



# Southland District Council

The Keeping of Animals, Poultry and Bees Bylaw

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## Document Revision

<b>Date</b>	<b>Amendment</b>	<b>Amended by</b>	<b>Approved by</b>	<b>Approval date</b>

## 1. Commencement

This bylaw shall come into force in the District on 12 October 2020. This bylaw has been reviewed and adopted by a resolution passed at a meeting of Council held on 29 September 2020.

## 2. Purpose

This bylaw is to:

- help protect people in the District from nuisance, and
- help protect, promote, and maintain the health and safety of people in the District.

## 3. Definitions

<b>Council</b>	means Southland District Council
<b>District</b>	means the area within the territorial boundary of Council
<b>Industrial zone</b>	means specific areas classified as ‘industrial’ under Council’s operative District Plan. These areas can be located by selecting the ‘District Plan’ on Council’s website ( <a href="https://www.southlanddc.govt.nz/">https://www.southlanddc.govt.nz/</a> ), and by viewing the ‘District Plan maps’. There are industrial zones in Oban, Te Anau, Winton and in Riverton/Aparima
<b>Nuisance</b>	shall have the meaning assigned to it by the Health Act 1956
<b>Poultry</b>	includes chickens, geese, pheasants, pigeons, peafowl, ducks, quails and domestic fowl of all descriptions
<b>Urban zone</b>	means specific areas classified as ‘urban’ under Council’s operative District Plan. These areas can be located by selecting ‘District Plan’ on Council’s website, and by viewing the ‘District Plan maps’. A list of the townships that have an urban zone, is included with this bylaw as Appendix A

## 4. General rules

It is an offence to keep animals, kill animals, or process meat in a way that is, or is likely to become, a nuisance, dangerous, offensive or injurious to health.

It is an offence to keep animals in a way that is, or is likely to pollute any fresh or coastal water as defined in the Resource Management Act 1991.

It is an offence to keep any noisy animal, bird, poultry or fowl, which is, or is likely to become, a nuisance to residents in the neighbourhood.

## 5. Rules for urban zone

### **Animals not allowed in an urban zone unless a permit is obtained**

It is an offence to keep the following animals (including their young) on private land in an urban zone without obtaining a permit from Council:

- alpacas
- cattle/bison/buffalo
- deer
- donkeys/mules
- goats/chamois/tahr
- horses/ponies
- llamas
- ostriches/emus
- pigs
- swans.

## **Restrictions on poultry**

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It is an offence to keep more than 10 poultry (that are over six months of age) on private land in an urban zone, without obtaining a permit from Council.

It is also an offence to keep poultry on private land in an urban zone, without obtaining a permit from Council, unless they are housed and contained appropriately. Poultry are housed and contained appropriately when:

- they are in a properly constructed house covered in with a rainproof roof
- the poultry house has a floor made of solid wood, concrete, or another appropriate material, with a surrounding nib wall where a poultry run shall be attached
- the poultry house/poultry run keep the poultry contained
- both the poultry house and any poultry run are least 10 metres from any dwelling, factory, or wholly/partially occupied building
- the poultry house and poultry run are at least two meters from any boundary not separated by a solid fence
- the poultry house and poultry run are clean and in good condition, and free from any offensive smell, overflow or vermin.

## **Additional information on keeping animals in an urban zone**

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There are no restrictions on keeping cats or bee hives on private land in an urban zone, unless specific restrictions have been imposed by Council.

There are no restrictions on the number of sheep that may be kept on private land in an urban zone.

## **6. Rules for industrial zone**

### **Animals not allowed in industrial zone unless a permit is obtained**

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It is an offence to keep any pigs on land in an industrial zone without obtaining a permit from Council.

## Restrictions on poultry

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The same restrictions apply to keeping poultry in an industrial zone, as apply in an urban zone. These restrictions are outlined in section 5 of this bylaw.

## 7. Other specific rules

### Pigs

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It is an offence to build or allow any pigsty to remain, or any pigs to be at large or to range, at a less distance than 50 metres from a:

- dwelling
- wholly or partly occupied building
- street or public place
- place used for the preparation, storage, or sale of food for human consumption
- boundary of any adjoining property.

### Cats

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Council may impose a limit on the number of cats that may be kept on a private land (a limit being not more than five) where:

- Council has received a complaint about the number of cats kept on private land, and
- Council considers cats are being kept in a way that is, or is likely to become, a nuisance, offensive or injurious to health, and
- the person keeping the cats fails to comply with any reasonable request of the officer to abate or prevent the nuisance or health concern.

It is an offence to not comply with any limit imposed by Council, on the number of cats that may be kept.

### Bees

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Council may impose conditions limiting the number and location of hives on private land where:

- Council observes or receives a complaint that bees are being kept in a way that is, or is likely to become, a nuisance, dangerous, offensive or injurious to health, and
- Council has consulted with the complainant(s) (where possible), and
- Council has consulted with the person keeping the bees (where possible), and
- Council has requested the person keeping the bees to keep them in way that is not, or is not likely to become, a nuisance, dangerous, offensive or injurious to health (this may include specific requests such as moving a hive), and
- the person keeping the bees has failed to comply with Council's request.

Council may seek advice from experts in the keeping of bees through this process.

It is an offence not to comply with conditions imposed by Council, limiting the number and location of hives on private land.

## **Buildings for animals**

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Where animals are kept in a building, any required resource consent must be obtained. The building must also be properly constructed in accordance with the New Zealand Building Code, and appropriate building consent obtained where the proposed building is not exempt from the need of a building consent under Schedule 1 of the Building Act 2004.

### **8. Permits**

If you wish to keep an animal that is not otherwise permitted by this bylaw, a permit can be requested by completing the 'Permit to Keep an Animal form' that is available on Council's website under 'Apply For It' and then under 'Environmental Health'.

To determine whether a permit should be granted, a Council staff member may choose to:

- seek further information from the applicant
- visit the premises to assess whether keeping the animal/s is appropriate
- require the applicant to seek approval from their neighbours.

If an application is successful, a written permit will be issued to the applicant by post or e-mail. The permit may include conditions about how the animal is kept. It is an offence to not comply with any conditions imposed by a permit.

### **9. Dispensing Power**

It shall be lawful for Council in any particular case or cases, by resolution, to dispense with any of the foregoing requirements of this bylaw.

### **10. Enforcement**

In addition to enforcing the provisions in this bylaw, Council may elect to take action relating to animals, poultry and bees under the Health Act 1956 or the Resource Management Act 1991.

### **11. Penalties**

Every person who commits a breach of this bylaw is liable to a fine not exceeding \$20,000.

## Appendix A - List of the townships that have an urban zone

- Balfour
- Browns
- Colac Bay/Oraka
- Edendale
- Lumsden
- Manapouri
- Mossburn
- Nightcaps
- Oban/Rakiura
- Ohai
- Otautau
- Riversdale
- Riverton/Aparima
- Te Anau
- Tokanui
- Tuatapere
- Waikaia
- Wallacetown
- Winton
- Wyndham