

# Roading Bylaw 2011

## Appendix 1A



### LIVESTOCK MOVEMENT ACROSS ROADS

#### 1. OBJECTIVE

The movement of livestock **across** the roads within the District shall be controlled so that the livestock, other users of the road, public and private infrastructure including the road itself are protected. **Across** is defined as a movement generally perpendicular to the road centreline. It covers the movement of livestock from one side of the road to an access on the other side of the road. Movement parallel to the road centreline is defined as **along** the road and is covered in Appendix 1B of this bylaw.

#### 2. PURPOSE

The purpose of Appendix 1A is to set the requirements for movement of livestock **across** any road in the District controlled by the Council, including of State Highways under formal delegation from The New Zealand Transport Agency.

This clause 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 three grades of livestock movement on roads. Refer Table 1 of this appendix.
  - Permitted; on rural roads carrying little traffic and where the frequency of livestock crossing is low;
  - Conditional; on rural roads carrying moderate traffic and where the frequency of livestock crossing is also moderate.
  - Restricted; on urban or rural roads carrying large traffic volumes and/or high frequency of livestock crossings.
- c) Evaluation of livestock movements on public roads to be against specified criteria;
- d) establishment a Livestock Crossing Permit for movement of livestock across a public road that is conditional for livestock movements in accordance with this appendix;
- e) setting of charges to cover the costs of administration and monitoring; and
- f) administrative mechanisms for the operation of this clause.

### **3. COMPLIANCE WITH THE BYLAW**

#### **3.1 Control of Livestock Movements**

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 to the movement of livestock by this bylaw.

#### **3.2. Council May Restrict Movement**

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 permit for movement of livestock on that road.

### **4 PROCEDURE**

#### **4.1 Livestock Crossing Permits**

##### **4.1.1 Livestock Crossing Classification**

Livestock crossing roads shall be classified as follows:  
(Refer Table 1, of this appendix)

##### **4.1.1.1 Permitted**

A livestock crossing that is permitted within the terms of this bylaw shall not require the application for or the issuing of a permit.

To be classed as a permitted livestock crossing under this bylaw the nature and characteristics of the crossing shall comply with the following:

- a) the number of animals crossing shall not exceed the permitted maximum appropriate to the average daily traffic volume at the site of the crossing as indicated on Diagram 2; and
- b) the number of livestock crossings not to exceed 15 in any month; and
- c) no livestock crossing shall begin or continue outside the hours of daylight; and
- d) a minimum of 250m advance warning of the stock crossing shall be provided. Advanced warning shall comprise a minimum of 100m of unimpeded visibility between any approaching vehicle on the open road and the sign warning of the hazard (stock crossing) ahead. The warning sign shall be a minimum of 150m in advance of the stock crossing. Where a posted speed limit of less

than 100km/hr applies then the required minimum advanced warning distances can be reduced. Refer Diagram 1.

- e) the road crossed is a rural road with a posted limit of greater than 70km/hr.
- f) the road surface at the livestock crossing shall be kept free of stock effluent after crossing completed.

#### **4.1.1.2 Conditional**

Any livestock crossing that is conditional within the terms of this bylaw shall require the application for and receipt of a current and valid livestock crossing permit specific to the locations, timing and size of the livestock crossing. Multiple crossing locations between two specific properties on each side of the road may be listed on a single permit providing each of the crossing locations complies with the requirements of a conditional permit.

A conditional livestock crossing permit is issued 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 locations or timing of the crossing, exceeds the limits for a permitted livestock crossing but where no characteristic exceeds the limits for a restricted livestock crossing.

#### **4.1.1.3 Restricted**

Any livestock crossing that is restricted within the terms of this bylaw shall require the application for and receipt of a current and valid livestock crossing permit specific to the location, timing and size of the livestock crossing.

The Council shall, where it deems necessary, apply appropriate specific conditions to livestock crossing permits issued for a livestock crossing restricted within the terms of this bylaw. Conditions may include the requirement to construct an underpass.

