

CHAPTER 20

STOCK CONTROL BYLAW

2001 INTERPRETATION

In this Bylaw:

- 2001.1 **Berm** means that area of road reserve abutting a road.
- 2001.2 **Road** means a formed carriageway which is maintained by the Stratford District Council.
- 2001.3 **Road Reserve** means the entire area occupied by both a road and, if present, any berm or berms.

2002 GENERAL RESTRICTIONS FOR STOCK ON ROADS AND ROAD RESERVE AREAS

- 2002.2 No person shall either allow stock to remain on or drive any stock along or across any road or berm area adjacent to a road for any purposes except:
- (a) in the case of escape, or
 - (b) grazing or tethered on berm areas in accordance with this bylaw, or
 - (c) when riding or droving the stock in accordance with this bylaw, or
 - (d) along a cattle race constructed and permitted in accordance with this bylaw, or
 - (e) across a stock crossing point in accordance with this bylaw, or
 - (f) through a stock underpass constructed and permitted in accordance with this bylaw
- 2002.3 Without limiting the requirements of Council Policy or this Bylaw:
- (a) Stock may be grazed on berm areas in accordance with this bylaw and contained by a temporary fence without prior Council approval.
 - (b) The occupancy of any area of road reserve and contained by a permanent fence must be by way of a Council approval.
 - (c) Except as provided in 2004.2, the movement of stock on road reserve on a frequency of more than twelve times in any twelve month period can only be done by way of a Council approval for either:
 - (i) a stock race along the berm, or
 - (ii) a stock crossing point, or
 - (iii) a stock underpass

2003 **REQUIREMENTS FOR THE GRAZING OF STOCK ON OR ADJACENT TO ROAD RESERVE**

STOCK GRAZING

- 2003.1 Stock grazing of berm areas within the district, for the purpose of clearing excess vegetation growth, is permitted either in the terms of a Licence to Occupy issued by the Council or, in any other case, provided that:
- (a) Such grazing is only permitted adjacent to properties zoned Rural or Rural/Residential, as delineated in the Stratford District Plan.
 - (b) Such grazing is only permitted in the first instance by stock belonging to or in the charge of the adjoining property occupier and, in any other instance, with the permission of the adjoining property owner.
 - (c) All stock grazed on berm areas must either be contained by stock proof fencing which complies with Stratford District Council bylaws or be tethered.
 - (d) Any stock which are tethered within a road reserve area shall be tethered so as to prevent the stock from accessing the road.
 - (d) Stock are permitted to remain within road reserve areas only within the hours of daylight.
 - (e) Such grazing is not permitted to preclude such areas of road reserve from being used for public access.
 - (f) An Authorised Officer may at any time require stock to be removed from a road reserve area on either a temporary or a permanent basis by giving written notice to the owner of the stock.

BOUNDARY FENCES

- 2003.2 All farm frontages shall be fenced with a stock proof fence erected, insofar as it is practicable to do so, on the road reserve boundary as shown on the title, deposited plan or survey plan.
- 2003.3
- (a) Where it is impracticable to site the fence along the road reserve boundary, due to topography or instability at the boundary or where a fence is required for an approved stock race, Council may permit the fence to be erected on a practical line on either the road reserve, the farm property or a part of each.
 - (b) Council shall only grant a permission for the erection of a permanent fence on the road reserve where no other users of the road shall be or are likely to be adversely affected.
- 2003.4
- (a) Any fence either abutting a public place or within a public place shall be maintained in such a condition so as not to be, in the opinion of an Authorised Officer, dangerous to any persons using the public place and, if required to contain stock at any time, in a stock proof condition.
 - (b) Where any fence is not so maintained, then an Authorised Officer may by written notice require the owner or occupier to repair or remove the fence within a time period stated within the notice. Such notice may require either the erection of a replacement fence within that time or, where that fence is situated in a public place, the permanent removal of the fence.

- 2003.5 (a) Any such permission as required by 2003.3 above shall be by way of a Licence to Occupy from the Stratford District Council and shall contain such conditions and be subject to such fee as the Council may require in respect of that part of the fence which is on road reserve.
- (b) Any Licence holder who fails to comply with any condition of the Licence to Occupy shall be liable for all costs incurred by Council in connection with the breach of condition and may have their Licence to Occupy revoked.

