



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

These excerpts cover the details pertaining to 'Livestock Roadside Grazing Permits' required for 'Livestock' Grazing etc.

512 GRAZING OF STOCK ON THE ROAD BERM

512.1 Stock grazing of road 'berm' areas within the District, for the purpose of clearing excess vegetation growth, is not permitted without prior permission having been obtained from an authorised officer.

The conditions set out in Schedule 3 of this Bylaw must be complied with in all instances of such grazing.

SCHEDULE 3

CONDITIONS FOR THE TEMPORARY GRAZING OF LIVESTOCK ON OR ADJACENT TO A ROAD BERM

Council may permit temporary casual grazing of the road berm only in circumstances where there will be no detrimental effect on the stability of the road, road safety or future maintenance. Grazing must not damage the existing water table / roadside drains or any roadside plantings and any damage done by such grazing may be repaired by Council at the offending grazers expense.

In all instances where the road berm is to be used for grazing, prior permission MUST be gained from Council.

The Council permit may be authorised for a period of up to twelve (12) months.

Council permission may be revoked at any time if the conditions of this Schedule are not adhered to.

NOTE: [Council has no jurisdiction over State Highways and permits are required from Transit NZ before any use of the state highway road berm.]

In all cases such grazing is only permitted in the first instance by stock belonging to or in the charge of the adjoining property owner or occupier and, in any other instance, with the permission of the adjoining property owner or occupier.

Council may allow grazing of the road berm in the following three ways:

1. Grazing behind temporary electric fences providing all of the conditions listed in this Schedule are followed; and
2. Unfettered grazing is permitted by cattle and sheep providing they are kept under strict control at all times and kept away from roadside planting. Strict control requires, at the minimum, a physical presence at each end of the stock being grazed to warn motorists of the presence of the stock. 900mm reflectorised orange road marker cones shall also be used to warn road users of the presence of the people controlling the stock; and
3. Grazing of fettered stock is permitted throughout the District provided stock does not encroach within one (1) metre of the edge of the carriageway.

Any of the grazing methods described above are not permitted to preclude such areas of road berm from being used for normal public access.

The following rules apply in all instances where Council road berm is used for casual grazing.

- Council gives no tenure to any land enclosed, and any fences must be removed as and when so required by Council.
- No temporary fences shall be erected so as to constitute a danger to any user of the carriageway, nor shall the same obstruct traffic or visibility.
- If grazing is being carried out behind electric fencing, all such fences shall be stock proof.
- Every part of the electric or temporary fence is to be located not less than one (1) metre, or any other distance specified by an authorised officer, from the edge of the carriageway.
- Only approved 'plastic' type electric fencing standards are to be used. "Waratah" or similar metal and wooden standards are not permitted.
- All electric or other temporary fencing equipment is to be removed from the road berm when the grazing has been completed. For the purposes of this condition if stock is NOT to be grazed behind an erected temporary or electric fence for a period of two days or more, then the temporary or electric fence must be removed by the grazer.
- Where specified by Council, fencing standards are to be marked with reflecting tape.
- Standard 900mm reflectorised orange road marking cones will be placed beside the temporary electric fence, one (1) metre from the edge of the carriageway, at each end of the area being grazed while stock is on the road berm. If the area is longer than fifty (50) metres long orange cones must be placed at least each fifty (50) metres. The cones must be removed from the road berm when stock is not grazing, including, but not limited to, during the hours of darkness as set out in Section 502 of this Schedule.
- The grazer must satisfy himself as to the location of any underground cables i.e. phone / power, prior to pushing standards into the ground.

- The grazer will indemnify and keep indemnified Council against all costs, actions, claims, and demands, whatsoever arising out of or occasioned by the use of the road berm.
- All forms of grazing the road reserve shall be carried out **during daylight hours only** and all stock must be removed from the road or roadside at least half an hour before sunset and not allowed to return until at least half an hour after sunrise.
- In the case of unfettered grazing of the road berm visibility must be at least 150 metres in all circumstances e.g. in foggy conditions etc.
- The applicant shall comply with all statutory conditions under relevant Acts and Local Government Bylaws and any other Council policy.
- Any electric fence or any other fence that does not meet the conditions contained in this Schedule may be removed, or be required to be removed, immediately by an authorised officer. Such removal may be done without notice and at no cost to Council.
- Any stock found grazing the road berm in contravention of the conditions in this Schedule may be removed, or be required to be removed, immediately by an authorised officer. Such removal may be without notice and at no cost to Council.