the Stock Droving Bylaw –

- (a) The zoning and predominant land use (e.g. rural or urban).
- (b) The main farming or business or other activity in the locality.
- (c) The effect of the activity on others (e.g. proximity to neighbours).
- (d) Danger or inconvenience to *road* users (e.g. will *stock* movements present a *road* hazard).
- (e) Whether or not adjoining properties are fenced (e.g. orchards, residential, horticulture).
- (f) Is there a practical route on the land owned or occupied by the applicant.
- (g) Conditions to be imposed if necessary (e.g. signs, flashing lights, fencing).
- (h) Potential for damage to *roads* (e.g. cost to repair damage, danger to *road* users).
- (i) Potential for damage to other properties (e.g. fences, entrances, trees).
- (j) The method in place for moving *stock* (e.g. are *stock* moved in controlled manner).
- (k) Traffic density and other *road* users (e.g. how are other *road* users affected)