



Animal Management Bylaw 2015 Ture-ā-rohe Tiaki Kararehe 2015

(as at 01 October 2019)

Made by Governing Body of Auckland Council

Resolution in Council

30 April 2015

Pursuant to the Local Government Act 2002 and the Health Act 1956, the Governing Body of Auckland Council makes the following bylaw.

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1 Title

- (1) This bylaw is the Animal Management Bylaw 2015.

2 Commencement

- (1) This bylaw comes into force on 1 September 2015.

3 Application

- (1) This bylaw applies to Auckland.

**Part 1
Preliminary provisions**

4 Purpose

- (1) The purpose of this bylaw is to provide for the ownership of animals (excluding dogs) in a way that –
- (a) protects the public from nuisance;
 - (b) maintains and promotes public health and safety;
 - (c) minimises the potential for offensive behaviour in public places, and
 - (d) manages animals in public places.

Explanatory note: The Auckland Council Animal Management Bylaw 2015 supplements rather than duplicates other animal owner obligations, including but not limited to, the Animal Products Act 1999, Animal Welfare Act 1999 and related codes of welfare, Biosecurity Act 1993, Health Act 1956, Impounding Act 1955, Reserves Act 1977, Resource Management Act 1991, Auckland Council Unitary Plan, Auckland Regional Parks Management Plan 2010, and the Auckland Regional Pest Management Strategy 2007-2012.

Dog management is addressed in the Auckland Council Policy on Dogs 2012 and Dog Management Bylaw 2012.

5 Interpretation

- (1) In this bylaw, unless the context otherwise requires, -

Animal means any member of the animal kingdom, including any mammal, bird, finfish, shellfish, reptile, amphibian, insect or invertebrate, and includes their young or eggs and the carcass or its constituent parts, but does not include humans or dogs.

Council means the governing body of Auckland Council or any person delegated to act on its behalf.

Hunt means to search for any animal, and killing, taking, trapping, capturing, having in possession, tranquillising, or immobilising any such animal by any means for any reason.

Explanatory note: Definition of hunt inserted by minute GB/2019/22, in force on 01 October 2019.

Licence means a licence, permit or approval to do something under this bylaw and includes all conditions to which the licence is subject.

Nuisance has the same meaning as Section 29 of the Health Act 1956 and includes a person, animal, thing or circumstance causing unreasonable interference with the peace, comfort or convenience of another person.

Explanatory note: Without limiting the meaning of the term nuisance, section 29 of the Health Act 1956 states a nuisance shall be deemed to be created in any of the following cases, that is to say:

- (a) where any accumulation or deposit is in such a state or is so situated as to be offensive or likely to be injurious to health;*
- (b) where any premises, including any accumulation or deposit thereon, are in such a state as to harbour or to be likely to harbour rats or other vermin;*
- (c) where any premises are so situated, or are in such a state, as to be offensive or likely to be injurious to health;*
- (d) where any buildings or premises used for the keeping of animals are so constructed, situated, used, or kept, or are in such a condition, as to be offensive or likely to be injurious to health;*
- (e) where any animal, or any carcass or part of a carcass, is so kept or allowed to remain as to be offensive or likely to be injurious to health;*
- (f) where any noise or vibration occurs in or is emitted from any building, premises, or land (from an animal) to a degree that is likely to be injurious to health;*
- (g) where there exists on any land or premises any condition giving rise or capable of giving rise to the breeding of flies or mosquitoes or suitable for the breeding of other insects, or of mites or ticks, which are capable of causing or transmitting disease.*

Explanatory note: Circumstances that may be deemed a nuisance can include noises and odour associated with keeping animals.

Owner, in relation to any animal, means a person who has an animal in their possession or custody, or under that person's care, control, or supervision, and includes the parent or guardian of a person under the age of 16 years who -

- (a) owns the animal; and
- (b) is a member of the parent's or guardian's household living with and dependant on the parent or guardian; -

but does not include any person who has seized or taken custody of an animal under the Animal Welfare Act 1999 or the National Parks Act 1980 or the Conservation Act 1987 or any order made under the Animal Welfare Act 1999.

Park means —

- (a) any land vested in or administered by the council under the provisions of the Reserves Act 1977; or
- (b) any park, domain or recreational area under the control or ownership of the council.

Parks management plan means a management plan for any regional or local park adopted by the council.

Person has the meaning given by the Interpretation Act 1999.

Explanatory note: As at 1 October 2008, the definition in section 29 of the Interpretation Act 1999 states “person includes a corporation sole, a body corporate, and an unincorporated body”.

Poultry means any live bird that is kept or raised for the purpose of producing eggs, hatching eggs or poultry products or for the purpose of rearing on behalf of any other person, and includes chickens, ducks, geese, peacocks, peahens, pheasants, roosters and swans.

Premises means any private land that is occupied or unoccupied.

Public place means a place that is –

- (a) under the control of Auckland Council; and
- (b) open to, or being used by the public, whether or not there is a charge for admission.

Stock means cattle, deer, llamas, alpacas, donkeys, mules, horses, sheep, goats, pigs, poultry and any other animal kept in captivity, or farmed, and dependant on humans for their care and sustenance.

Urban area means –

- (a) any land zoned Residential or Business as defined in the Auckland Council Unitary Plan, and
- (b) land zoned Island Residential 1 and 2 and Commercial 1 – 7 on Waiheke Island, as defined in the Hauraki Gulf Islands Operative District Plan 2013.

- (2) Any explanatory notes and attachments are for information purposes, do not form part of this bylaw, and may be inserted, amended or revoked without formality.
- (3) The Interpretation Act 1999 applies to this bylaw.

Part 2

Animals on private land and public places

6 Obligations of animal owners in general

- (1) The owner of any animal must at all times–
 - (a) ensure that animal does not cause a nuisance to any other person; and
 - (b) ensure that animal does not cause a risk to public health and safety; and
 - (c) in relation to bees, comply with any keeping of bees control made by council in accordance with clauses 9 and 10; and
 - (d) in relation to stock, comply with any keeping of stock control made by council in accordance with clauses 9 and 10; and
 - (e) hold a licence to keep stock on any premises in an urban area where the number of stock exceed any limit in any keeping of stock control made by council in accordance with clauses 9 and 10.

