



GISBORNE
DISTRICT COUNCIL

**Gisborne District
Keeping of Animals, Bees
and Poultry Bylaw 2005**

Following the processes determined under the Local Government Act 2002, the bylaws pertaining to the keeping of animals, bees and poultry were reviewed.

The Gisborne District Keeping Of Animals, Bees And Poultry Bylaw 2005 was duly made by a resolution of the Gisborne District Council at it's meeting on the 27th October 2005, and was ordered to come into force on the 1st December 2005.

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1. Title and Commencement

This Bylaw is known as the “Gisborne District Keeping of Animals, Bees and Poultry Bylaw 2005” and shall come into force on the 1st day of December 2005.

2. Repeals

The following bylaws are repealed:

Gisborne City Bylaw 1958 (NZSS 791) Part XXIV as amended;

Cook County Council General Bylaw 1978 (NZS 9201) Chapter 13 as amended;

Waikohu County Council (General) Bylaw No. 7 (NZS 9201) Chapter 13 as amended;

Waiapu County Council bylaws relating to the Keeping of Animals, Bees or Poultry.

3. Scope

This Bylaw is made under the authority of Sections 145 and 146 of the Local Government Act 2002.

The purpose of this Bylaw is to protect the public from nuisance and protect, promote and maintain public health and safety, by providing controls over the keeping of certain animals, bees and poultry and so reduce the incidence of odour, noise, vermin and physical effects.

4. Definitions

In this Bylaw if not inconsistent with the context:

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| Animal | Means any stock, poultry or bees. |
| Authorised Officer | Means any Officer so appointed by Council to exercise powers pursuant to this Bylaw. |
| Council | Means the Gisborne District Council. |
| Deer | Means a deer of any age or gender. |
| Gisborne Urban Area | Means the area included within that as defined by the Gisborne District Combined Regional Land and District Plan Urban and Rural Maps. <i>Note: This area is within the boundaries of the City of Gisborne but does not include any area at Okitu, Wainui Beach, Makorori or Makaraka.</i> |

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| Goat | Means a goat of any age or gender. |
| Horse | Means a horse, donkey, ass or mule of any age or gender. |
| Occupied dwelling unit | Means a building or part of a building that is used regularly for human habitation. |
| Ox | Means a cattle beast of any age or gender. |
| Person | Includes a corporation sole and also a body of persons whether corporate or unincorporated. |
| Pig | Means a pig of any age or gender. |
| Pig (adult) | Means any pig except those not yet weaned. |
| Poultry | Means and includes geese, ducks, pigeons, turkeys, peacocks and domestic fowls of all descriptions, age and gender. |
| Residential Zone | Means the area so defined by the Gisborne District Combined Regional Land and District Plan and does not include the Rural Residential Zone. <i>Note: This area includes rural townships.</i> |
| Rural Zone | Means the area so defined by the Gisborne District Combined Regional Land and District Plan. |
| Sensitive use | Means any place of assembly or community facility such as a school or church, any occupied building including dwellings and workplaces, and any place where persons remain for leisure or recreation including outdoor living areas. This definition does not include roads. |
| Sheep | Means a sheep of any age or gender. |
| Stock | Means and includes any horse, ox, goat, pig, sheep, deer, emu or any animal which is commonly farmed. |

5. Poultry Keeping

5.1 Except with the written approval of an Authorised Officer:

- (i) No poultry house or poultry run must be erected so that any part of it is less than 10 metres from any occupied dwelling unit or other sensitive use or within two metres of any boundary.

Note: Intensive Farming, as defined in the Combined Regional Land and District Plan, is a discretionary activity under the plan and requires resource consent.

Greater setbacks than those prescribed in this bylaw may be approved or provided through the resource consent process for intensive farming. Greater setbacks than those prescribed in clause 5.1 may need to be provided to comply with clause 9 of this bylaw.

5.2 Except with the written approval of an Authorised Officer and subject to 5.3:

- (i) All poultry in a Residential Zone must be kept at all times in a properly constructed and maintained fowl house and/or a properly enclosed poultry run;
- (ii) No more than 12 head of poultry are to be kept on any property in any Residential Zone;
- (iii) No roosters, geese, peacocks or peahens are to be kept in a Residential Zone.

