

DECISION REPORT



STRATFORD
DISTRICT COUNCIL

File Ref 18225

TO: Chief Executive

FROM: Planning & Regulatory Manager

DATE: 30 June 2010

**SUBJECT: STATEMENT OF PROPOSAL - STRATFORD DISTRICT COUNCIL
STOCK CONTROL BYLAW REVIEW**

1. **PURPOSE OF REPORT**

This report is to:

- 1.1 review the current bylaw as required under the Local Government Act 2002 (LGA).
- 1.2 Recommend the reviewed bylaw for public consultation.

2. **EXECUTIVE SUMMARY**

- 2.1 With the implementation of the LGA the Stratford District Council is required to review all bylaws every five years after their implementation.
- 2.2 This report is the Statement of Proposal for the Review of the Stratford District Stock Control Bylaw and is to be available to the public, inviting submissions for the period 11 August 2010 to 10 September 2010.

3. **BACKGROUND**

- 3.1 The Stratford District Council Stock Control Bylaw 2005 came into force on 1 January 2005.
- 3.2 The LGA requires all bylaws made be reviewed within five years of the Act coming into force. The five year anniversary of the Stock Control Bylaw was 1 January 2010, although Section 160 of the LGA allows a bylaw to continue in force for up to two years after the review date.
- 3.4 Once reviewed for the first time, the bylaw need not be reviewed until the tenth anniversary of each review. All Council Bylaws will be brought up for review in 2017, being ten years after the first major review under the LGA.

4. **CONSULTATIVE PROCESS**

4.1 **Public Consultation**

The Statement of Proposal concerning bylaw reviews is required under the LGA Section 86(1) to be subject to the special consultative procedure. The Statement of Proposal is, under Section 86(2), a draft of the bylaw as amended or otherwise, unless the bylaw is to be revoked, in which case a statement to that effect suffices.

In either case, under Section 86(3), the Statement of Proposal must also include the relevant report of the legal considerations under the LGA, including a consideration of the problems intended to be addressed by the bylaw.

This report will therefore be subject to public consultation.

4.2 **Maori Consultation**

There are no specific issues concerning Maori in the consideration of the bylaw review and therefore specific Iwi consultation is not required.

5. **RISK ANALYSIS**

The risks associated with the bylaw review are essentially legal, in that the bylaw may not be legally defensible or relevant in what it is designed to achieve. The principle effects of such a risk being realised are within the area of business risks to a moderate level.

6. **DECISION MAKING PROCESS**

6.1 **Legal Requirements**

6.1.1 The LGA Section 159 requires any bylaw review to reconsider the matters required to be taken into account under Section 155 when first considering the bylaw. For all intents and purposes the review therefore becomes a proposal for a new bylaw, even if the old one remains unchanged. This then ensures that the bylaw retains its relevancy.

6.1.2 The matters to consider are listed in Section 155 and are:

- define the perceived problem to be addressed.
- analysis of the various reasonably practical options available to address the perceived problem.
- analysis of the specific form of bylaw required if a bylaw is found to be the most appropriate mechanism available.
- analysis of any implications of the proposed bylaw with the NZ Bill of Rights Act 1990.

6.1.3 The LGA Section 77 then lists the matters which must be considered when making the decision to propose the amended or unchanged bylaw or to propose the deletion of the bylaw. These include but are not restricted to:

- analysis of the costs and benefits of each identified option in regard to the four “well-being's” ie. social, economic, environmental and cultural.
- identification of the appropriate Community Outcomes affected by the proposed bylaw.
- analysis of how each identified option could promote or achieve the identified Community Outcome.
- analysis of the impact of the proposed bylaw on Council’s capacity to meet its responsibilities and duties.

6.2 **Significance**

6.2.1 The review of the Stratford District Council Stock Control Bylaw is carried out with the objective of ensuring that the reviewed bylaw is both still relevant and enforceable.

6.2.2 In terms of Council’s Policy on Significance, the bylaw review:

- will affect the community at large to a small extent in that compliance is required and generally given.

- may affect a small sector of the community who experience difficulty in gaining compliance to a large extent.
- will not affect the achievement by Council of any of its objectives.
- will not affect the ability of Council to perform.
- is unlikely to generate widespread community interest as the bylaw has been in place since 2005.
- is required to be subject to the special consultative procedure.
- does not trigger any of the thresholds for significance in the Policy.

6.2.3 As each of the above results in a low level of significance for each indicator, it is considered that the review of the bylaw is not significant in terms of the Policy on Significance.