A livestock crossing shall be classed as restricted under this bylaw where the characteristics of the crossing are as follows:

- a) the number of animals crossing exceeds the maximum relating to the average daily traffic volume at the site of the crossing as indicated on Diagram 2; or
- b) the number of livestock crossing exceeds 40 in any month; or
- c) less than 100m of unimpeded visibility is present between any approaching vehicle on the open road and the sign providing advanced warning of the stock crossing, or less than 150m distance between the advanced warning sign and the stock crossing. Refer Diagram 1; or
- d) the proposed crossing is on a road section described in Clause 4.1.2 below.

The following table summarises the characteristics used to identify the permit types:

**Table 1**

<b>Livestock Crossing Permit Class</b>			
<b>Characteristic</b>	<b>Permitted</b>	<b>Conditional</b>	<b>Restricted</b>
<b>Characteristics to be Met</b>	<b>All listed below</b>	<b>All listed below</b>	<b>Any</b>
Rural (Speed Limit >70km/hr)	Rural	Rural	Urban
Listed Restricted Rural Road	No	No	Yes
Stock Crossing Frequency	Less than 15/month	Between 15 and 40/month	More than 40/month
Average Annual Daily Traffic (AADT)	Less than 50 vpd	Between 50 and 800 vpd	Greater than 800 vpd
Annual Seasonal Daily Cattle (ASDC)	Refer Stock Crossing Frequency above	ASDC less than 250 - Refer Diagram 2 and Stock Crossing Frequency above	ASDC greater than 250 - Refer Diagram 2
Road Cleanliness	Road surface at the crossing shall be kept free of stock effluent after completed crossings	Road surface at the crossing shall be kept free of stock effluent after completed crossings	Road surface at the crossing shall be kept free of stock effluent after completed crossings

**Notes**

- 1 Stock crossing frequency refers to the number of herd movements as a group
- 2 AADT is the volume of vehicle traffic recorded in the Council RAMM database.
- 3 VPD is the number of vehicles per day.
- 4 ASDC is the average seasonal daily cattle (1 cow = 8 sheep). Length of season for sheep shall be 365 days. Season length for cows shall be the length of the milking season.
- 5 Restricted Rural Roads;  
State Highway 1,90,93,94 & 96

#### **4.1.2**

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

- a) All sections of urban roads with a posted speed restriction of less than 80km/hr (described in Schedules 1 to 6 and map numbers GDC 1670/1 & 2 of the Gore District Council Roading Bylaw)
- b) All sealed sections of the high traffic volume rural roads listed below:
  - State Highway 1
  - State Highway 90
  - State Highway 93
  - State Highway 94
  - State Highway 96
- c) All proposed crossing sites where the characteristics of the site described in clause 4.1.1.3 of this appendix are met.

#### **4.1.3 Exemptions**

##### **4.1.3.1**

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 4.1.1

##### **4.1.3.2**

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 prohibited 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 4.1.1

#### **4.1.4 Application for Livestock Crossing Permit**

##### **4.1.4.1**

Every person who wishes to move livestock across a road regularly or frequently where livestock movement is conditional or restricted under clause 4.1.1, shall make an application to the Council for a livestock crossing permit using the current prescribed application form obtainable from the Council no less than five (5) working days prior to the first intended crossing of the livestock. The application shall not be approved unless all information required from the applicant has been provided.

##### **4.1.4.2**

The Council may determine the nature and content of the application form, which may be altered or amended at any time.

#### **4.1.5 Fee to Accompany Application**

##### **4.1.5.1**

No fee shall be required unless the Council has signalled, following consultation through its Rural Working Party, in its Annual Plan, its intention to have a fee apply. The permit will not be issued until the application fee, if required by the Council, is paid.

#### **4.1.6 Consideration of an Application**

##### **4.1.6.1**

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

- a) limits and maximum values for characteristics specified in Table 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.

#### **4.1.7 Decision on an Application**

##### **4.1.7.1**

The Council shall, within five (5) working days after receipt of all required information and applicable fees:

- a) grant the application as a livestock crossing permit; or
- b) grant the application as a restricted livestock crossing permit; and
- c) notify the applicant of any conditions attached to the permit

##### **4.1.7.2**

Should the applicant consider that the conditions attached to the permit are unreasonable a review of the conditions by a suitably qualified independent person may be requested in writing to the Council's Chief Executive.