Explanatory note: Animal owners are required under the Animal Welfare Act 1999 to provide for the physical, health, and behavioural needs of their animals, including food, water, shelter and exercise.

7 Obligations of animal owners in public places

- (1) The owner of any animal in a public place must at all times –
 - (a) ensure that animal does not intimidate or cause a nuisance to any other person; and
 - (b) ensure that animal does not damage any property belonging to any other person in a public place; and
 - (c) in relation to the presence of horses in a public place, comply with any presence of horses in a public place control made by council in accordance with clause 9; and
 - (d) hold a licence to keep bees in a public place; and
 - (e) hold a licence to graze stock in a public place.

- (2) A person must not intentionally bring an animal into a regional park unless –
 - (a) approval is obtained from the council; or
 - (b) signage indicates the animal is allowed; and
 - (c) the owner complies with any other reasonable conditions imposed by council in relation to the entry or presence of the animal.

8 Slaughter, hunting, removal or release of animals and animal remains

- (1) A person must not leave animal remains on any land so as to create a nuisance or risk to public health and safety.

- (2) A person must not slaughter –
 - (a) any stock on any premises with an area less than 4000 square metres in an urban area, other than poultry, and
 - (b) any stock in a public place.

- (2A) A person must not release or abandon any animal in a public place unless Council has given prior written approval.

- (2B) A person must not hunt or remove any animal in a public place unless –
 - (a) fishing below mean high water springs; or
 - (b) for customary food gathering by Māori under the Fisheries (Kaimoana Customary Fishing) Regulations 1998; or
 - (c) Council has given prior written approval (for example, pig and goat hunting as part of a pest control programme in the Waitakere and Hunua Ranges).

- (3) A person must not slaughter stock on any premises in a manner that creates a nuisance to any person.

- (4) Nothing in clause 8(2) applies to:
 - (a) A veterinarian registered under the Veterinarians Act 2005;
 - (b) An inspector appointed for the purpose of the Biosecurity Act 1993;
 - (c) An inspector appointed for the purposes of the Animal Welfare Act 1999;
 - (d) A person who is complying with the Animal Welfare Act 1999;
 - (e) A person who is complying with the Animal Products Act 1999 where the animal is slaughtered and processed in a premises with a registered risk management programme.

Explanatory note: Any person slaughtering stock must comply with the Animal Welfare Act 1999 to ensure the animal does not suffer unreasonable or unnecessary pain or distress. Premises referred to in clause 8(4)(e) are registered with the Ministry for Primary Industries.

Explanatory notes: Other regulations also apply to the release, hunting and harming of animals. The Auckland Council Public Safety and Nuisance Bylaw 2013 enables Council to impose fishing restrictions to protect the public from nuisance or risks to public safety. The Fisheries Act 1996 enables the Ministry for Primary Industries to ensure the sustainability of New Zealand's fisheries, including setting rules about fishing limits and closures. The Animal Welfare Act 1999 prohibits the ill-treatment of animals (s12, s29) and deserting an animal without reasonable excuse and no provisions to meet its needs (s14). The Wild Animal Control Act 1977 (s8) and Crimes Act 1961 (s219) can also apply to the hunting or removal of certain animals.

Explanatory note: Clause 8 amended by minute GB/2019/22, in force on 01 October 2019 to include matters related to the hunting, removal or release of animals.

Part 3 Controls and licences

9 Types of animal management controls

- (1) The council may make controls for the following purposes -
- (a) the keeping of bees in an urban area, specifically–
 - (i) bee management;
 - (ii) flight path management; and
 - (iii) provision of water;
 - (b) the keeping of stock in urban areas, specifically–
 - (i) the number of stock that may be kept; and
 - (ii) the conditions in which they are kept;
 - (c) the presence of horses in a public place, including –
 - (i) general conditions of use;
 - (ii) specified public places where additional conditions apply; and
 - (iii) specified public places where horse riding is prohibited.

10 Making animal management controls

- (1) The council must, before making, amending or revoking a control -
- (a) comply with the requirements under Subpart 1 of Part 6 of the Local Government Act 2002; and
 - (b) be satisfied that the controls give effect to the purpose of this bylaw.

11 Structure of animal management licence system

- (1) The council may make controls and set fees for the following matters with respect to any licence required in this bylaw –
- (a) applying for a licence, including forms and information;
 - (b) assessing an application for a licence, including inspection;
 - (c) granting or declining an application for a licence;
 - (d) the conditions that may be imposed on a licence;

- (e) the duration of the licence;
 - (f) objecting about a decision to decline a licence, including the objection period;
 - (g) objecting about a condition of a licence, including the objection period;
 - (h) conducting inspections to ensure that a licence and its conditions are complied with;
 - (i) reviewing a licence or its conditions;
 - (j) refunding or waiving fees;
 - (k) suspending or cancelling a licence; and
 - (l) objecting about a decision to suspend or cancel a licence, including the objection period.
- (2) If no controls are made about the duration or transferability of a licence (under sub-clauses (1)(e) and (1)(j)), a licence has a duration of 12 months from the date granted and is not transferable.

Part 4 **Enforcement, offences, penalties**

12 Enforcement

- (1) The council may use its powers under the Local Government Act 2002 and the Health Act 1956 to enforce this bylaw.

13 Offences and penalties

- (1) A person who fails to comply with this bylaw commits a breach of this bylaw and is liable to a penalty under the Local Government Act 2002 and/or the Health Act 1956.