6.3 **Compliance Level with Decision making Procedures**

Under Section 79 of the LGA the degree to which the analysis outlined under Clause 6.2 above is carried out must be in proportion to the established significance of the review. In this case the bylaw has been in place and enforced for five years without any reported difficulties and is therefore of a low level of significance.

7. **CHAPTER 20 - STOCK CONTROL BYLAW**

7.1 **Bylaw Summary**

This bylaw contains the interpretation of terms used in the bylaw and outlines the mechanisms for enforcement.

7.2 **Bylaw Objectives**

To control the use of road reserve, containing a formed carriageway, for the purposes of the keeping or moving of stock.

ASSESSMENT OF OPTIONS

7.3 **Options to Achieve Objectives**

7.3.1 **Option 1 - No Bylaw**

This option would see the repeal of the Stock Control Bylaw.

7.3.2 **Option 2 - A Bylaw**

This option would allow for the continuation of the Stock Control Bylaw either without change or in an amended form.

7.4 **Costs and Benefits**

7.4.1 **Option 1 - No Bylaw**

Well-being	Benefit	Cost
Social		Increased risk of traffic safety problems
Economic	No cost of compliance	- Increased costs due to accidents - Increased road maintenance
Environmental	Reduction in carbon emissions	- Potential disruption of road reserve water tables - Potential pollution of road reserve water tables
Cultural	-	-

7.4.2 Option 2 - Continuance of Bylaw

Well-being	Benefit	Cost
Social	A safe environment for people of Stratford District	-
Economic	Possibly reduced number of accidents	Cost of compliance
Environmental	Management of waste onto road reserves	
Cultural	-	-

7.4.3 Analysis

The Bylaw has been enforced since it was promulgated with a programme of dealing with the existing stock crossings and stock races either as complaints have been received or in order of proximity to the Stratford urban area.

Complaints had been received concerning two lengths of stock race and a number of stock crossing points. The proximity to the urban area was chosen to both allow for adequate resourcing of officer time taken in enforcement and to give recognition to the generally higher traffic volumes in closer proximity to the urban area.

The inability of a landowner to deal with one particular stock race and stock crossing point resulted in formal enforcement action being taken through the District Court. The matter was resolved by legal agreement in Council's favour prior to the matter being heard by the Court. There has been no difficulty experienced in enforcing the requirements of the bylaw.

In the five years since the bylaw became operational:

- 38 Licences to Occupy (permanent fences) have been applied for. Of these, 35 were issued and three declined.
- Six Stock Crossing applications have been made. Of these, five were issued and one was withdrawn.
- Two stock race applications have been received and both were granted.
- Five underpasses have been installed.

The need for the bylaw has been amply demonstrated by the situations which Council Officers have had to resolve. In many cases the races or fences on road reserve have presented demonstrable road safety hazards due to their lack of compliance. In addition there have been several cases where traffic volumes or herd sizes were of sufficiently high levels as to require the replacement of stock crossings with stock underpasses.

7.5 Community Outcomes

7.5.1 Option 1 - No Bylaw

Identified Outcome(s)	Impact
Built environment that is attractive, safe and healthy	The keeping and moving of stock on road reserves is not managed so allowing the safety and health of the public is jeopardised.

7.5.1 Option 2 - Continuance of Bylaw

Identified Outcome(s)	Impact
Built environment that is attractive, safe and healthy	A community where controls are in place to ensure that the keeping and moving of stock on road reserves is managed so that the safety and health of the public is not jeopardised.

7.6 **Analysis**

7.6.1 Having no bylaw would mean that the management of road reserves would be deficient in regard to stock control to the point that public safety and health would be threatened in some cases.

7.6.2 The bylaw allows for adequate controls to be placed onto stock races and crossing points on road reserves, noting that there is also a benefit to the landowner in ensuring that stock are safe.

7.7 **Preferred Option**

The preferred option is to retain the bylaw.

ASSESSMENT OF BYLAW

7.8 **Appropriateness of Bylaw Form**

The bylaw in its current form is appropriate with only minor changes required.

The only clarity matter that has been raised is that relating to the circumstances under which a stock race would be considered on road reserve. Clause 2004.3 states:

“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.”

The intention of this is that stock races are only permitted where there is no alternative to walking the stock along the road reserve. By way of example several races have been removed where they had been formed along the frontage of a farmer’s own property to effectively move cattle from one paddock to another, when there was no reason for the race not to be formed on the farmer’s own land.

The clause could be reworded to make this expectation absolutely clear. Appropriate wording would be:

“An approved stock race is only permitted in the circumstances 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.”

In addition it is noted that the transitional provisions are no longer required as this period has expired.