BARBED WIRE FENCES

- 2003.6 In all areas of the district, except for within any area zoned Rural as delineated in the Stratford District Plan:
- (a) No person shall erect, or permit or suffer to be erected, any barbed wire along or within 1.0m of any property boundary line between any land or building on the one side and any public place on the other side,
- provided that
- this sub clause shall not prohibit the placing of such wire at a height of not less than 2.0m from the level of the ground immediately below the fence line.
- (b) No person shall renew, repair or join, in whole or in part, any existing or future fence along or within 1.0m of any such boundary as stated in (a) above.
- 2003.7 Where any fence is erected, renewed, repaired or joined in contravention of this bylaw, then an Authorised Officer may remove the fence, or require it to be removed, immediately. Such removal may be done without notice and at no cost to Council.

ELECTRIC FENCES

- 2003.8 No person shall erect, or permit or suffer to be erected, any permanent electric fence along or within 1.0m of any property boundary line between any land or building on the one side and any public place on the other side except where either by reason of topography the fence is unable to be accessed from the public place or the fence is required for a stock race on road reserve as permitted by this bylaw.
- 2003.9 Temporary electric fences are permitted on berm areas only for containing stock grazing the area of berm provided that:
- (a) The fence shall consist only of electric fence standards. The use of battens, light posts and warratah standards is not permitted.
- (b) The electric fence shall be removed as soon as is practicable after stock has been removed from the area contained by the fence.
- (c) The electric fence shall only be in place during the hours of daylight.
- (d) The electric fence shall not in any way compromise the use of a road by other road users.

- (e) All parts of the electric fence shall be located not less than 1.5m from the road.
- (f) The permitted voltage of the electric fence shall not exceed 5,000V and the permitted energy output shall not exceed 4 joules.
- (g) Any electric fence that does not meet the above requirements may be removed, or required to be removed, immediately by an Authorised Officer. Such removal may be done without notice and at no cost to Council.

2004 **REQUIREMENTS FOR THE MOVING OF STOCK ON ROAD RESERVE**

STOCK DROVING

2004.1 No person shall drive any stock along any road (except in the case of escape or emergency) other than in accordance with the following conditions:

- (a) Droving is only permitted:
 - (i) along those parts of roads contained within areas zoned Rural as delineated in the Stratford District Plan, and
 - (ii) where the stock are not able to be moved on private land, and
 - (iii) during the hours of daylight
- (b) The droving of any stock occurs no more than twelve times in any twelve month period.
- (c) The stock shall at all times be under the control of two or more adult persons. At least one such person shall precede the stock and at least one such person shall follow the stock.
- (d) The number of animals in any one mob shall not exceed 600 head of cattle or 3000 head of sheep.
- (e) The drovers shall keep the animals moving forward at all times.
- (f) There shall be adequate warning of the presence of stock to any traffic using the road and the drovers shall take all reasonable practicable steps to allow traffic to pass through the stock.
- (g) The drovers shall take all practicable steps to ensure that the road surface is cleansed of any debris and material which may cause a hazard or inconvenience to road users.

2004.2 Despite 2002.3(c), any horse may be led or ridden or be used to draw a vehicle along any length of road reserve contained within:

- (a) an area zoned either Rural or Rural/Residential as delineated in the Stratford District Plan, or
- (b) any urban area as a part of a specific public event or occasion provided that this does not permit the horse to be on either a footpath or a grass berm

provided that in any case the person or persons responsible for either leading, driving or riding the horse shall ensure that the road surface is cleansed of any debris and material which may cause a hazard or inconvenience to road users.

STOCK RACES ON ROAD RESERVE

- 2004.3 Where a road separates a farm or associated grazing leases and it is necessary for stock to move along the road reserve as a regular part of a farming operation, the stock shall not be permitted to move along the road reserve unless using an approved stock race.
- 2004.4 Any person who wishes to use any area of road reserve as a stock race shall only do so in accordance with a Licence to Occupy, subject to such conditions as may be required by an Authorised Officer and the payment of such fee as set by resolution from time to time by Council.
- 2004.5 Stock races on road reserve are only permitted:
- (a) within the Rural Zone, as delineated in the Stratford District Plan, and
 - (b) for the passage of stock along the shortest practicable route, and
 - (c) along all or a part of that length of road reserve where the applicant owns both the land immediately adjoining to and the land immediately opposite, and
 - (d) on any other length of road reserve where the written approvals of both the owner(s) and occupier(s) of any land adjoining to or opposite the proposed stock race are given, unless the Council considers it unreasonable in the circumstances to require the obtaining of every such approval.
- 2004.6 Regular maintenance and resurfacing of the stock race shall be carried out to eliminate the accumulation of animal wastes, to prevent pugging of the surface, and to prevent ponding of stormwater and/or effluent.
- 2004.7 The following shall be the responsibility of the applicant:
- (a) All costs of forming and maintaining the race; and
 - (b) On removal of the race all costs of removal and reinstatement to the satisfaction of an Authorised Officer.
- 2004.8 Any Licence holder who fails to comply with any condition of the Licence to Occupy shall be liable for all costs incurred by Council in connection with the breach of condition and may have their Licence to Occupy revoked.

