



# WESTERN BAY OF PLENTY DISTRICT COUNCIL

## STOCK DROVING BYLAW 1999

### **Explanatory Note**

The objective of this Part of the Bylaw is to 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. 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.

The Bylaw is made under the authority of the Local Government Act 1974, and under the authority of S.72(1)(d) and S.72(1)(dd) of the Transport Act 1962 in respect of all roads under the control of the Western Bay of Plenty District Council.

# WESTERN BAY OF PLENTY DISTRICT COUNCIL

## STOCK DROVING BYLAW 1999

**Short Title and Commencement** (a) This Bylaw may be cited as the Western Bay of Plenty District Council Stock Droving Bylaw 1999

(b) This Bylaw shall come into force on the 2 April 1999.

**Structure of Bylaw** This Bylaw comprises the clauses and schedules hereto.

<b><u>Clause</u></b>	<b><u>Title</u></b>
1	Introduction
2	Permits for droving
3	Conditions for droves
4	Road Closure
5	Movement of dairy cattle and goats
6	Damage
7	Animal Health
8	Fees
9	Council Officers
10	Offences and breaches

**Schedules**

- First**                Roads within the Western Bay of Plenty on which stock may not be driven
- Second**             Assessment Criteria

**REPEAL OF BYLAW**

At the coming into force of the Western Bay of Plenty District Council Stock Droving Bylaw 1999 the Western Bay of Plenty District Council Stock Droving Bylaw 1991 is hereby repealed.

The Western Bay of Plenty District Council Stock Droving Bylaw was made by Special Order at a meeting of Council held on 25 February 1999 and confirmed at a meeting of Council held on 25 March 1999 and ordered to come into force on 2 April 1999.

The Common Seal of the Western Bay of Plenty District Council was affixed hereto pursuant to a Resolution of Council on 25 March 1999 in the presence of:

\_\_\_\_\_  
General Manager

\_\_\_\_\_  
Seal

\_\_\_\_\_  
Date

## 2.0 PERMITS FOR DROVING

- 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 shall apply to the *Council* for a permit to drive. Permit Required
- 2.2 The applicant shall state: Application Details
- (a) *Stock* owner's name and address & 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 shall not constitute a point of origin or destination for a drove. Overnight Stops

## 3.0 CONDITIONS FOR DROVES

- 3.1 No person shall *drive* any *stock* on any *road* during the *hours of darkness* except with the written permission of the *Council* and in accordance with any special conditions the *Council* may prescribe or in the case of escape or emergency. Hours of Darkness
- 3.2 No drove shall commence when due to smoke, or fog or other atmospheric conditions, visibility is restricted to less than 100 metres. Visibility
- 3.3 The number of animals in any one mob shall 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 droves on all *roads* or parts of roads within the *Western Bay of Plenty* District there shall be sufficient persons to control the stock so that at all times the drove is conducted in a safe manner. Adequate signage shall be placed ahead of the mob to alert traffic. Number of Drovers Required
- 3.5 Droves may be conducted on all roads under the control of the Western Bay of Plenty District Council except those roads specified in the Schedule hereto. Stock Routes  
*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.
- 3.6 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 Droving

- 3.7 Where required by the *Council* the Head *Drover* shall 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* shall not be commenced until the personnel specified by the *Council* are in attendance. Additional Drivers
- 3.8 The Head *Drover* shall 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. The *drover* shall make satisfactory arrangements for holding paddocks on route to ensure that no *stock* is on the *road* outside the hours of daylight. Speed
- 3.9 Where required by the *Council*, *stock* in a drove shall 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 *drover* in charge of the drove are responsible for providing adequate warning for traffic. Nothing in this Bylaw, or any other Bylaw shall remove from the *stock* owner and *drover* their obligations to their employees and the public under the Health and Safety in Employment Act 1992.

(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.)

#### 4.0 ROAD CLOSURE

- 4.1 No *road* shall 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*.

## 5.0 MOVEMENT OF DAIRY CATTLE AND GOATS

- 5.1 No person shall move dairy cattle or goats across or along a *road* for milking purposes during the *hours of darkness* except with the written permission of the *Council* and in accordance with any special conditions the *Council* may prescribe or in the case of escape or emergency. Dairy Cattle and Goats
- 5.2 *Council* may require the cows 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. Such consent shall, if granted, be subject to any conditions set by *Council*.
- 5.4 In considering any application under this section *Council* shall apply the Assessment Criteria set out in the second schedule to this part of the Bylaw. Any change to the assessment Criteria will be made by way of an amendment to this part of the Bylaw in terms of Section 681 of the Local Government Act. 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 ensure that danger to other *road* users or damage to the *road* will not arise. Provided that the points of access and exit shall be selected in a manner that ensures that the farmer can continue to conduct farming operations in an efficient manner. Written Notice
- 5.6 Any person issued with a notice under Clause 5.5 may object in writing to *Council*, who shall consider the objection and may confirm, modify or cancel the notice. Objection
- 5.7 Every person using any *road* for the movement of dairy cattle or goats for milking purposes shall place adequate signs on each side of every *road* crossing point to alert traffic to the *stock* at all times such *stock* are using the *road*. Signs Required

## 6.0 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

## 7.0 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 officer of the *Council* upon 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

## 8.0 FEES

- 8.1 (a) A fee may be charged for the droving of *stock* through and *within the district*. Fees
- (b) The drove is to be completed within 15 days from entry into the *district*. Should a *drover* not complete the drove *through the district* within 15 days an additional fee may be charged. 15 Day Limit
- (c) The *Council* may, by resolution publicly notified, vary the fees.