#### **4.1.8 Conditions of Permit**

#### **4.1.8.1**

Any livestock crossing permit 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) lighting of the crossing may be required by the Council if some crossings may take place outside daylight hours (likely to become mandatory once suitable technology available);
- 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;
- m) evidence of current Public Liability Insurance coverage of at least one million dollars.

Where a restricted crossing permit is issued or a crossing is identified as becoming likely to be restricted, the Council and livestock owner may agree to an alternative to a road surface crossing by means of a livestock underpass or overpass subject to section 341 of the Local Government Act 2002. Generally construction of a stock underpass, where required to be installed as a condition of a restricted permit, for a crossing approved at grade prior to the date of commencement of this bylaw, shall be completed within five years of the date of commencement. However where the crossing is classified as a priority crossing, by the Council, an underpass shall be constructed within two years of the commencement of this bylaw. An underpass shall be constructed prior to crossing where it is a condition of a restricted permit and no existing crossing at grade permit has been issued.

#### **4.1.9 Variation of Permit**

##### **4.1.9.1**

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

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

#### **4.1.10 Compliance with the Permit**

##### **4.1.10.1**

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

#### **4.1.11 Term of Permit**

##### **4.1.11.1**

A livestock crossing permit shall be valid, unless revoked under clause 3.1.12 or 3.1.13, for a term of five (5) years.

The Council will provide notice, in writing, to permit holders at least two months prior to the due date of the permit expiring.

#### **4.1.12 Suspension or Cancellation of Permit**

##### **4.1.12.1**

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



#### **4.1.13 Summary Cancellation**

##### **4.1.13.1**

An authorised officer may suspend or cancel any permit immediately by giving written notice to the permit holder, if the:

- a) the Council is lawfully directed to suspend or cancel the permit;
- b) permit holder disregards any conditions of the permit 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 permit.

#### **4.1.14 Transfer or Termination of Permit**

##### **4.1.14.1**

When the permit holder of any property from which livestock is moved subject to a livestock movement permit ceases to occupy that property then this permit shall be at an end.

##### **4.1.14.2**

The permit holder shall not transfer the rights and responsibilities provided for under this bylaw and under the permit to any other party.

#### **4.2 Administration**

##### **4.2.1 Council May Recover Costs**

###### **4.2.1.1**

The Council may set fees and charges for the recovery of the reasonable costs incurred for the:

- a) application process (refer clause 4.1.5.1 above);
- b) administration of the permit (refer clause 4.1.5.1 above);
- 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.

##### **4.2.2 Fees and Charges**

###### **4.2.2.1**

In the event that the Council institutes a fee for the permit the permit holder shall pay all fees and charges payable to the Council for the reasonable costs of the administration of the permit, as set out in the Council's Schedule of Fees and Charges (refer clause 4.1.5.1 above).

The permit holder shall pay all fees and charges payable to the Council for the reasonable costs for any unscheduled maintenance to repair the road or any part of the road due to damage caused by the livestock crossing or to remove excessive livestock excrement from the road carriageway or any entrance to the road.

#### **4.2.3 Offences and Penalties**

##### **4.2.3.1**

Every person who fails to comply with this bylaw or breaches any condition of a permit 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.