5.3 Approval under clause 5.2 is not necessary so long as an Authorised Officer is of the opinion that the property on which the poultry are kept and adjoining properties are of a predominantly rural character with regard to the activities carried out, intensity of dwellings and area of properties.

6. Bee Keeping

6.1 Except with the written approval of an Authorised Officer and subject to clause 6.2:

- (i) No bees may be kept on any property with an area of 600m² or less in a Residential Zone within the Gisborne Urban Area;
- (ii) No more than 1 beehive may be kept on any property with an area of between 600m² and 900m² in a Residential Zone within the Gisborne Urban Area;
- (iii) No more than 2 beehives may be kept on any property with an area of 900 m² or more in a Residential Zone within the Gisborne Urban Area, provided that if there are no dwellings or sensitive uses on adjoining properties 3 hives may be kept;
- (iv) No more than 2 beehives may be kept on a property in a Residential Zone outside of the Gisborne Urban Area, provided that if there are no dwellings or sensitive uses on adjoining properties 3 hives may be kept;

Note: The number of beehives needs to be appropriate to the section size, the proximity of neighbours and the layout of the property.

- (v) Beehives must be placed with an obstruction in front of them or elevated to ensure that all bees are above 2.5m above ground level prior to crossing the site boundary;
- (vi) Beehives must be positioned so as to ensure that the primary flight path will not impinge on a dwelling or living area on any property;

Note: Placement of beehives is a critical factor for avoiding problems for neighbours in urban areas.

- (vii) A water trough must be provided and maintained on the property;
- (viii) Hive working and manipulation shall only occur at times either agreed with any potentially affected neighbours or as approved by an Authorised Officer.

Note: Beekeepers should be considerate of neighbours when siting beehives and when manipulating beehives so as to reduce the chance of annoyance.

6.2 Where the splitting of beehives already located on a property results in a greater number of beehives than that allowed by clause 6.1 of this bylaw or the conditions of an approval from an Authorised Officer, the beehives must be removed:

- (i) By the 30th of September – for beehives split during the period of March to August;
- (ii) Within 6 weeks – for beehives split during the period of September to February.

6.3 Authorised Officers have the power to remove or alter a hive that is or has been constructed in breach of this bylaw.

Note: If bees are being kept in a manner or position that is considered by an Environmental Health Officer to constitute a “nuisance” then action may be taken pursuant to the Health Act 1956. In the cases where immediate abatement is considered necessary this may include destruction of bees.

7. Stock Keeping

- 7.1 Except with the written approval of an Authorised Officer and subject to clause 5, 6 and 7.2:
- (i) No stock other than poultry or bees may be kept in a Residential Zone.
- 7.2 Approval under clause 7.1 is not necessary so long as an Authorised Officer is of the opinion that the property on which the stock are kept and adjoining properties are of a predominantly rural character with regard to the activities carried out, intensity of dwellings and area of properties. Clause 8 shall then apply as if the property were in a Rural zone.

8. Pig Keeping

- 8.1 Except with the written approval of an Authorised officer, pigs may only be kept in a Rural zone provided that the following set-back requirements are met:
- (i) Manure, swill and feed must not be stored or accumulated within:
 - (a) 10 metres of any occupied dwelling unit including those on the same site;
 - (b) 50 metres of any neighbouring occupied dwelling unit or other sensitive use existing at the time this activity commenced, except in accordance with clause 8.2.
 - (ii) Pigs must not be allowed to range within 10 metres of any occupied dwelling unit including those on the same site.
 - (iii) Any pig shelter or enclosure must not be located within 10 metres of any occupied dwelling unit including those on the same site.
 - (iv) Any pig shelter or enclosure which is occupied by 3 or less pigs (adult) at any one time must not be located within 50 metres of any neighbouring occupied dwelling unit or other sensitive use existing at the time the activity is commenced, except in accordance with clause 8.2.
 - (v) Any pig shelter or enclosure which is occupied by 4 or more pigs (adult) at any one time must not be located within 100 metres of any neighbouring occupied dwelling unit or other sensitive use existing at the time the activity is commenced, except in accordance with clause 8.2.

Note: Intensive Farming, as defined in the Combined Regional Land and District Plan, is a discretionary activity under the plan and requires resource consent. Greater setbacks than those prescribed in clause 8.1 may be approved or provided through the resource consent process for intensive farming.