2005 REQUIREMENTS FOR STOCK CROSSING POINTS

- 2005.1 Where a road separates a farm or associated grazing leases and it is necessary for stock to cross the road as a regular part of a farming operation, the stock shall not be permitted to cross the road reserve unless either across an approved stock crossing point or through an underpass.
- 2005.2 Any person who wishes to use or continue to use any area of road reserve as a stock crossing point shall only do so in accordance with a Stock Crossing Permit, subject to such conditions as may be required by an Authorised Officer and the payment of such fee as set by resolution from time to time by Council.

- 2005.3 (a) The points of access and exit shall be as nearly as is practicable opposite each other.
- (b) The minimum sight distance for traffic on either side of the stock crossing point shall meet the standards contained within the Stratford District Plan as required for vehicle access points except that a stock crossing point may be permitted if it is not able to meet the required sight distance standard provided that:
- (i) there is no alternative practicable location, and
 - (ii) the proposed stock crossing point shall in all other respects meet the requirements of this bylaw, and
 - (iii) temporary approved warning signs and flashing lights may be required to be installed at the applicant's expense, and
 - (iv) such warning devices shall be visible only when the crossing is in use.
- 2005.4 Only one stock crossing point is permitted per farming unit.
- 2005.5 All stock crossing points shall be supervised when in use and stock shall be driven across in one movement except that the supervisor(s) shall take all reasonable practicable steps to allow traffic to pass through the stock.
- 2005.6 Stock crossing points are not permitted to be used outside of daylight hours unless approved warning lights and traffic control are employed.
- 2005.7 Any Permit holder who fails to comply with any condition of the Stock Crossing Permit shall be liable for all costs incurred by Council in connection with the breach of condition and may have their Stock Crossing Permit revoked.
- 2005.8 Where the situation of a stock crossing point, at the time of application for either a new or a renewed Stock Crossing Permit, exceeds the parameters for a stock crossing point as determined under Appendix 1 to this Bylaw, the requirement for a stock underpass pursuant to 2006 shall be assessed.

2006 **STOCK UNDERPASSES**

- 2006.1 Where an application has been made to Council for approval for a new stock crossing point or a renewal of an approval for an existing stock crossing point, the situation of the proposed stock crossing point shall be assessed in accordance with the diagram given in Appendix 1 to determine whether or not the requirement for the assessment of the need for a stock underpass has been triggered.

Any such application shall be assessed with regard to the following matters:

