



**EXCERPTS FROM “CENTRAL HAWKES BAY DISTRICT COUNCIL**  
**LIVESTOCK MOVEMENTS & ANIMALS IN PUBLIC PLACES**  
**BYLAW 2008”**

**These excerpts cover the details pertaining to ‘Livestock Crossing Permits’ required for ‘dairy cow’ crossings etc.**

**500.4 Transitional Provisions:**

500.4.1 Where any person, company or other legal entity is required to obtain a ‘livestock crossing permit’ pursuant to Section 508 and 509 of this Bylaw, such application **MUST** be made to Council within 6 (six) months of the date that this Bylaw shall come into force. Any failure to do so shall be deemed a breach of this Bylaw.

500.4.2 Where any person, company or other legal entity is required to obtain permission from Council to continue to carry on any existing form of ‘casual roadside grazing’ pursuant to Section 512 and Schedule 3 of this bylaw, such permission must be obtained within 1 (one) month of the date that this Bylaw shall come into force. Any failure to do so shall be deemed a breach of this Bylaw.

**Dairy Cattle** - means any cow that is part of a milking dairy herd. It excludes cattle used for the production of beef, or any dry herd.

**Regular Basis** - means anytime where dairy cattle movement is initiated due to a milking shed being separated from a grazing pasture by a road and livestock are moved across or along the road on more than 10 days per calendar year.

**Road** - means a road within the Central Hawke’s Bay District as defined in The Land Transport Act 1998, including ‘paper’ roads but excludes State Highways.

**505.2** The owner of any livestock being moved along or across any road must have public liability insurance of a minimum of \$1,000,000.00.

**505.3** The owner of any livestock being moved along or across any road which results in excrement or any other matter being deposited on the road shall be responsible for removing the excrement or other matter to the satisfaction of Council.

**505.5** The owner of any livestock which causes damage to the road, road reserve or Council property or leaves excrement or any other matter remaining on the road surface in the course of moving any livestock shall be liable for costs

incurred by Council in remedying any damage and / or cleaning the road surface.

**505.6** Any person moving livestock along or across any road or having control of any stock in any public place shall ensure that the stock is kept under proper control, with consideration for other persons using the public place.

**505.7** Any person moving livestock along or across any road shall take all reasonable practical steps to allow a vehicle to pass through the livestock.

#### **508 MOVING DAIRY CATTLE FROM ONE SIDE OF A ROAD TO ANOTHER OR ALONG A ROAD ON A REGULAR BASIS**

**508.1** No person shall move dairy cattle from one side of a road to another on a regular basis or along any road on a regular basis, except when using a 'livestock crossing permit' as issued pursuant to Section 509 of this bylaw.

**508.2** All applications for a livestock crossing permit shall be assessed by an authorised officer, and if found to require an underpass, then a livestock crossing permit shall be issued with conditions requiring the installation of an underpass within two calendar years of the issue of the livestock crossing permit. This condition shall be subject to the appeal provisions in Section 510.

**508.3** In determining whether an underpass is required, the authorised officer will have regard for the following: annual daily traffic volumes; herd size; percentage of pasture land on the opposite side of the road to the milking shed; the location of the crossing in regard to schools, cemeteries, reserves and buildings; and any factors of special concern.

**508.4** Sections 508.2 and 508.3 shall not apply to any application for a new movement of livestock on a regular basis across or along any road listed in Schedule 2, for which a livestock underpass shall be installed before the commencement of any livestock crossing.

#### **509 LIVESTOCK CROSSINGS**

**509.1** The authorised officer may issue a livestock crossing permit for the moving of dairy cattle on a regular basis on such conditions as the authorised officer sees fit. These conditions may include but are not necessarily restricted to:

- (a) The payment by the applicant of the additional cost incurred by the Council. This may include costs incurred in respect of:
  - (i) the maintenance of the road due to damage caused by the moving of such dairy cattle as is assessed by the authorised officer.
  - (ii) the installation of warning signs at the crossing point to meet the requirements of the Temporary Traffic Management for Local Roads Supplement 2005 (or any such amended standards issued by from time to time) or any other warning signage or devices that the authorised officer includes in the permit including, but not limited to, reflectorised 900mm orange road marker cones, amber flashing lights.