Greater setbacks than those prescribed in clause 8.1 may need to be provided to comply with clause 9 of this bylaw (for example, where a large number of pigs are kept or where a sensitive use is established adjacent to a pig keeping activity)

- 8.2 Set-back distances specified in clauses 8(i)(b), 8(iv) and 8(v) may be reduced if written consent of the owner and occupier of any land obtaining the benefit of these setback distances is obtained and submitted to the Council prior to commencement of the activity or when the consent is sought. Such written consent may be subject to reasonable conditions and be for a specified period of time but in no case shall affect clauses 8(i)(a), 8(ii) or 8(iii).

Note: If written consent has been given it shall continue regardless of change in ownership of the land unless the consent was so limited.

- 8.3 Set-back distances specified in clauses 8(i)(b), 8(iv) and 8(v) do not apply where the activity was lawfully established and operated pursuant to the Resource Management Act 1991 prior to this bylaw coming into force and has not lapsed.

9. Nuisance

- 9.1 No person may keep any animal or allow any such animal to be kept or remain on any property owned or occupied by that person, unless:
- (i) Any building, shelter or enclosure used to house animals is constructed, drained and maintained so as to ensure that no nuisance occurs from its existence or use;
 - (ii) Any discharge of objectionable or offensive odours is not of an extent that it causes an adverse effect beyond the boundary of the property;
 - (iii) Effective fencing or other containment measures are provided to confine and control the animals, other than bees and free-flight birds, within the site and to prevent them from gaining access to neighbouring properties;

- (iv) Parasites, flies and other pests do not reach levels that may create a nuisance to neighbours or a health risk to humans or animals;
 - (v) Animals are kept in such a manner that no other nuisance occurs.
- 9.2 Whether an odour causes an adverse effect for the purpose of 9.1(ii) shall be determined by an Authorised Officer with reference to the frequency, intensity, duration and offensiveness (or character) of the odour, and the type of land use and nature of human activities in the vicinity of the odour source.
- 9.3 For the avoidance of doubt, clause 9 applies to all activities associated with the keeping of animals including storage of food and waste.

10. Approvals

- 10.1 Any Authorised Officer may refuse to give approval under any of clauses 5, 6, 7 or 8 of this Bylaw or may give approval subject to such conditions as the Authorised Officer considers are necessary to avoid nuisance to any person or adverse effect to the environment.
- 10.2 When considering an application for approval an Authorised Officer shall consider the following factors before making a decision:
- (i) Whether neighbours are affected and if so whether they have given their consent;
 - (ii) Whether effluent might drain into any waterway;
 - (iii) Whether any enclosure or fencing is adequate to contain the animals;
 - (iv) Previous history of the applicant;
 - (v) Potential noise;
 - (vi) Animal management and care;
 - (vii) Type, number and intensity of animals;
 - (viii) Any other relevant factor.

- 10.3 Any approval so given may be withdrawn or amended at any time by written notice given by an Authorised Officer on any of the following grounds:
- (i) Any Animal not being kept in accordance with the application;
 - (ii) Any conditions of approval not met;
 - (iii) Non-compliance with this bylaw or any other relevant regulation or statute;
 - (iv) Adverse effects on a person, an animal or the environment are occurring or are likely to occur.
- 10.4 Approvals are issued to a person or persons in respect of a specified property. They remain in force indefinitely, unless a time period is specified as a condition of approval or the approval is withdrawn. Approvals are not transferable to another person or persons.

11. Offences

Any person who acts contrary or fails to comply with any provision of this Bylaw commits an offence and is liable upon summary conviction to a penalty not exceeding \$20,000 or on service of an infringement notice requiring payment of an infringement fee.

12. Fees

- 12.1 Council may charge fees for assessing applications, issuing approval, monitoring and enforcement in respect of this Bylaw.
- 12.2 Council may recover the costs of removal or alteration from any person who has committed a breach of this Bylaw.

THE COMMON SEAL OF GISBORNE DISTRICT COUNCIL WAS HERETO
AFFIXED PURSUANT TO RESOLUTION PASSED AT A MEETING OF THE
GISBORNE DISTRICT COUNCIL HELD ON _____ (DAY) OF
_____ (MONTH) 2008.

----- MAYOR

----- CHIEF EXECUTIVE