



## Legally Speaking

hs Helmore Stewart  
Lawyers



# Legal considerations for stock crossings

Shifting livestock is an integral part of a farmer's daily tasks. Often this includes regularly shifting livestock across public roads untethered or via stock crossings.

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District councils have tailored regional specific bylaws which reflect the demographic of the district. These bylaws set livestock crossing standards which consider the impact on other road users, neighbours, the livestock and the farmer moving the livestock. For example, it would not be appropriate to have the same rules for a farm located directly outside Auckland as opposed to a small rural town such as Ohoka with quieter roads.

New Zealand case law has established that those who use livestock crossings must exercise reasonable care (in accordance with the principles of negligence) to ensure that the livestock do not cause damage to road users or the road infrastructure.

The Waimakariri District Council (WDC) created new bylaws in 2020. These bylaws permit stock droving in circumstances where you are on occasion droving livestock down a

public road during daylight hours, wearing fluorescent safety vests, you provide adequate warning to traffic, the number of livestock is within the limits and it is not a livestock excluded road.

If your movement of livestock does not meet the factors described above, you will need to seek the approval of the WDC, with the exception, where you are returning livestock to the farm following an escape.

**The types of permits that you may receive from the WDC are:**

- Stock Underpasses
  - Stock Droving Permitted with Specific Approval
  - Stock Droving not Permitted
- Permit requirements will likely vary for each livestock crossing application. The following are possible conditions that may be imposed on permits:
- Washing the road after each stock crossing.



- Temporary protective covering at stock crossing e.g. mats
- Seal protection at stock crossing

Overall, the New Zealand Transport Agency (NZTA) states that it is important to have clear signage, plenty of warning ahead and visibility in weather conditions to accommodate for the safety of not only other road users, but the livestock.

Where you are unable to meet these conditions, you should enquire with your local council for assistance.

Some councils have partly or fully subsidised safety equipment such as jackets,

signs or lights as part of a review or within a permit process.

For more information, head to your council's website and check the bylaws specific to your area. Again, it is important to note that every council has different bylaws regarding livestock crossings and you should be aware of the specific rules for the district that you are moving stock in.

We recommend that you consult with a legal professional who specialises in rural law before moving your livestock if you are not clear on the rules after speaking with your local Council.