Part 5
Savings, transitional provisions

14 Savings, transitional provisions

- (1) This clause applies to the former bylaws -
 - (a) Auckland City Council Bylaws 2008 03: Animals;
 - (b) Franklin District Council Keeping of Animals, Poultry and Bees Bylaw 2007;
 - (c) Manukau City Consolidated Bylaw 2008 Chapter 2: Animals and Pest Management Bylaw;
 - (d) North Shore City Council Bylaw Part 7: Keeping Animals Poultry Bees Bylaw;
 - (e) Papakura District Council Keeping of Animals, Poultry and Bees Bylaw 2008;
 - (f) Rodney District Council General Bylaw 1998 Chapter 7: Keeping Animals, Poultry and Bees; and
 - (g) Waitakere City Council Animals, Birds and Bees Bylaw 2010.

- (2) Any licence, consent, permit, dispensation, permission or other form of approval granted under a bylaw referred to in subclause (1) continues in force but –
 - (a) expires on the date specified in that approval; or
 - (b) if no expiry date is specified, it expires on the date 12 months after the commencement of this bylaw; and
 - (c) can be renewed only by application made and determined under this bylaw.

- (3) Where a licence, consent, permit, dispensation, permission or other form of approval was not required under a bylaw referred to in subclause (1), and under this bylaw a licence is required , a person must obtain a licence within 12 months of the commencement date of this bylaw.

- (4) Any application for a consent, permit, dispensation, permission or other form of approval granted under a bylaw referred to in subclause (1) that was filed before the day on which this bylaw commences must be dealt with by the council –
 - (a) under the relevant former bylaw in subclause (1); and
 - (b) as if this bylaw had not been made.

Additional Information to Animal Management Bylaw 2015

This document contains matters for information purposes only and does not form part of any bylaw. They include matters made pursuant to a bylaw and other matters to assist in the ease of understanding, use and maintenance.

The information contained in this document may be updated at any time.

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Section 1 History of Bylaw

Action	Description	Date of Decision	Decision Reference	Commencement
Make	<p>Following animal management bylaws in force on 31 Oct 2010 deemed to have been made by Auckland Council</p> <ul style="list-style-type: none"> • Auckland City Council Bylaws 2008 03: Animals; • Auckland City Council Bylaws 2008 20: Public Places; • Auckland Regional Parks Bylaw 2007; • Franklin District Council Keeping of Animals, Poultry and Bees Bylaw 2007; • Franklin District Council Public Places Bylaw 2007; • Franklin District Council Beach Control Bylaw 2007; • Manukau City Consolidated Bylaw 2008 Chapter 2: Animals and Pest Management Bylaw; • North Shore City Council Bylaw Part 5: Keeping Animals Poultry Bees Bylaw; • North Shore City Council Bylaw Part 2: Public Places Bylaw; • North Shore City Council Bylaw Part 7: Environmental Protection: Nuisances Arising on Private Land Bylaw; • North Shore City Council Bylaw Part 21: Stock Slaughter Bylaw; • Papakura District Council Keeping of Animals, Poultry and Bees Bylaw 2008; • Papakura District Council Public Places Bylaw 2008; • Rodney District Council General Bylaw 1998 Chapter 7: Keeping Animals, Poultry and Bees; • Rodney District Council General Bylaw 1998 Chapter 8: Public Places; • Rodney District Council General Bylaw 1998 Chapter 6: Stock on Roads; • Waitakere City Council Animals, Birds and Bees Bylaw 2010; and 	01 Nov 2010	Section 63 Local Government (Auckland Transitional Provisions) Act 2010	01 Nov 2010

	<ul style="list-style-type: none"> • Waitakere City Council Public Places Bylaw 2010. 			
Revoke	<ul style="list-style-type: none"> • Auckland City Council Bylaws 2008 03: Animals; • Auckland City Council Bylaws 2008 20: Public Places (clauses 20.2.1(d), 20.3.4(c), 20.3.4(d), 20.3.5)); • Auckland Regional Parks Bylaw 2007 (clauses 3.1(d), 4.1(a), 6.1(d)); • Franklin District Council Keeping of Animals, Poultry and Bees Bylaw 2007; • Franklin District Council Public Places Bylaw 2007 (clauses 7.1, 17.2, 17.3); • Franklin District Council Beach Control Bylaw 2007 (clauses 5(4), 5(5) and the First Schedule); • Manukau City Consolidated Bylaw 2008 Chapter 2: Animals and Pest Management Bylaw (all clauses excluding 4.1, 4.2, 4.3, 4.4, 4.5 and Attachment 2); • North Shore City Council Bylaw Part 5: Keeping Animals Poultry Bees Bylaw; • North Shore City Council Bylaw Part 2: Public Places Bylaw (clauses 2.3.1 (h), 2.5.1(f), 2.5.1(l)); • North Shore City Council Bylaw Part 7: Environmental Protection: Nuisances Arising on Private Land Bylaw (clauses 7.10.1, 7.10.2); • North Shore City Council Bylaw Part 21: Stock Slaughter Bylaw; • Papakura District Council Keeping of Animals, Poultry and Bees Bylaw 2008; • Papakura District Council Public Places Bylaw 2008 (clauses 5.1(d), 14.1, 14.2, 14.3, 14.4, 14.6); • Rodney District Council General Bylaw 1998 Chapter 7: Keeping Animals, Poultry and Bees; • Rodney District Council General Bylaw 1998 Chapter 8: Public Places (clauses 3.1(d), 4.1(a)); • Rodney District Council General Bylaw 1998 Chapter 6: Stock on 	30 April 2015	GB/2015/22	1 September 2015

	<p>Roads (clauses 5.2, 6.1 and 6.2);</p> <ul style="list-style-type: none"> • Waitakere City Council Animals, Birds and Bees Bylaw 2010; and • Waitakere City Council Public Places Bylaw 2010 (clauses 6.1(m), 10.1(b)). 			
Make	Animal Management Bylaw 2015	30 April 2015	GB/2015/22	1 September 2015
Amend	Animal Management Bylaw 2015	28 March 2019	GB/2019/22	1 October 2019