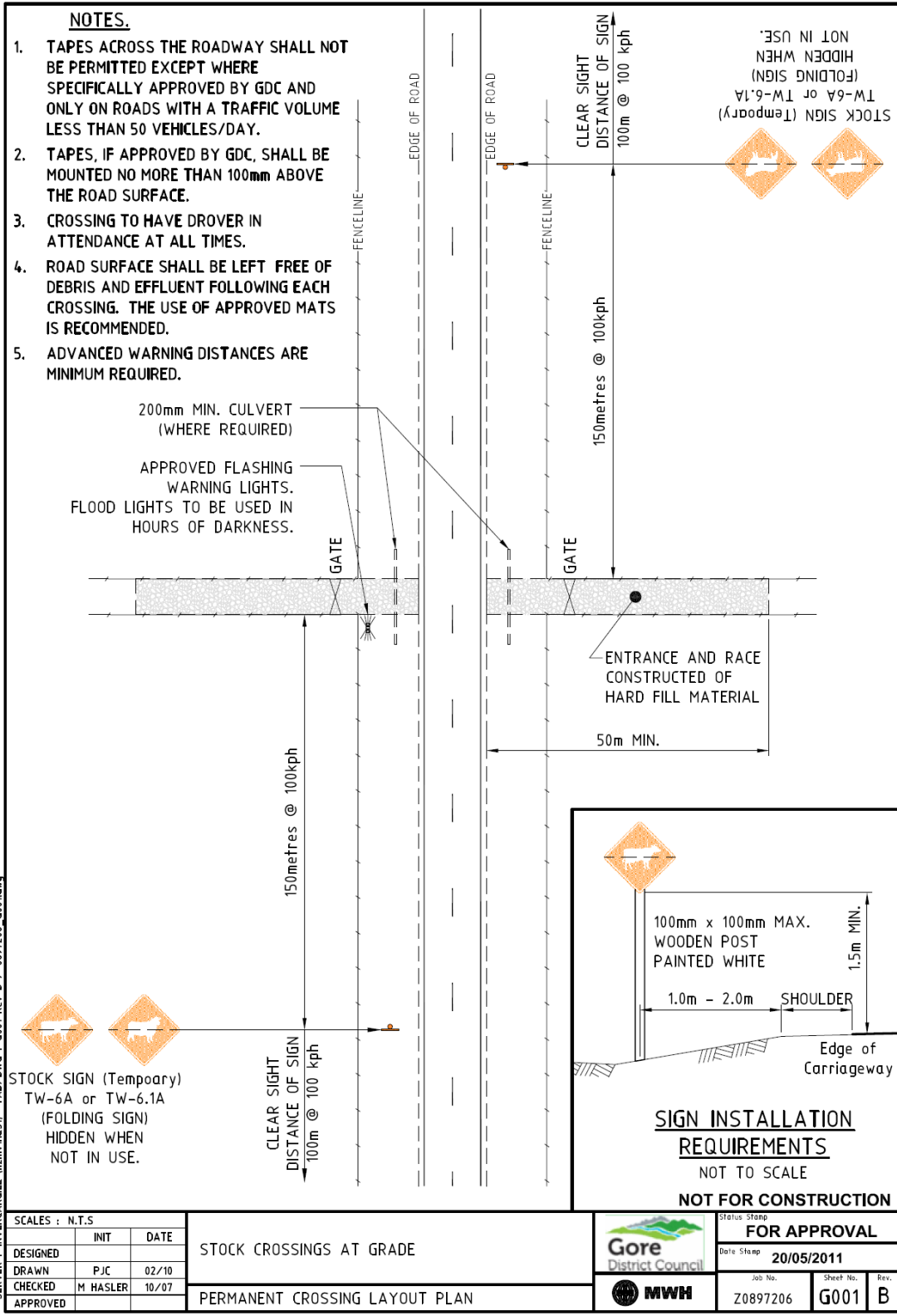
#### **4.2.4 Transitional Provisions**

##### **4.2.4.1**

Every existing permit shall continue in force as if it were a permit under this bylaw until 1 July 2012. Any application for a permit to move livestock made under the Gore District Council Roading Bylaw 1997 shall be deemed to be an application made under this bylaw.

**5. LIVESTOCK MOVEMENT PERMIT DIAGRAMS**

- Diagram 1 - Stock Crossing Warning Sign Layout
- Diagram 2 - Stock Crossing At Grade Graph
- Map 1 - Rural Roads with Traffic Volumes Up To 50 VPD



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**DIAGRAM 1**  
**Stock Crossing Warning Sign Layout**  
(Refer notes below)

## STOCK CROSSING WARNING SIGNS - PERMANENT CROSSINGS

### Sign and Warning Device Requirements:

- The required signs are either a TW-6A (cattle) or a TW-6B (sheep); whichever is the most appropriate for the majority of stock using the crossing.
- The sign will be a folding sign. A full length stainless steel hinge is recommended.
- The symbol will be a black silhouette with a black border around a 750mm x 750mm diamond shaped sign (as per the Manual of Traffic Signs and Markings).
- The orange background will be a minimum High Intensity reflective material (class 1).
- Sign is to be manufactured to meet the standards specified in the RSMA Standard for the Manufacture and Maintenance of Traffic Signs, Posts and Fittings.
- An amber rotating flashing light mounted at the crossing point and located to be clearly visible in each direction.
- The sign shall be opened while stock is on the road.

