



Stock Control Strategy

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1.0 Introduction

This strategy sets out the Council's practice in regard to the management and licensing of areas of Council – administered rural roads for the movement of stock.

This document shall be read in conjunction with Matamata-Piako District Council Land Transport Bylaw 2008.

2.0 Objectives

The objectives of this strategy are;

- To provide for the movement of stock across or along a road,
- To maintain public safety.

3.0 Principles

- That the safety of road users will be protected,
- That the public right for access will be preserved,
- That the efficient maintenance of the road will be promoted.

4.0 Definitions

4.1 “**Cattle**” means Bovid Mammals sometimes called domestic cattle.

4.2 “**Dairy Cattle**” means cattle in use for milk production.

4.3 “**Drive**” means to direct or guide the movement of stock and excludes horses which are being led or ridden.

4.4 “**Hours of Darkness**” means any period of time between half an hour after Sunset on one day and half an hour before Sunrise on the next day; or at any other time when there is insufficient daylight to render clearly visible any stock, person, animal or vehicle at a distance of 170 metres.

4.5 “**Road**” is any legal road as defined by s315 of the Local Government Act 1974 but does not apply to roads included in the NZ State Highway network.

4.6 “**Urban Street**” means a road or a portion of a road, which is within an area controlled by a 70km per hour (or less) speed restriction.

4.7 “**State Highway**” means a state highway declared under Section 50(1) of the Land Transport Management Amendment Act 2008.

- 4.8** "**Stock**" means farm animals such as cattle and sheep normally kept for their meat, skin or milk
- 4.9** "**Watercourse**" means any natural, modified or artificial channel through which water flows or collects, either continually or intermittently, or has the potential to do so, and includes rivers, streams, underground streams, gullies, natural depressions, ditches, drainage channels and irrigation canals. This definition also includes any culvert or storm water pipe that replaces a natural channel.
- 4.10** "**Council**" is the Matamata-Piako District Council as represented by the Roding Manager or a Council Officer authorised to act on behalf of the Council.
- 4.11** "**Permit**" is a Permit granted by Council to move stock across/along a road and is valid for period not exceeding five years.
- 4.12** "**Berm**" is the strip of grass between the carriageway and the property/road boundary.

5.0 Responsibility

The Roding Manager has the responsibility for the implementation and review of this strategy.

6.0 Urban Streets

- 6.1.1** No person shall drive any stock along or across any urban street except:
- (a) For the purpose of recovery following an escape; or
 - (b) In the case of an emergency; or
 - (c) With the written permission of the Council and in accordance with any conditions that Council may wish to impose.

7.0 Movement of Stock on Roads Prohibited Without Permission

7.1 No person shall drive any stock along or across any road for any purpose, without the permission of the Council except:

- (a) By a crossing in accordance with a written permit issued by Council.
Stock crossing points shall be sited so that the available sight distance on both sides meets the standards contained in the District Plan.
This permit shall be subject to the conditions as set out in Schedule 1 of this policy and any further conditions the Council may wish to impose.

Where there is a need for stock to cross a road on a regular basis due to a farm being located astride the road then the decision as to whether an underpass will be required will be made by the use of the chart in Schedule 17 of the Land Transport Bylaw – stock movement graph.

Council's Development Manual 2010, clause 3.20 gives requirements of stock crossings.

OR

- (b) Along a cattle race constructed on the road in accordance with a written permit issued by Council subject to the conditions of that permit as set out in Schedule 2 of this document and any further conditions the Council may wish to impose;

OR

- (c) By droving in accordance with a written permit issued by Council subject to the conditions of that licence as set out in Schedule 3 of this document and any further conditions the Council may wish to impose.

OR

- (d) For the purpose of recovery following an escape or in the case of an emergency.

8.0 Application

- 8.1** An application to the Council must be made in writing for any permit referred to in clauses 7.1(a), 7.1(b) and 7.1(c).
- 8.2** The Council may refuse to grant a permit. The refusal shall be in writing and will include the reasons for the refusal.
- 8.3** The applicant may within fifteen (15) days of receipt of the refusal, lodge an appeal in writing to the Council stating the grounds of their appeal. The Council or an authorised officer will determine the appeal.
- 8.4** The applicant will be notified in writing of the outcome of the appeal. Such notification will include reasons for the decision.
- 8.5** The applicant shall supply evidence of Public Liability Insurance indemnifying the Council for at least \$2,000,000 as under no circumstances will the Council be held responsible in any way for claims for damages.
- 8.6** The Council may revoke any permit or permission given under this strategy if any conditions of the permit are breached.

9.0 Fees

- 9.1** Application fees may be payable for processing applications for permit required under this policy. The Council will set fees pursuant to section 150 of the Local Government Act 2000.