7.9 **NZ Bill of Rights Act 1990 (NZBORA) Implications**

The proposed bylaw is neither inconsistent with nor raises any implications with the NZBORA. The bylaw does not place any limits on freedom of movement, expression or association and does not isolate any particular social group in terms of that Act. Any offences against the bylaw require a judicial process which provides alleged offenders with opportunities for defence through the Courts.

7.10 **Other Relevant Matters**

7.10.1 **Legal Justification for Bylaw**

The content of the Introductory Bylaw is permitted under Section 151 of the LGA which lays out the general provisions relating to bylaws.

The review of the current bylaw as required under the Local Government Act 2002 (LGA).

7.10.2 **Certainty of Bylaw**

A bylaw is required to be certain in that the expectations of the bylaw must be clearly stated.

The Stock Control Bylaw clearly sets out the appropriate expectations for allowing stock on roads under Clause 2002. The recommended change to the bylaw, as described above, is the only potential improvement to its certainty which has been identified.

7.10.3 **Reasonableness of Bylaw**

In essence a bylaw must not unnecessarily interfere with a public or private right unless there is a corresponding benefit to the community.

The Stock Control Bylaw only pertains to the use of public land where there is the potential for health and safety effects on other users of that land.

OUTCOME OF REVIEW

To retain the bylaw in an amended form.

8. **RECOMMENDATION**

THAT the Stock Control Bylaw be amended to the form as shown in Appendix A to this report and the Statement of Proposal be approved for public notification for the period from 11 August 2010 to 10 September 2010.

Recommended Reason

The Bylaw in its amended form will continue to allow an appropriate level of control over the use of road reserve areas for stock grazing and stock movement.

M R Avery
PLANNING & REGULATORY MANAGER

Approved by
M R Freeman

CHIEF EXECUTIVE

DATE

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STRATFORD DISTRICT COUNCIL

STOCK CONTROL BYLAW REVIEW

SUMMARY OF INFORMATION

Background Information

1. The Stratford District Council has reviewed its Stock Control Bylaw in accordance with Sections 158 and 159 of the Local Government Act 2002.
2. The reviewed Bylaw, is now available for public submissions to be made on it.

Summary of Proposal

3. The Bylaw which has been reviewed is: Stock Control Bylaw 2005.

Statement Of Proposal

4. The full Statement of Proposal, containing the reviewed bylaw and the review report, is available from Wednesday 11 August 2010 at:
 - Stratford District Council, Miranda Street, Stratford.
 - Stratford Public Library, Prospero Place, Stratford.
 - www.stratford.govt.nz

Further information is available, if required, from:

Mike Avery
Planning & Regulatory Manager
Stratford District Council
P O Box 320
STRATFORD 4352
(06) 765 6099
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Public Submissions

5. All submissions are to be in writing to the Stratford District Council.
6. Submissions may be made on the reviewed Bylaw at any time until 4.30 pm on the closing date of Friday 10 September 2010.
7. Submitters will be given the opportunity to speak to their submissions on Tuesday 28 September 2010. It is Council's intention to make its decisions on submissions on Tuesday 5 October 2010 and to subsequently adopt the bylaw incorporating those decisions pursuant to the special consultative procedure of the Local Government Act 2002.

APPENDIX A

CHAPTER 24

STOCK CONTROL BYLAW

2401 INTERPRETATION

In this Bylaw:

- 2401.1 **Berm** means that area of road reserve abutting a road.
- 2401.2 **Road** means a formed carriageway which is maintained by the Stratford District Council.
- 2401.3 **Road Reserve** means the entire area occupied by both a road and, if present, any berm or berms.

2402 GENERAL RESTRICTIONS FOR STOCK ON ROADS AND ROAD RESERVE AREAS

- 2402.1 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
- 2402.2 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 2404.2, 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

2403 **REQUIREMENTS FOR THE GRAZING OF STOCK ON OR ADJACENT TO ROAD RESERVE**

STOCK GRAZING

- 2403.1 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
 - (e) Stock are permitted to remain within road reserve areas only within the hours of daylight.
 - (f) Such grazing is not permitted to preclude such areas of road reserve from being used for public access.
 - (g) 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

- 2403.2 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.
- 2403.3
- (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.
- 2403.4
- (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.
 - (c) No person shall permit or otherwise allow stock to remain untethered in an area abutting a public place or within a public place unless the stock are contained by a stock proof fence.
- 2403.5 (a) Any such permission as required by 2403.3 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

- 2403.6 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 subclause 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.

- 2403.7 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

- 2403.8 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.

- 2403.9 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
 - (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.

2404 **REQUIREMENTS FOR THE MOVING OF STOCK ON ROAD RESERVE**

STOCK DROVING

- 2404.1 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.