### Installation requirements:

- Sign to be mounted on a 100mm x 100mm square treated wooden post. The post will be painted white.
- The post will be located 1.0m to 2.0m off the outside edge of the gravel verge.
- The height from the road level to the underside of the sign shall be 1.50m minimum.
- As near as possible the signs should be located as per the following table:

Traffic Speed	100 km/hr
Minimum distance from warning sign to the stock crossing	150m
Approaching drivers uninterrupted minimum viewing distance of the sign	100m
Minimum total warning distance	250m

**Note: The signs must always be folded down when not in use.**

## Requirements for Stock Crossing Permits

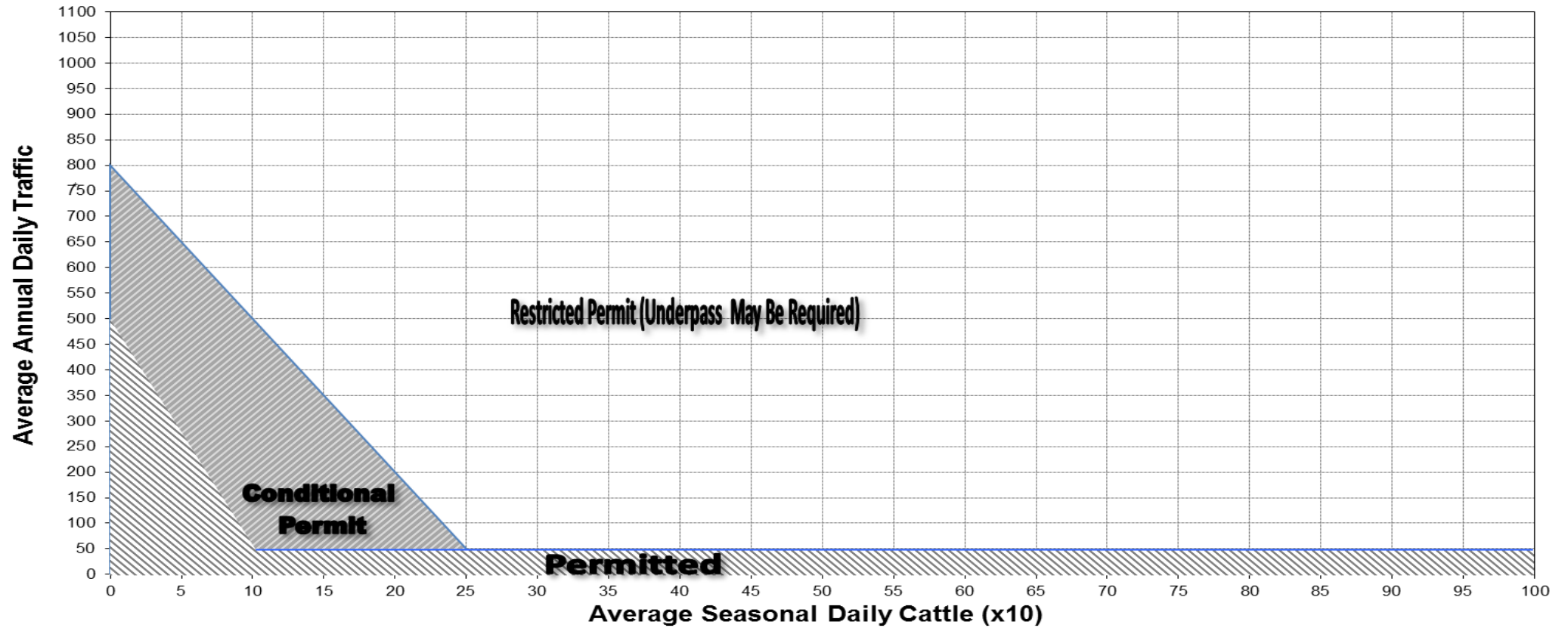


DIAGRAM 2

Stock Crossing At Grade Crossing Permit or Underpass

# MAP 1

## Gore District Roads with Traffic Volume of 50 Vehicles/Day or Less