## 9.0 COUNCIL OFFICERS

- 9.1 Any authorised *Council* officer or officers for the purpose of carrying out their official duties may *drive stock* along any *road* or state highway at any time.

## 10.0 OFFENCES AND BREACHES

10.1 Every person commits a breach of this Bylaw who: Offences and Breaches

- (a) Does, or causes to be done, or permits or suffers to be done, or is concerned in doing, anything whatsoever contrary to or otherwise than as provided by this Bylaw;
- (b) Omits, or neglects to do, or permits or suffers to remain undone, anything which according to the true intent and meaning of this Bylaw ought to be done at the time and in the manner therein provided;
- (c) Does not cease any action which that person is required to cease under this Bylaw;
- (d) Knowingly permits or allows any condition of things to exist or continue to exist contrary to this Bylaw;
- (e) Fails, refuses or neglects to comply with any notice duly given to that person under this Bylaw;
- (f) Obstructs or hinders any officer of the Council or other person appointed, employed or authorised by the Council in the execution or performance or attempted execution or performance of any duty to be discharged by such person under or in the exercise of any power conferred by this Bylaw;
- (g) Fails to comply with any notice, or direction, or conditions contained in any licence granted by the Council.

10.2 (a) Whenever under any of the provisions of this Bylaw, any person may be required to do anything or abstain from doing anything, when called upon to do so, or abstain from doing such thing by notice, request or order shall be a separate offence upon each day upon when the person fails to comply with the notice, request, or order.

(b) The provisions of this clause shall not be construed to relieve any person from any penalty which he or she may have incurred before receiving such notice.

10.3 Except where it is expressly otherwise provided by any Act, any person (including a member of the Police) may lay an information for an offence against this Bylaw.

10.4 Any person who in the opinion of an authorised officer of the Council is committing or has committed an offence under any of the provisions of this By-law shall if so required by such Officer desist from such offence and also upon request give his or her full name and address.

## **11.0 PENALTY**

- 11.1 Every person committing any breach of this Bylaw shall be liable upon conviction to a fine not exceeding that set in Section 72(1) (1) of the Transport Act 1962, on any of the statutory provisions which amends or replaces that Section.

# WESTERN BAY OF PLENTY DISTRICT COUNCIL

## FIRST SCHEDULE

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

## **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 Cres
Blundell Place	Hansen Place	Riverlea Drive
Boyd Street	Henry Road (East of Rawaka Drive)	Robinson Street
Busby Road (East of Boyd Street)	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	Tetley Road (North of dog pound entrance)
Donegal Place	Johnston Street	Tui Street
Earl Drive	Katterns Street	Twickenham Close
Fairview Road	Kea Street	Waterford Downs
Fencourt Cres	Kowhai Court	Wedgewood Street
Francis Drive	Levley Lane	Wills Road (North of Sewerage Screening Plant)
	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 Kayelene Place)	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	Landscape Road	Stapleton Place
Collins Lane	Lee Street	Station Road, Te Puke
Commerce Lane	Lenihan Drive	Stewart Street, Te Puke
Conifer Place	Lowry Road	Strathaven Way
Cooney Street	Macloughlin Drive	Tui Street
Donovan Street	Magnolia Place	Tynan Street
Dudley Vercoe Drive	Malyon Street	Valley Road
Dunlop Road	McBeth Drive	Washer Place
Edgehill Place	Milsom Place	Whitehead Avenue
Fairview Place	Moehau Street	Williams Drive
Fenton Terrace	Mountbatten Place	Wiltshire Place
Fenton Terrace East	Muir Place	
Galway Place	Nettlingham Place	
George Street	No 1 Road (North of No. 79)	

## **MAKETU / PAENGAROA / PUKEHINA**

Beach Road, Maketu	Kiokio Place	Spencer Avenue
Black Road (West of No. 39)	Lemon Road	Taupata Street
Bledisloe Park Avenue	Little Waihi Road	Te Awhe Road
Church Road	Maketu Road (North of No. 58)	Town Point Road
Conway Road	Ngaparoa Drive	Walter Street
Costello Crescent	Ngaroma Lane	Whenuariri Place
Gardner Road	Otimi Street	Williams Crescent
Hall Road	Park Road, Maketu	Wilson Road North (North of Arawa Ave)
Hapimana Road	Pukehina Parade	Wilson Road South (south of McKenzie Rd)
Kauri Place	Rauporoa Road	
	School Road	

# WESTERN BAY OF PLENTY DISTRICT COUNCIL

## SECOND SCHEDULE: ASSESSMENT CRITERIA

*Council* will use the following assessment criteria when considering applications under Section 5.0 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)