- 2404.2 Despite 2402.2(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

- 2404.3 *An approved stock race is only permitted* 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.~~
- 2404.4 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.
- 2404.5 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.
- 2404.6 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.
- 2404.7 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.
- 2404.8 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.

2405 REQUIREMENTS FOR STOCK CROSSING POINTS

- 2405.1 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.
- 2405.2 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.
- 2405.3 (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.
- 2405.4 Only one stock crossing point is permitted per farming unit.
- 2405.5 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.
- 2405.6 Stock crossing points are not permitted to be used outside of daylight hours unless approved warning lights and traffic control are employed.
- 2405.7 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.
- 2405.8 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, then the requirement for a stock underpass pursuant to 2406 shall be assessed.

2406 STOCK UNDERPASSES

- 2406.1 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

- 2406.2 In making the assessment under 2406.1 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.

- 2406.3 Any person proposing to install a stock underpass shall make a written application to the Council for approval of the proposal.

- 2406.4 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.

~~2407 TRANSITIONAL PROVISIONS~~

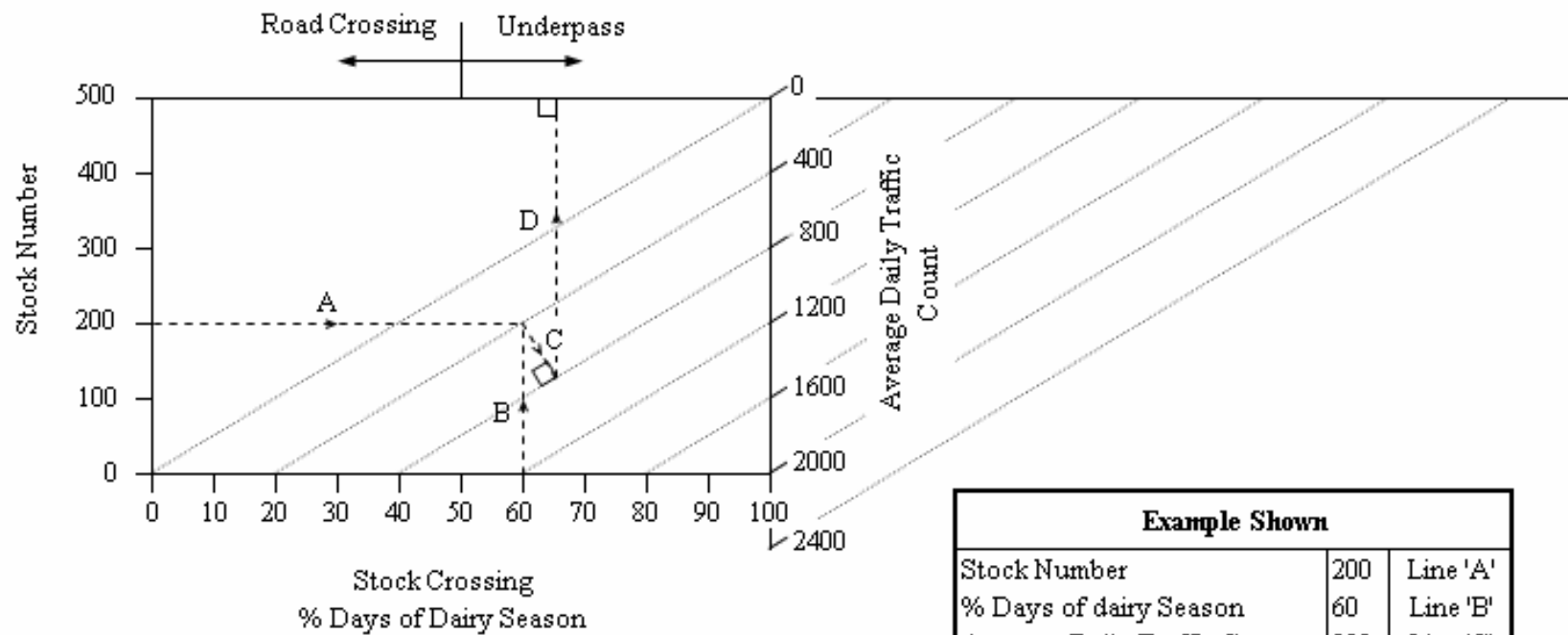
~~2407.1 This bylaw shall come into force and take effect on 01 January 2005.~~

~~2407.2 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.~~

~~2407.3 Where any person, company or other legal entity is required in writing by the Stratford District Council, within 6 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 6 months of the date of that notification, and any failure to do so shall be deemed to be a breach of this bylaw.~~

~~2407.4~~ Where any person, company or other legal entity is required in writing by the Stratford District Council, within 6 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