10.0 Damage

- 10.1** No person shall drive or lead stock along or across any road unless all reasonable and practical measures are taken to prevent damage to any public property along or adjacent to the road.
- 10.2** All barriers erected to prevent damage to any public or private property are to be removed as soon as practicable after stock has passed.
- 10.3** The Council reserves the right to recover all costs from the owner and/or the drover for replacing or reinstating road marker posts, traffic signs or repairing any other street furniture or property damaged by stock.

11.0 Offences

- 11.1** Every person commits an offence against this strategy that drives or otherwise allows stock on any road in contravention of the provisions of this document unless otherwise authorised to do so.

12.0 Penalties

- 12.1** Every person who commits an offence against this strategy shall be liable on summary conviction to a maximum fine of \$20,000.00 pursuant to section 232 of the Local Government Act 2002.
- 12.2** The Council may apply to the District Court under section 162 of the Local Government Act 2002 for an injunction restraining any person from committing a breach of this strategy.

13.0 Exemption

- 13.1** This strategy does not apply to roads included in the NZ State Highway network.¹

14.0 Transitional Provisions

- 14.1** If, at the coming into effect of this strategy, any person's existing stock movements would require a permit in accordance with clause 7.1 of the policy that person has twelve months to apply to the Council in accordance with clause 8.0.
- 14.2** The application shall be determined on a case-by-case basis, having regard (for example) to traffic volume, visibility and amenity impact and to any other circumstances relevant to the application. A reasonable period of time will be allowed by the Council for the applicant to take steps to ensure compliance with this policy.
- 14.3** On receipt of an application, the Council shall notify the applicant of the time period allowed to comply with this part of the Strategy, as well as any conditions or dispensations which are applicable.
- 14.4** Existing stock movements will be allowed during the transitional period provided they comply with the safety standards set out in Schedule 1 for crossing, Schedule 2 for a road-side race and Schedule 3 for driving.

15.0 Permit No Longer Needed

If the need for the permit ceases through changes in land occupation or ownership, all stock movement structures such as underpasses, roadside fencing and crossing points shall be removed and the road reinstated.

16.0 Management of Stock Control Procedures

The Matamata-Piako District Council currently administers and manages stock control procedures in-house. The Council may consider alternative arrangements or partnerships for the future administration and management of stock control procedures if it is in the best interest of the Council and is cost-effective.

17.0 References

Local Government Act 2002.
Matamata-Piako District Council Land Transport Bylaw 2008.
Matamata-Piako District Council Fees and Charges Schedule
Matamata-Piako District Council Development Manual 2010
Matamata-Piako District Council District Plan

¹ Explanatory note: Where stock are driven on or across a State Highway, NZTA is the road controlling authority and stockowners and drivers must be familiar with any NZTA policies, manuals and cases that may apply to stock using a road. However, if state highway control has been delegated to the Council, then the provisions of this Policy will apply.

Schedule 1

Conditions for the Installation of Road Crossings for Cattle

General

- The most acceptable means of moving stock from one side of a road to the other is by way of a stock underpass. These are required for Dairy Farm units in accordance with Schedule 17 of the Land Transport Bylaw 2008. They shall be located, designed and constructed in accordance with clause 7.1 (a) of the Stock Control Strategy.
- However, applications for road crossings may be approved at the discretion of the Council or an authorised officer, subject to the following conditions and any further conditions that may be required:

Conditions

1. The exit and entry points of any cattle crossing are to be installed directly opposite one another, where practicable, in the road boundary fences and fitted with gates.
2. The stock crossing point must be clearly visible at all times so that approaching vehicles are able to stop safely and in accordance with the recommended safe stopping sight distances² for a static operation set out in Transit New Zealand's Code of Practice for Temporary Traffic Management.
3. Approved signs are to be installed at the applicant's expense on each approach to the crossing. Such signs shall comply with current standards for colour, size and shape, and shall be hinged to allow opening when the crossing is in use and are to be kept closed at all other times. Flashing amber lights (of an approved type) must be used either on a pole or vehicle. Traffic cones must also be used to warn traffic.³
4. Where practicable, internal farm races and farm management practices are to be arranged so that only one crossing is required per property.
5. Internal farm races leading to road crossings are to be hard surfaced to reduce the carriage of mud etc, onto the road by stock movement. Surfaces between fences and the edges of sealed or metalled formations shall be similarly maintained at the owner's expense and shall be shaped to ensure effluent and surface drainage away from the road carriageway.
6. Any runoff from the race must discharge to soakage away from the road so as to prevent contaminated runoff entering any watercourse, including roadside water tables.

