



SUBMISSION

TO: Waipa District Council
FROM: Apiculture New Zealand
SUBMISSION ON: Waipa District Animal Nuisance Bylaw

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Submission to Waipa District Council Animal Nuisance Bylaw 2021

Introduction

Apiculture New Zealand (ApiNZ) welcomes the opportunity to make this submission to Waipa District Council on the Waipa District Animal Nuisance Bylaw.

ApiNZ is the national body representing the apiculture industry in New Zealand representing the full range of sectors in the industry, from hobbyist and commercial beekeepers to honey exporters and suppliers. ApiNZ aims to support and deliver benefit to the New Zealand apiculture industry by supporting a thriving long-term future for New Zealand honeybee products and services, including having a strong bee health and biosecurity position.

ApiNZ's comments are restricted to beekeeping in section 5 which states:

- 5.1 *A person must not keep bees if the manner in which the bees are being kept causes or is likely to cause a nuisance or a threat to public health and safety.*
- 5.2 *Where an authorised officer considers an existing beehive causes or is likely to cause a nuisance or a threat to public health or safety, the enforcement officer may require removal of the beehive within a specified timeframe by written notice to the keeper of that beehive.*
- 5.3 *A person issued with a written notice under clause 5.2 must comply with the steps specified in that notice within the specified timeframe.*
- 5.4 *A person must not keep bees on a property in an urban area unless that person complies with the following conditions:*
- a) *beehives must be placed no closer than 5 metres to the property boundary, where there is no solid fence 2.0 metres or taller on that boundary; or*
 - b) *beehives must be placed no closer than 3 metres from the property boundary where there is a solid fence 2.0 metres or taller on that property boundary; and*
 - c) *the property must be at least 500 square metres; and*
 - d) *the number of beehives on the property must not exceed the number as allowed for the area of the property as specified in the following table:*

<i>Property Area</i>	<i>Maximum number of hives</i>
<i>500-2000 square metres</i>	<i>2</i>
<i>2001 square metres – 4000 square metres</i>	<i>4</i>
<i>4001 square metres or greater</i>	<i>6</i>

ApiNZ feedback on proposed changes

We do not wish to present our submission verbally at a public Council hearing.

While ApiNZ supports having an Animal Nuisance Bylaw, we do not support the proposed Waipa District Animal Bylaw. While we support the definition of a swarm and clauses 5.1, 5.2 and 5.3, we do not support the bylaw definition of a beehive and the conditions in clause 5.4. Information on the reasons for our views is provided below.

Bylaw definitions

The proposed bylaw contains two definitions that relate to beekeeping:

- Beehive means a container housing a honeybee colony for the purposes of honey production and includes 1 container per colony solely for the purpose of queen breeding, hive maintenance and swarm prevention purposes.
- Swarm means a cluster or flying mass of honeybees, including workers, queen and drones.

ApiNZ supports the proposed definition of a swarm in the bylaw.

However, ApiNZ does not support the definition of a beehive in the draft animal nuisance bylaw as it lacks clarity. Instead, we suggest using the definition of a beehive in the Biosecurity (National American Foulbrood Pest Management Plan) Order 1998 (The AFB PMP Order):
(<https://www.legislation.govt.nz/regulation/public/1998/0260/latest/whole.html>)

“beehive means a thing constructed for the keeping of honey bees and that is being used or has been used for that purpose; but does not include an introduction cage or mailing cage.”

We do not recommend setting a limit on the number of boxes (or containers) per hive as beekeepers need flexibility with the number of boxes per hive so that they can manage their colonies to ensure their continued good health.

Section 5 clauses 5.1- 5.3

ApiNZ supports clauses 5.1 to 5.3. ApiNZ’s view is that the key management criteria for bees should be nuisance factor: one poorly sited hive can cause much more of a problem than four well sited hives.

Many predominantly urban councils, including Hamilton City Council, Tauranga City Council, Wellington City Council, and Hutt City Council do not have any stipulations on how many hives can be kept by the size of the property. Instead, they use nuisance guidelines in their bylaws to manage hives.

Auckland Council has just completed a review of their Animal Management Bylaw, which includes bees, and decided to reject their draft proposal to introduce a limit on the number of hives that can

be kept in urban areas. They have decided to maintain their current rules that require beekeepers to take reasonable steps to prevent public safety and nuisance risks.

Section 5 clause 5.4

ApiNZ does not support clause 5.4 in the proposed bylaw. ApiNZ does not believe Councils have cause to limit beekeeping by placing requirements on the number of beehives and how many beehives can be kept on urban properties. Beekeeping is a worthwhile and rewarding hobby and while it needs to be managed, particularly in the urban environment, we would encourage greater flexibility than is currently the case in the proposed bylaw.

Bees provide many benefits in urban environments, including pollinating people's vegetable gardens and fruit trees. As honeybees are no longer able to survive in the wild due to parasites such as varroa, unless bees are kept in an urban environment, residents will find it difficult to grow fruit and vegetables.

Rather than restricting the number of hives by the land area of the property and how close the hives are to the edge of the property, ApiNZ supports the more flexible approach taken by many urban councils of managing the nuisance factor and having no restrictions on the number of hives by property size or and no restrictions on hive placement on a property.

Some of our hobbyist beekeeper members report successfully keeping hives on apartment block balconies, on garage roof tops and on top of containers. In these situations, the main considerations are ensuring that the structure is strong enough to bear the additional weight and that the weight of the hives is distributed across weight bearing beams, and that there is adequate access to sources of pollen for the bees to collect.

Some councils that have stipulations on the number of hives in residential areas allow beehives to be kept on residential sites smaller than 500 square metres. Examples include Kaipara District Council, Whangarei District Council, New Plymouth District Council and Napier City Council.

Guidance Note

- The obligation for beekeepers to register is not under the Biosecurity Act 1993. We suggest that this reference is removed. The obligation is under the AFB PMP order.
- ApiNZ has just published the **New Zealand Honeybee Care Code™** which recognises the critical role bees play in our ecosystem and economy and demonstrates to consumers that we value bees and are committed to their care and wellbeing. You can find the Code on our website here: <https://apinz.org.nz/wp-content/uploads/2021/12/NZ-Honeybee-care-code-Final.pdf>

- Currently the proposed bylaw only mentions that there is ApiNZ code of conduct but does not say where to find it. We suggest that you also include the link to the document on our website. The link to the document on our website is: <https://apinz.org.nz/wp-content/uploads/2017/02/ApiNZ-Beekeeper-Code-of-Conduct.pdf>