Section 2 Related Documents

Document Title	Description of Document	Location of Document
Decision Minutes and Agenda	Decisions on submissions to proposed animal management bylaw	www.aucklandcouncil.govt.nz
Hearings Report	Background and summary of submissions to proposed animal management bylaw	www.aucklandcouncil.govt.nz
Animal Management Bylaw Review Statement of Proposal	Provides background to the proposed animal management bylaw	www.aucklandcouncil.govt.nz
Long Term Plan	Outlines financial plans	www.aucklandcouncil.govt.nz
Annual Plan	Sets keeping of animals licence fees	www.aucklandcouncil.govt.nz
The Local Government Act 2002	Provides certain functions, duties, powers and penalties to make and enforce this bylaw	www.legislation.govt.nz
The Health Act 1956	Provides certain functions, duties, powers and penalties to make and enforce this bylaw	www.legislation.govt.nz
Local Government (Auckland Transitional Provisions) Act 2010	Provides certain functions, duties, powers and penalties to make and enforce this bylaw	www.legislation.govt.nz
Bylaws Act 1910	Provides for certain matters related to the validity of bylaws	www.legislation.govt.nz
Interpretations Act 2009	Provides for certain matters related to the interpretation of bylaws	www.legislation.govt.nz

Section 3 Delegations for matters contained in the bylaw

Governing Body and Local Board Delegations

Clause	Function, Duty, Power to be Delegated	Delegated Authority	Date of Delegation Decision	Decision Reference	Commencement of Delegation
9(1)(a) and (b)	Power to make controls for the keeping of bees and stock in an urban area	Regulatory and Bylaws Committee	30 April 2015	GB/2015/22	1 September 2015
9(1)(c)(ii) and (iii)	Make, amend and revoke conditions for horse riding in public places	Regulatory and Bylaws Committee for parks and beaches of regional significance*1	30 April 2015	GB/2015/22	1 September 2015
		Local boards for parks and beaches not of regional significance*1	30 April 2015	GB/2015/22	1 September 2015

*1 Parks and beaches of regional significance means –

- (a) any public place for which the Governing Body retains decision-making for non-regulatory activities as contained in the Long Term Plan, and
- (b) any regional park, including any associated park, road, beach or foreshore area.

Auckland Council Staff Delegations

Clause	Function, Duty, Power to be Delegated	Delegated Authority	Date of Delegation Decision	Decision Reference	Commencement of Delegation
All (except clause 9 and 10 animal management controls and clause 11 in relation to setting of fees)	All powers, duties and functions (including structure of animal management licence system (excluding setting of fees) and issuing licences).	Licensing and Compliance Department – Tier 6	30 April 2015	GB/2015/22	1 September 2015
7(1)(e) and (f)	Power to issue licences for keeping bees and grazing stock in parks.	Parks, Sport and Recreation Department – Tier 6	30 April 2015	GB/2015/22	1 September 2015
7	All powers, duties and functions.	Parks, Sport and Recreation	30 April 2015	GB/2015/22	1 September 2015

		Department – Tier 6 Licensing and Compliance Department – Tier 6			
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Section 4 Register of controls

Action	Description	Date of decision	Decision reference	Commencement
Make	Keeping of Bees Control	30 April 2015	GB/2015/22	1 September 2015
Make	Keeping of Stock Control	30 April 2015	GB/2015/22	1 September 2015
Make	Horses in a Public Place Control	30 April 2015	GB/2015/22	1 September 2015
Amend	Keeping of Stock Control	11 August 2015	RBC/2015/30	1 September 2015

Section 5 Enforcement Powers

Legislative Provision	Description of Legislative Provision
Part 8 of Local Government Act 2002	162 Injunctions restraining commission of offences and breaches of bylaws 163 Removal of works in breach of bylaws 164 Seizure of property not on private land 165 Seizure of property from private land 168 Power to dispose of property seized and impounded 171 General power of entry 172 Power of entry for enforcement purposes 173 Power of entry in cases of emergency 175 Power to recover for damage by wilful or negligent behaviour 176 Costs of remedying damage arising from breach of bylaw 178 Enforcement officers may require certain information 183 Removal of fire hazards 185 Occupier may act if owner of premises makes default 186 Local authority may execute works if owner or occupier defaults 187 Recovery of cost of works by local authority 188 Liability for payments in respect of private land
Health Act 1956	23 General powers and duties of local authorities in respect of public health 30 Penalties for permitting or causing nuisances 33 Proceedings in respect of nuisances 34 Power to abate nuisance without notice 41 Owners or occupiers may be required to cleanse premises 65 General provisions as to bylaws 66 Penalties for breach of bylaws 137 Offences punishable on summary conviction

Section 6 Offences and Penalties

Clause	Description of Offence	Fine	Infringement Fee	Other Penalty
All	A person who fails to comply with this bylaw commits a breach of this bylaw and is liable to a penalty under the Local Government Act 2002 and/or the Health Act 1956.	<p>Under section 242 of the Local Government Act 2002 person who is convicted of an offence against a bylaw is liable to a fine not exceeding \$20,000.</p> <p>Under section 66 of the Health Act 1956, any person who breaches a bylaw is liable to a fine not exceeding \$500 and, in the case of a continuing offence, to a further fine not exceeding \$50 for every day on which the offence has continued.</p>	nil	



Animal Management Controls 2015 **Ture-ā-rohe Tiaki Kararehe 2015**

(as at 11 August 2015)

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Introduction

The purpose of these controls is to provide for the keeping of bees, the keeping of stock in urban areas, and horse riding in public places, in a way that –

- (a) protects the public from nuisance;
- (b) maintains and promotes public health and safety;
- (c) minimises the potential for offensive behaviour in public places, and
- (d) manages animals on land owned or controlled by Auckland Council.

The controls are intended to promote responsible animal ownership and set minimum standards of best practice related to public health, safety and nuisance.

The controls are made under the Animal Management Bylaw 2015. A person who fails to comply with these controls is in breach of the Animal Management Bylaw 2015 and is liable to a penalty under the Local Government Act 2002 and/or the Health Act 1956. Penalties may include cancellation or suspension of an animal management licence or a court fine of up to \$20,000.