7. Any run off from the holding area shall be either:
 - (a) Directed to land soakage away from the road reserve from various discharge points so as not to concentrate flow and allow for soakage without runoff entering watercourses; or
 - (b) It shall be discharged to a holding pond. The holding pond shall be positioned a least 20 metres from any watercourse, dwelling or groundwater bore, and the conditions of the pond shall be managed by pumping to pasture so as to maintain at least 300mm freeboard within the pond at all times.
8. The last 50 metres of any internal race up to the property boundary and to the edge of the road formation shall be formed to a gradient no steeper than 1:20 and shall be sufficient to stand the herd within the property before driving it across the road in one supervised movement.
9. No unsupervised crossings will be permitted and stock is to be driven and not allowed to meander between the two gates without control.
10. No posts, rails, gates, wires, tapes, or any combination or structure formed by these materials, will be permitted within the road to define the crossing, or to facilitate uncontrolled stock movements.
11. All reasonable steps will be taken to prevent fouling of the road and to clear any excess faecal waste from the road whenever practicable. Excess fouling, as defined under the Health Act 1956, section 29, which may cause an inconvenience or create a nuisance shall be removed by the applicant to the satisfaction of the Council. A method of keeping the road clean is to use protection, such as mats or other form of protective material which shall be 2 metres wider than the width of the gate. Where the excess faecal waste has not been adequately cleaned from the road, then the Council may be required to undertake the work and the cost will be recovered from the stock or land owner.

Mats shall be cleaned at intervals suitable to maintain a clean road. This cleaning can be done by dragging the mat upside-down over pasture. Care should be taken to do this at a location clear of any watercourse (wet or dry) and clear of all roadside drainage.
12. Crossing of stock is to be completed with a minimum of delay and inconvenience to motorists using the road.
13. Stock shall not be allowed outside the property boundary during the hours of darkness.

14. The stockowner or landowner responsible for the installation of the Road Crossing shall also arrange and maintain public liability insurance as in clause 8.5 of the policy in respect of their potential liability as under no circumstances will the Council be held responsible in any way for claims for damages.
15. Permits are valid for five years from the date of issue or to a shorter period if required.
16. Should the farming operation change and the road crossing location is redundant, it shall be the applicant's responsibility to remove all signage and flashing lights installed as in item 3 above, any pavement protection as in item 11 above and any underpass. The road and roadside grass berm shall be reinstated. Also refer to strategy clause 15.0.

Reference: Stock Control Strategy.

Explanatory note:

2 Safe stopping distances for road users must be relevant to the speed limit applicable to the road – e.g.: 100m for 70km/h, 170m for 100km/h.

3 Refer to the Land Transport Rule Traffic Control Devices 2004 (or any subsequent rules or amendments) for requirements relating to signs.

Schedule 2

Conditions for Construction of a Cattle Race on Roads

- As a means of providing for the passage of stock over short distances applications may be considered to construct races along road verges clear of carriageways.
- No person shall move stock across or along a road where they are reasonably able to move stock on their own land. Where movement on their own land is not practical then the frequent movement of stock should be along the road margin and where practicable in a race.
- Applications may be approved at the discretion of an authorised officer and subject to the following conditions and any further conditions that may be required:
 1. That the cost of forming and maintaining the race shall be the responsibility of the applicant.
 2. That the forming and construction of any race complies with the Matamata-Piako District Council Rural Roads Fence Encroachment Policy, clause 7.2
 3. That topsoil and grass be removed from the surface of the proposed race and any contouring of the road verge is completed prior to forming the race with pit sand or other approved material.
 4. That the race shall be formed with gradients and crossfall to ensure that drainage is not impeded.
 5. That the race is designed and graded so that any runoff from the race discharges to soakage so as to prevent contaminated runoff entering any watercourses, including road side water tables.
 6. That regular maintenance and resurfacing of the race shall be undertaken by the applicant to eliminate the accumulation of animal wastes, to prevent pugging of the surface, or ponding of stormwater and stock effluent.
 7. That where the race is required to traverse the frontage of property not owned by the applicant, consultation is undertaken by the applicant with the assistance if necessary of an authorized officer of the Council, to obtain the owner's consent and to make mutually acceptable arrangements for crossing, and maintaining any entrances or frontages. A copy of the written consent shall be supplied to Council.