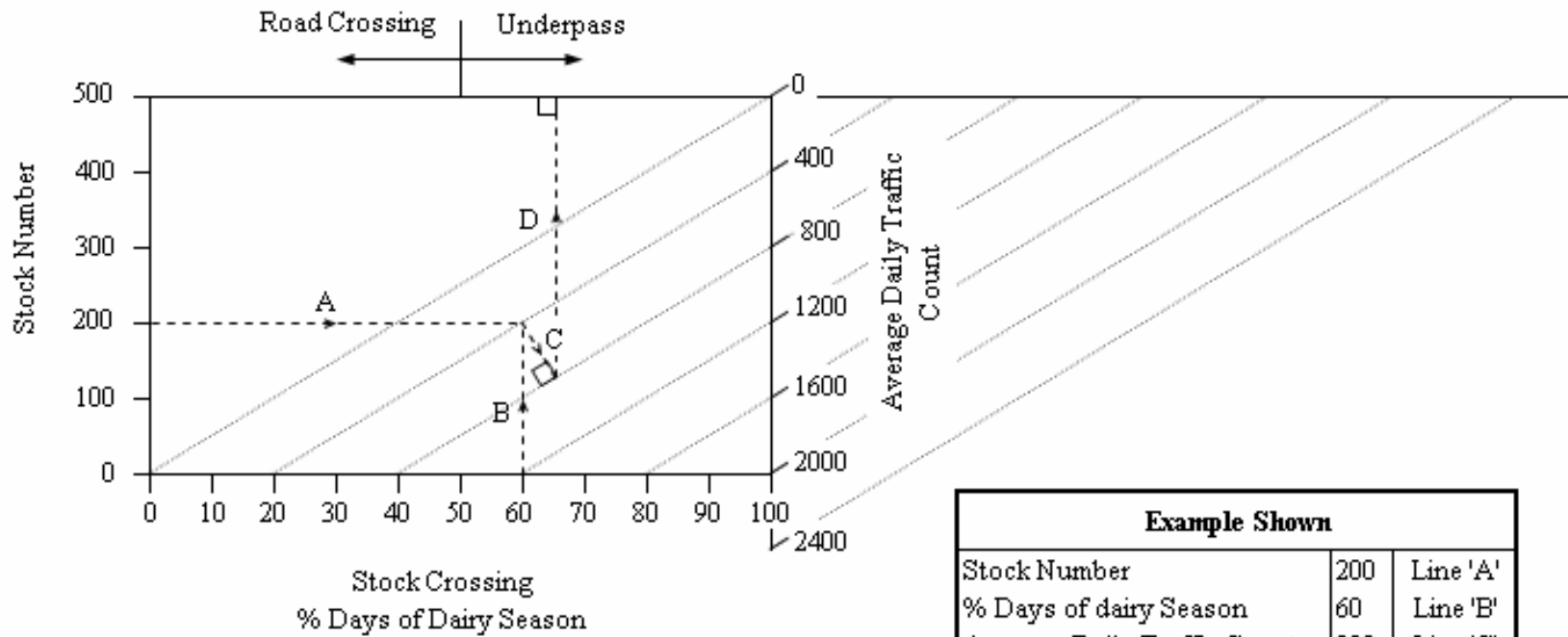
- (a) Herd size
- (b) Frequency of use of crossing point
- (c) Traffic density of road being crossed
- (d) Economic impact on the applicant
- (e) Practicality of underpass installation
- (f) Alternative locations of either the crossing or the underpass

- 2006.2 In making the assessment under 2006.1 the Council has reserved the right to exercise control over the following:
- (a) Location of underpass
 - (b) Period in which the underpass must be installed
 - (c) Conditions relating to the continued use of a stock crossing point in lieu of a stock underpass being installed
- except that in no case shall an underpass be required unless the applicant has ownership or part ownership of both areas of land to or from which access is required for stock, whether by way of personal ownership or the ownership of or any interest in any company or any other legal entity.
- 2006.3 Any person proposing to install a stock underpass shall make a written application to the Council for approval of the proposal.
- 2006.4 Any such approval shall be subject to such conditions as may be required by an Authorised Officer and the payment of such fee as set by resolution from time to time by Council.

2007 TRANSITIONAL PROVISIONS

- 2007.1 This bylaw shall come into force and take effect on 1 January 2005.
- 2007.2 Where any person, company or other legal entity has an existing agreement with the Stratford District Council in regard to a fence, stock crossing point or a stock race on road reserve, whether it is by way of permit, licence, letter or some other written document, then that agreement is either a Permit or a Licence to Occupy, as is appropriate, for the purposes of this bylaw and such agreement shall have an expiry date as if it was the equivalent Permit or Licence to Occupy granted under this bylaw on the date that this bylaw comes into force and effect.
- 2007.3 Where any person, company or other legal entity is required in writing by the Stratford District Council, within six months of the date that this bylaw comes into force and effect, to obtain a licence or permission of any kind to comply with the provisions of this bylaw in relation to an existing fence, stock crossing point or stock race, they are required to make an application for such licence or permission within six months of the date of that notification, and any failure to do so shall be deemed to be a breach of this bylaw.
- 2007.4 Where any person, company or other legal entity is required in writing by the Stratford District Council, within six months of the date that this bylaw comes into force and effect, to carry out works to comply with the provisions of this bylaw, they are required to complete those works within six months of the date of that notification, and any failure to do so shall be deemed to be a breach of this bylaw unless that person, company or other legal entity has obtained consent in writing from the Council to an extension of time for such compliance.

APPENDIX 1 [to bylaw]



Example Shown		
Stock Number	200	Line 'A'
% Days of dairy Season	60	Line 'B'
Average Daily Traffic Count	800	Line 'C'
Point at which perpendicular Line 'D' cuts top line determines status		

Note: Dairy Season assumed to be 300 days with 2 crossings per day