The bylaw and controls supplement rather than duplicate other animal owner obligations, including but not limited to, the Animal Products Act 1999, Animal Welfare Act 1999 and related codes of welfare, Biosecurity Act 1993, Health Act 1956, Impounding Act 1955, Reserves Act 1977, Resource Management Act 1991, Auckland Council Unitary Plan, Auckland Regional Parks Management Plan 2010, and Auckland Regional Pest Management Strategy 2007-2012.

Additional information has been provided to enable readers to better understand the full range of owner obligations and responsible animal management, including legislative acts, guidelines and best practice.

Interpretation

Terms used in these controls have the same meaning given by the Animal Management Bylaw 2015. Unless the context otherwise requires, additional terms include-

Apiary means land used for the keeping of bees in one or more beehives.

Beach means the foreshore and any adjacent area that can reasonably be considered part of the beach environment including areas of sand, pebbles, shingle, dunes or coastal vegetation and includes the adjacent coastal marine area.

Beehive means any receptacle housing a honey bee colony.

Beekeeper means a person who keeps bees.

Coastal marine area has the meaning given by the Resource Management Act 1991.

Explanatory note: As at 20 May 2014, the definition in section 2 of the Resource Management Act 1991 "...means the foreshore, seabed, and coastal water, and the air space above the water-

- (a) of which the seaward boundary is the outer limits of the territorial sea:*
- (b) of which the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of-*
 - (i) 1 kilometre upstream from the mouth of the river; or*
 - (ii) the point upstream that is calculated by multiplying the width of the river mouth by 5.*

Flight path means the distinct route taken by many bees leaving from or returning to their hive.

Foreshore has the meaning given by the Resource Management Act 1991.

Explanatory note: As at 20 May 2014, the definition in section 2 of the Resource Management Act 1991 "...means any land covered and uncovered by the flow and ebb of the tide at mean spring tides and, in relation to any such land that forms part of the bed of a river, does not include any area that is not part of the coastal marine area".

Honey bee colony means a honey bee community consisting of a queen (lays eggs), drones (locate queens during swarms), and workers (range of duties including foraging for nectar).

Pollination means the transfer of pollen by honey bees from anthers to stigmas of flowers for plant fertilisation.

Swarm means a cluster or flying mass of honey bees, including workers, queen and drones.

Part 1

Beekeeping in urban areas

History of register for the Keeping of Bees Control

Action	Description	Date of decision	Decision reference	Commencement
Make	Keeping of Bees Control	30 April 2015	GB/2015/22	1 September 2015

1.1 Introduction

Bees play an integral role in the pollination of food crops including backyard vegetable gardens and edible community gardens¹. Beekeeping in urban areas requires good hive management practices to ensure potential nuisance or risks to public health and safety are minimised.

National requirements

Beekeepers have a legal obligation to register their apiary under the Biosecurity (National American Foulbrood Pest Management Plan) Order 1998. Registration of apiaries is intended to protect honey bees from American foulbrood disease. An apiary register also allows the Ministry for Primary Industries to carry out surveillance for exotic pests and diseases of honey bees and respond to an incursion. Registrations are processed byASUREQuality Ltd and registration codes are required to be displayed in a visible manner in each apiary, usually on a beehive. Further information on American foulbrood disease can be found at www.afb.org.nz.

Animal Management Bylaw 2015

The Animal Management Bylaw 2015 requires every person keeping bees -

- to ensure their bees do not cause a nuisance to any other person;
- to ensure their bees do not cause a risk to public health and safety;
- to obtain a licence to keep bees in a public place;
- to comply with any keeping of bees control made by the council.

¹ Relevant council initiatives include the weed management policy and environmental initiatives fund which provides funding for selected edible community garden projects.

1.2 Keeping of Bees Control

The Keeping of Bees Control, made under the Animal Management Bylaw 2015, introduces compulsory minimum standards for responsible beekeeping in urban areas so that concerns related to public health, safety and nuisance are managed. Additional guidelines, while not compulsory, are provided to assist beekeepers understand why the minimum standards are important and how they will help to enable the keeping of bees in urban areas, while protecting the public from nuisance and risk of beestings.

Keeping of Bees Control - Flight path management

- (1) Every person keeping bees in an urban area must take all reasonable steps to ensure beehives are positioned and managed in a way that has minimal impact to any other person.

Guidelines for flight path management

Flight path management is an important aspect of responsible beekeeping. Honey bees will fly at head height for some distance from their hives unless their surrounding environment directs their flight path upwards. Honey bees can be encouraged to fly above head height if a flyway barrier, two or more metres tall, is placed 1-2 metres out from the front of the hive entrance. It is important that flightpaths are not directed across public pathways on private and public land. Barriers that can be used include shrubs or trees, a wall, a hedge or a fence. Beehives can be placed on top of sheds or buildings but it may be more difficult to work with the bees in these restricted locations.

Keeping of Bees Control - Bee management

- (2) Every person keeping bees in an urban area must maintain honey bee colonies with a calm temperament and must take all reasonable steps to control swarming.

Guidelines for bee management

Although swarming is the natural means of dispersal of honey bee colonies, beekeepers can undertake responsible bee management practices to minimise the occurrence of swarms in urban areas. These practices can include re-queening on an annual basis, taking a nucleus colony out of populous hives (artificial swarming) and re-queening colonies that have been started from swarms. Beekeepers should contact their local beekeeping club or the National Beekeepers' Association of New Zealand for further advice on bee management.

Maintaining a calm temperament

Maintaining honey bee colonies with a calm temperament is important for minimising potential nuisance to neighbours and the risk of bee stings. Honey bees are generally docile and only sting as a defensive mechanism. The genetics of the queen influences the nature of the hive, and aggressive bees release alarm pheromones to behave in a more defensive manner. Queen bees should be culled from aggressive colonies and replaced with queens from a gentle strain. If the queen is coming into her second season, the colony is more likely to swarm.