- (iii) the removal by the Council (or its agents or contractors) of livestock excrement from any sealed or unsealed road at the point where the dairy cattle cross.
- (b) The construction, installation and correct use by the applicant of such facilities which in the opinion of the authorised officer are necessary to facilitate the safe passage of such dairy cattle. This may include any or all of the following:
  - (i) Entranceways, including additional adjacent shoulders, at points where livestock cross the road berm shall be constructed to the specifications determined by the authorised officer.

Entrances are to be shaped so that effluent drains away from the road.
  - (ii) Warning signs at the crossing point while dairy cattle are crossing the road to meet the requirements of the Temporary Traffic Management for Local Roads Supplement 2005 (or any such amended standards issued by from time to time) or any other warning signage or devices that the authorised officer includes in the permit including, but not limited to, reflectorised 900mm orange road marker cones, amber flashing lights.
  - (iii) A person or persons to be present at the road crossing while dairy cattle are using the crossing.

**509.2** Pursuant to Section 506.2 (b), no person shall be issued with a livestock crossing permit where the authorised officer considers that it is possible to drive the dairy cattle along a race on private land or through a cattle underpass.

**509.3** Pursuant to Section 505.3, the person whose name the livestock crossing permit is issued in shall be responsible for ensuring that livestock excrement is removed from the road each time the dairy cattle use the livestock crossing.

#### **510 PERMITS DECLINED PURSUANT TO SECTION 509 OF THIS BYLAW OR CONDITIONS IMPOSED PURSUANT TO SECTION 508 OF THIS BYLAW**

**510.1** Notice that the authorised officer has declined to issue a permit pursuant to Section 509 of this bylaw, or has imposed a condition for the installation of an underpass pursuant to Section 508 of this bylaw shall be in writing and addressed to the applicant.

**510.2** A person who has received written notice that a permit has been refused or a condition has been imposed to install an underpass may, within fifteen (15) days of the receipt of that notice, lodge an objection in writing to the authorised officer, stating the grounds of their objection. The Council's Hearings Committee shall consider the objection and make a recommendation to Council who will make a decision on the matter.

**510.3** The applicant shall be notified of the decision in writing no later than ten (10) working days after the full Council has made a decision based on the recommendation of the Hearings Committee. The notification shall include reasons for the decision.

**510.4** The decision shall be final and binding on both parties.

## **511 REVIEWING, REVOKING OR SUSPENDING A LIVESTOCK CROSSING PERMIT**

- 511.1** The authorised officer may from time to time review the conditions for any permit and impose in writing, altered conditions controlling the use thereof. Such review shall be subject to the appeal provisions of Section 510 above.
- 511.2** If a road is to be under repair or reconstruction and the movement of livestock would in the opinion of the authorised officer cause undue damage to the road, the Council may by public notice, and after consultation with the affected land owners, and notwithstanding the prior issuing of a livestock crossing permit authorising the contrary, or where Section 507 authorises the contrary, absolutely prohibit the movement of any livestock during the period of such repair or reconstruction. Any such public notice shall be deemed to have been sufficiently given if placed by public notice advertisement in a newspaper circulating in the District.
- 511.3** During any period when a road is closed or traffic flow is restricted because of road works, flooding or an emergency, Council staff (including but not limited to authorised officers) shall have discretionary power either to halt mobs in one place with a view to restricting their movement or to re-direct mobs along such other road or roads which in the circumstances are more appropriate.
- 511.4** The authorised officer may revoke any livestock crossing permit issued pursuant to Section 509 of this bylaw if:
- (a) any person moving or crossing livestock fails to comply with any of the conditions of their permit;
  - (b) in the opinion of the authorised officer the crossing is resulting in excessive livestock excrement or other matter on the road or the berm;
  - (c) in the opinion of the authorised officer, the number of livestock or frequency of livestock crossing or moving along the road increases beyond that specified in the permit.