8. That where it is necessary for the stock to cross the road at the end of a roadside race the crossing shall be made to a gateway constructed directly opposite to ensure that the stock movement across the road is by the shortest possible route. Relevant sections of Schedule 2 of this strategy shall apply to any approval and installation of the road crossing.
 9. The stockowner or landowner responsible for the condition of constructing or using races on road margins is responsible for arranging and maintaining public liability insurance as in clause 8.5 of the strategy in respect of their potential liability as under no circumstances will the Council be held responsible in any way for claims for damages.
 10. Permits are valid for five years from the date of issue or to a shorter period if required.
That should the farming operation change and make the race redundant it shall be the applicant's responsibility to remove fencing from the road verge and to reinstate the road verge.
Refer also to Stock Control Strategy clause 15.0
- Construction of races will not be approved within a road if, or to the extent that, there is an alternative route available. Land owned or occupied by an applicant, or in the case of a sharemilker, by his or her principal, is considered an alternative route.
 - Where an alternative route appears to be available across land that is not owned by the applicant, or in the case of a sharemilker by his or her principal, then the Council shall require evidence in writing that the owner or occupier of that land will not permit the applicant's dairy cattle to use it.

Reference: Matamata-Piako District Council Stock Control Strategy.
Matamata-Piako District Council Rural Road Fence Encroachment
Policy.

Schedule 3

Conditions for Droving Stock

General

- The droving of stock on roads is allowed, subject to the specific conditions set out below.
- The Council has the discretion to impose any additional conditions that may be considered necessary, in consultation with the person(s) responsible for moving the stock.
- No person shall move stock across or along a road where they are reasonably able to move stock on their own land. Where movement on their own land is not practical then the frequent movement of stock should be along the road margin and where practicable in a race.
- Where dairy cattle movement is occurring on a regular basis, (more than twice in a seven-day period) a permit is likely to be required under clause 7.1 (a) or clause 7.1(b) of this strategy.
- Where other stock movement (excluding dairy cattle) is occurring on a regular basis, (more than four times in a seven-day period) a permit is likely to be required under clause 7.1(b) of this strategy.
- If you are unsure whether you are required to apply for a permit under this strategy, you must contact the Council to determine which provisions of the strategy may apply.

Specific Conditions

1. The drovers, stock or pilot vehicles must be clearly visible at all times so that approaching vehicles are able to stop safely and in accordance with the recommended safe stopping sight distances⁴ for a mobile operation set out in Transit New Zealand's Code of Practice for Temporary Traffic Management.
2. The number of animals in any one herd shall not exceed 600 head of cattle or 3000 sheep or 100 of any other type of animal.
3. Stock must be moved in such a manner so as to use only such points of access and exit to and from the road so as to ensure that danger and inconvenience to other road users is minimised.
4. Stock to be driven to ensure their time on the road is minimised.
5. Persons moving stock must take all reasonable steps to avoid damage to the road and any public amenities, and shall be responsible for repairing any damage caused.
Any damage to grass berms that are mown by the adjacent owner shall be reinstated within 28 days.

6. A copy of the approved permit shall be:
 - (a) carried at all times, and
 - (b) produced when requested by a member of the N Z Police or a staff member of the Matamata-Piako District Council.
7. Persons moving the stock shall take all reasonable steps to make way for or allow vehicles to pass through the stock, if practicable.
8. The applicant for the droving permit shall supply evidence of Public Liability Insurance indemnifying the Council for at least \$2,000,000.
9. There must be sufficient persons to control the stock so that at all times the drove is conducted in a safe manner, with at least one person at the front and one at the rear.
10. All persons involved in the drove must wear an orange reflective jacket or vest for visibility. The vest must comply with the New Zealand Transport Agency Code of Practice for Temporary Traffic Management.
11. The drover stationed at the front of and behind the stock must carry or use an appropriate device to alert approaching road users to stock on the road, such as:
 - (a) An orange florescent flag; or
 - (b) Amber flashing lights; or
 - (c) Appropriate and approved warning signs, which are placed in the road margin and clearly indicate stock is on the road;OR:
 - (d) There must be a pilot vehicle operating in the front of and behind the stock. All pilot vehicles must clearly display an appropriate sign warning that stock is ahead; have a roof-mounted amber flashing light, and where appropriate vehicle headlights must be turned on.⁵
12. No person shall drive any stock along any road during the hours of darkness. This clause shall not apply:
 - (a) Where an animal has escaped from a property provided such escape was not due to a wilful act on the part of the Drover or the owner of the animal;
 - (b) In the case of an emergency which makes it necessary for the animal to use roads to escape the consequences of the emergency.

Reference: Matamata-Piako District Council Stock Control Strategy.
New Zealand Transport Agency Code of Practice for Temporary Traffic Management.

4 Explanatory notes: Safe stopping distances for road users must be relevant to the speed limit applicable to the road – e.g.: 100m for 70km/h, 170m for 100km/h.

5 Refer to the Land Transport Rule Traffic Control Devices 2004 (or any subsequent rules or amendments) for requirements relating to signs on vehicles