Working with bees

Beekeepers in urban areas should be considerate of their neighbours and work with bees at appropriate times of the day. During the weekend an appropriate time may be earlier in the morning. Beekeepers should avoid working with bees in wet and cold weather conditions.

Management of seasonal build up

Honey bee colonies are more likely to swarm if there are limited cells in the hive for the worker bees to store honey and pollen. Responsible bee management practices need to be undertaken during the seasonal build up to avoid such situations. Plenty of room should be provided for the queen to lay eggs and for the bees to store honey. Consider taking three-five frames of bees, brood and stores from the hive (nucleus hive) as an artificial swarm.

Keeping of Bees Control - Provision of water

- (3) Every person keeping bees in an urban area must ensure there is a suitable water source for the bees on the premises on which the beehives are kept.

Guidelines for water provision

Providing a source of clean water may reduce the number of bees foraging elsewhere for water and creating a nuisance to neighbours, especially if they own a swimming pool.

Keeping of Bees Control - Bee excrement management

- (4) Every person keeping bees in an urban area must take all reasonable steps to minimise nuisance to any other person from bee excrement.

Guidelines for bee excrement management

Like other animals, bees excrete waste products. Honey bees going on orientation, foraging or cleaning flights often excrete after exiting the hive. This can leave distinct trails of coloured bee excrement within a 500 metre radius of the hive and can cause a nuisance to neighbours. The colour of the excrement depends on the pollen sources the bees are foraging on but is typically yellow to brown. The excrement may be hard to remove from clothing, vehicles and buildings.

Hives can be re-positioned on the property or rotated so that flight paths can be encouraged in a direction away from neighbouring properties.

Additional guidelines

For advice on how to comply with the Keeping of Bees Control, contact your local beekeeping club or the National Beekeepers' Association of New Zealand. Auckland Council advises every person wishing to keep bees in an urban area to participate in a beekeeping course. Further information on beekeeping can be obtained from the National Beekeepers' Association of New Zealand guidelines "Starting with Bees" or by contacting the association. Educational workshops and advice are also provided by the Auckland Beekeeper's Club, Franklin Beekeepers Club, and Rodney Beekeepers Club.

Consideration should be given to livestock near the apiary as well as in neighbouring properties. Beehives in paddocks with livestock should be protected from being disrupted by livestock and aggravating the bees. Bee flight paths should also be managed to protect livestock from the risk of bee stings.

Food for bees

An adequate food source for bees is important for bee nutrition and preventing bee starvation. Bees rely on nectar and pollen for their food. Without adequate food sources bees can become weak or starve, are less able to resist diseases and pests, and cannot reproduce to build up strong colonies. The Trees for Bees programme aims to research bee-friendly plants and promote bee-friendly land management in order to provide adequate nutrition for bees in spring

and autumn. For further information on bee-friendly plants visit the Trees for Bees NZ webpage at <http://www.treesforbeesnz.org/home>.

As well as the need for public awareness of bee-friendly plants, beekeepers should prevent overcrowding and manage bee stocking rates. A stocking rate is about managing the number of hives in an apiary or in an area in relation to the carrying capacity of food sources for bees in the foraging environment. Bees forage in a radius of up to five kilometres from the hive, and having too many bees in a single area can cause competition between honeybee colonies.

Collection of bee swarms

Although beekeepers can undertake responsible bee management practices to minimise the occurrence of swarms, swarming is part of the natural reproductive and dispersal cycle of honey bees. Bees which have recently swarmed are generally not inclined to sting unless provoked, as they are gorged full of honey and are homeless, which reduces their defensive behavior. Swarms that have been confined by bad weather to the same bush or tree for several days may be more aggressive.

If a bee swarm is sighted, members of the public should not attempt to remove the swarm themselves, but arrange to have the swarm removed by a local beekeeper. To find a local beekeeper call your local beekeeping club, the National Beekeepers Association of New Zealand, or the Auckland Council call centre on 09 301 0101.

Part 2

Keeping stock in urban areas

History of register for Keeping of Stock Control

Action	Description	Date of decision	Decision reference	Commencement
Make	Keeping of Stock Control	30 April 2015	GB/2015/22	1 September 2015
Amend	Keeping of Stock Control	11 August 2015	RBC/2015/30	1 September 2015

2.1 Introduction

The keeping of stock such as chickens, other poultry, goats, lambs and horses requires an understanding of responsible animal ownership, the welfare needs of the animal (including food, water, shelter and exercise) and the appropriateness of properties for the keeping of such animals within urban areas.

National legislation

Animal owners have an obligation under the Animal Welfare Act 1999 to ensure that the physical, health and behavioural needs of their animal are met². Minimum standards for the care and management of layer hens are stipulated by the Animal Welfare (Layer Hens) Code of Welfare 2012. Minimum standards are also contained in codes of welfare for meat chickens, dairy and beef cattle, sheep, deer, goats, pigs, llamas and alpacas.

Animal Management Bylaw 2015

The Animal Management Bylaw 2015 requires every person keeping stock -

- to ensure their stock do not cause a nuisance to any other person;
- to ensure their stock do not cause a risk to public health and safety;
- to obtain a licence to graze stock in a public place;
- to comply with any keeping of stock control made by the council; and
- to obtain a licence to keep stock where the type or number exceeds the controls as set out in Table 1.

² Section 10 of the Animal Welfare Act 1999.

2.2 Keeping of Stock Control

The Keeping of Stock Control, made under the Animal Management Bylaw 2015, introduces compulsory minimum standards for the number of stock that may be kept in an urban area and the conditions in which they may be kept to manage potential nuisance and risks to public health and safety. Additional guidelines, while not compulsory, are provided to assist animal owners understand why the minimum standards are important and to assist with compliance.

Keeping of Stock Control – Number of stock in an urban area

- (1) A person must not keep stock on any premises in an urban area that exceeds the limits specified in Table 1, unless –
- (a) that person holds a licence, or
 - (b) the area of the premises is larger than 4000 square metres, or
 - (c) the stock is being kept for participation in a children’s agricultural day event where:
 - (i) the event is registered with the council and event organisers provide participants with education on responsible animal ownership, and
 - (ii) the premises on which the stock is being kept is within one of the following local board areas: Franklin, Great Barrier, Papakura, Rodney, Waiheke or Waitakere Ranges, and
 - (iii) the stock is less than 12 months of age and is kept on the premises for no more than six months between 1 June and 30 November.

Explanatory note: obligations of animal owners still apply as contained in clauses 6, 7 and 8 of the Animal Management Bylaw.

Type of stock	Premises smaller than 2000 square metres	Premises larger than 2000 square metres
Cattle	0	0
Chickens	6	12
Deer	0	0
Donkeys	0	0
Ducks	0	6
Geese	0	6
Goats	0	0
Horses	0	0
Llamas	0	0
Peacocks	0	0
Peahens	0	0
Pheasants	0	6
Pigs	0	0
Ponies	0	0
Quail	6	12
Roosters	0	0
Sheep	0	0
Swans	0	0

Guidelines for the keeping of stock in urban areas

The Keeping of Stock Control allows for the keeping of up to six chickens and six quail without the need for a licence from the council. The control also provides for the keeping of up to twelve chickens or quail, six ducks, geese and pheasants on premises that are larger than 2000 square

metres without the need for a licence, which is approximately half an acre. There are no licence requirements for the keeping of stock on premises that are larger than 4000 square metres, which is approximately one acre.

The control is intended to ensure any potential nuisances or risks to public health and safety are minimised. When considering whether to issue a licence, the council considers various matters that may be likely to create nuisances. Such matters may include the type of stock, the suitability of size and site available for keeping stock, the suitability of fencing, housing, drainage, and waste disposal controls to limit the creation of potential nuisances.

Calf club and rural pet days

Event organisers of calf club and rural school pet days are required to register their event with the council. If an event is an annual event, organisers will only need to register with the council once and each season ensure participants are aware of their obligations under the bylaw.

Keeping a calf or lamb for calf club and rural pet days is a tradition in many rural communities and participants do not need to apply for a licence. Participants will still need to ensure stock are properly contained and that animals do not cause issues for neighbours.

Keeping of Stock Control – Prevention of wandering stock

- (2) The owner of any stock in an urban area must ensure their stock is restrained within the boundaries of the premises on which they are kept.

This control is intended to ensure that poultry are properly contained and that appropriate fencing is used to contain stock grazing within the urban area to protect public safety and prevent nuisance to neighbours.

Keeping of stock control - Containment of chickens

- (3) The owner of any chicken must ensure that any chickens are confined on the premises in such a manner that the chicken cannot freely leave the premises. This can be achieved by providing either:
- (a) an enclosed chicken coop with an attached run, or
 - (b) an enclosed chicken coop and adequate fencing of the premises.

Guidelines for the containment of chickens

The proper containment of chickens and provision of shelter is an important aspect of responsible animal ownership in urban areas. A chicken coop should always be set up prior to acquiring the chickens. The permitted number of chickens should have access to an area of land greater than 3m². As part of this space, an enclosed, rainproof chicken coop should be provided for sleeping and laying eggs, allowing at least 30cm of roost or perch per chicken with a minimum roof height of 60cm.

Chicken owners have an obligation under the Animal Welfare (Layer Hens) Code of Welfare 2012 to provide facilities for roosting (e.g. perches), a surface for pecking and scratching, and a secluded nesting area. Perches should be positioned at a height off the ground, and in a manner so that chickens are able to maintain a natural position on top of the perch when roosting.

Keeping of stock control - Location of chicken coops

- (4) The owner of any chicken must not allow their chicken coop to cause a nuisance to any other person.

Guidelines for locating chicken coops

The location of chicken coops can be very important for minimising potential nuisance to neighbours. When locating a chicken coop, owners should consider how this may affect their neighbours and locate the coop in a place that is least likely to cause a nuisance. Placing it right up against neighbouring properties or near outdoor living areas has the potential to cause a nuisance, as hens can be noisy when they lay and there is a risk of chicken coops becoming smelly in the summer months.

Chicken coops should also be located on well-drained land as standing water will promote public health risks.

Keeping of stock control - Chicken coop cleanliness

(5) The owner of any chicken must regularly clean their chicken coop as appropriate to maintain the chicken coop in a dry, clean condition and state of good repair, free from any offensive smell, overflow and vermin.

Guidelines for keeping chicken coops clean

Keeping chicken coops clean is important for minimising potential smells and minimising health problems for both chickens and people. Chicken coops should be thoroughly cleaned out at least once a week. Nesting boxes and the floor of any chicken coop should be kept clean and dry and lined with hay, wood chips (untreated), sawdust, or shredded newspaper so that it can be easily removed when cleaned out. Chicken owners have an obligation under the Animal Welfare (Layer Hens) Code of Welfare 2012 to provide good quality litter material that is free from toxic contaminants. This lining should be removed often and cleaned out as appropriate to ensure compliance with the Keeping of Stock Control. In addition, egg nests should not be positioned beneath elevated perches as this can lead to excrement dropping on eggs.

Preventing vermin

Owners should not allow excess food and chicken bedding waste to accumulate on their property. This is because it can start to smell, provide somewhere for flies to breed, mice to shelter and may attract rats looking for food. Owners should make sure the waste is regularly gathered up and disposed of appropriately in compliance with the Auckland Council Solid Waste Bylaw 2012. For further information on the disposal of waste through composting, at a transfer station or commercial composting service, visit the Auckland Council webpage.

Scattering food across the ground can often lead to the attraction of rats and mice, and should be scattered only for the purpose of immediate consumption. Owners will get more control by using vermin proof receptacles specifically for poultry feeding, which also keep out the rain, providing chickens with good access to dry pellets or grain. Once vermin realise there is an accessible food supply, they will continue to return, leaving excrement that can contaminate chicken feed and water. Owners would also be exposing themselves and their neighbours to the diseases that rats and mice carry in their excrement.

Owners need to ensure they do as much as possible to keep the area in and around a chicken coop clean.

Additional guidelines

Auckland Council advises every person wishing to keep chickens in an urban area to participate in a chicken keeping educational course. For advice on the keeping of chickens refer to the SPCA Auckland guidelines found at <http://spca.org.nz/AnimalCare/ChickenCare.aspx>.

Part 3

Horse riding in a public place

History of register for Horses in a Public Place Control

Action	Description	Date of decision	Decision reference	Commencement
Make	Horses in a Public Place Control	30 April 2015	GB/2015/22	1 September 2015

3.1 Introduction

Horse riding in public places can be an enjoyable activity for both horse riders and local communities. Public places can include council owned or controlled land such as roads, beaches and local and regional parks. Horse riding can also improve physical and mental health and provide communities with opportunities for social interaction. The Horses in a Public Place Control is intended to supplement rather than duplicate existing regulations for horse riding.

Horse riding on the road

Rules for horse riding on the road and driver care around horse riders are already contained in Part 11 of the Land Transport (Road User) Rule 2004.

Horse riding in regional and local parks

Permitted horse riding areas at local and regional parks are set out in parks management plans such as reserve management plans and the Auckland Regional Parks Management Plan 2010. Permitted horse riding areas at regional parks and designated bridle trails can be seen in the regional park management plan maps accessible on the Auckland Council website. Riders must obtain council permission prior to riding in regional parks and are required to comply with conditions outlined in a code of conduct.

Proposed Auckland Unitary Plan

The Proposed Auckland Unitary Plan includes controls for horse riding in the coastal marine area (i.e. on a beach below the mean high water springs line). Horses must not be ridden or lead through bird breeding areas.

Animal Management Bylaw 2015

The Animal Management Bylaw 2015 requires every owner of an animal in a public place to –

- ensure that animal is kept under control;
- ensure that animal does not intimidate or cause a nuisance to any other person;
- ensure that animal does not damage or endanger any property belonging to any other person in a public place; and
- comply with any Horses in a Public Place Control made by the council.

3.2 Horses in a Public Place Control

The Horses in a Public Place Control, made under the Animal Management Bylaw 2015, introduces compulsory minimum standards for responsible horse riding. The minimum standards are intended to protect the public from nuisance, protect public health and safety, and protect council owned land from damage. General conditions of responsible horse riding apply to all public places and conditions for specified beaches are outlined separately. Additional guidelines, while not compulsory, are also provided to assist horse riders understand why the minimum standards are important and to assist with compliance.

Horses in a Public Place Control – General conditions

- (1) In a public place the owner of a horse–
 - (a) must remove or safely dispose of any horse manure that is deposited in a public place;
 - (b) must show due consideration for other public place users at all times;
 - (c) must, when on a beach, ride or lead their horse in a manner that does not intimidate, cause a danger or nuisance to other beach users; and
 - (d) must not ride or lead their horse on coastal dunes except when accessing the beach, an adjoining property or road in a manner that does not cause, nor is likely to cause, damage to any part of that dune, and that utilises the most direct route possible.

Additional guidelines for general conditions

Consideration to other members of the public should be shown by removing or disposing of horse manure public places. Not all members of the public will feel comfortable around horses, so it may be appropriate to give people plenty of space and reduce speed as riders approach other members of the public.

Horse riders should also be aware of nesting birds. Horse trampling can damage dune vegetation, contribute to erosion and disturb nesting areas. Dunes, shell banks and beaches provide habitats for many rare and threatened bird species. If there is signage or notices about nesting birds, horse riders should pay particular attention and/or stay away completely from those areas. Some areas have signage showing where horse riding is prohibited. Additionally, if there are bridle trails across dunes to access the beach, horse riders should not veer off the trail.

Horses in a Public Place Control – Conditions for specified beaches

- (2) The following conditions apply to the presence of horses on Algies Beach, Hatfields Beach, Martins Bay Beach, Omaha Beach, Orewa Beach and Snells Beach –
 - (a) horses must only be ridden or lead along the beach between the times of mid and low tide, and must be ridden or lead along the beach below the high tide mark;
 - (b) between 1 December and 15 February (including weekends), horses are only allowed before 10:00am, and after 7:00pm; and
 - (c) horses are prohibited at Easter weekend (Friday to Monday inclusive) and Labour weekend (Saturday to Monday inclusive).
- (3) The following conditions apply to the presence of horses on Karioitahi Beach as shown in Schedule 1 –
 - (a) during high use periods, horses are restricted to a walk within the 1km ZONE, at all other times horses are restricted to a walk within the Safe Zone;
 - (b) within the 1km ZONE, horses must remain within 10 metres of the water's edge wherever possible;
 - (c) horse manure must be removed from the 1km ZONE; and
 - (d) the unloading of horses is only permitted in the Horse Unloading Area.

Guidelines for horse riding conditions along the north eastern coast of Auckland

Beaches along the north eastern coast of Auckland are becoming increasingly developed by urban settlements. Conditions for horse riding at specified beaches are intended to protect public safety and minimise the potential for public nuisance. Horses are required to be ridden below the high tide mark so that any manure can be washed away. Horses are not to be ridden during high tide periods, so as to avoid potential conflict with other beach users.

Guidelines for horse riding conditions at Karioitahi Beach

Karioitahi Beach is located on the south western coast of Auckland. Conditions for horse riding at Karioitahi Beach are intended to protect public safety, manage beach access and manage different activities of beach users. High use periods in the specified conditions means the time between 10:00am and 6:00pm from the beginning of Labour Weekend to the end of March in the following year.

Additional guidelines

Further information on responsible horse riding can be obtained from the New Zealand Horse Network <http://www.nzhorseriders.info/> and the New Zealand Bridleways Code <http://www.nzbridleways.info/>.

Schedule 1: Karioitahi Beach Special Restrictions

