

MEMORANDUM

To Mayor and Councillors
 From Hannah Beaven, Principal Corporate Planner
 Melissa Ward, Corporate Planner
 Tanya O’Shannessey, Monitoring Team Leader
 Subject New Keeping of Animals Bylaw
 Date 20 November 2023

Purpose of the workshop

Staff are seeking Council’s feedback on a proposed Keeping of Animals Bylaw 2024 (Attachment A and B), and approval to undertake early engagement in February 2024.

Executive summary

Staff are proposing a new Keeping of Animals Bylaw and have reviewed the Keeping of Animals Bylaw 2015 (2015 Bylaw) (amended in 2021). In considering the proposed Bylaw, it is important to balance both the nuisance issues caused by animals, and the positive effects and companionship they bring to the community.

Feedback from Council is particularly sought on changes to definitions of ‘urban’, keeping of poultry, and keeping of bees.

Table 1: Summary of Proposed Changes to the 2015 Bylaw

Section of Bylaw	Changes proposed	Impact of proposed change
Introductory text	Make the Bylaw under both the Local Government Act 2002 and Health Act 1956.	Minor
1.0 Short title, commencement and application.	Include an additional clause explaining other legislation that applies to the management and regulation of animals in the Waikato District.	Minor
2.0 Revocation	Revoke the 2015 Bylaw as the most recent version of the Bylaw adopted by Council.	Minor
3.0 Definitions	Change the definition of ‘urban’ area to include all relevant zones under the Proposed District Plan (PDP). Remove the definitions of ‘annoyance’ as it is not used within the Bylaw.	Moderate
4.0 Exceptions	No changes are proposed.	NA
5.0 Keeping of animals	Include a clause stating that Clause 5.1 to 5.5 applies whether or not a person has complied with other clauses in this Bylaw.	Minor
6.0 Pigs	No changes are proposed.	NA
7.0 Poultry	Remove pigeons and quails from the definition of poultry. 7.1 – Apply the clause, ‘No person shall keep more than six head of poultry, pet or otherwise, on premises less than 550m2’ to ‘urban areas’ only. This rule applied across all areas of the district in 2015 Bylaw (adopted in 2021).	Major

Section of Bylaw	Changes proposed	Impact of proposed change
	<p>7.3 – To prohibit roosters in the ‘urban areas’ only and allow roosters in the Country Living Zone.</p> <p>Roosters would be allowed in rural areas, which includes the ‘General Rural Zone’, ‘Rural Lifestyle Zone’, ‘Future Urban Zone’, ‘Large Lot Residential Zone’, and ‘Settlement Zone’, provided they do not cause an unreasonable level of nuisance.</p> <p>7.4 – To amend ‘approved’ to ‘appropriate’ material for constructing enclosed housing for poultry.</p> <p>7.7 – Amend the clause that outlines the actions authorised officers may take when poultry are causing a nuisance, replacing the term ‘chickens’ with ‘poultry’.</p>	
8.0 Bees	<p>Amend the rules for beehive setbacks to refer to ‘urban area’ (3m/5m setback) and ‘rural area’ (12m setback) in Clause 8.3.</p> <p>The proposed change means that set-back rules for beehives in rural zoned property reduces from 25m to 12m.</p> <p>As proposed, properties zoned General Rural under the PDP do not have a maximum limit of the number of beehives allowed.</p>	Moderate
9.0 Horses	No changes are proposed.	NA
10.0 Feral or stray animal, including cats	No changes are proposed.	NA
11.0 Service of notices	No changes are proposed.	NA
12.0 Offences and penalties	No changes are proposed.	NA

Background

Council’s 2015 Bylaw included rules for managing nuisance-related complaints around animals, other than dogs. Controls around responsible dog ownership are covered under the Dog Control Bylaw and Policy 2022. Staff have become aware that, due to the timing of the Council's review of the 2015 Bylaw in 2021, the 2015 Bylaw is now invalid and unenforceable. Council is currently relying on education and engagement in relation to animal related complaints, and promoting responsible animal ownership, instead of enforcing under a bylaw.

Staff are now seeking to rectify this issue by drafting and adopting a new Keeping of Animals Bylaw (proposed Bylaw). Staff from the Monitoring, Corporate Planning and Legal teams have reviewed the 2015 Bylaw (amended in 2021) and have proposed changes.

The proposed Bylaw includes rules covering:

- general provisions for the keeping of animals to avoid nuisance,
- where and how in the District animals can be kept, specifically for pigs, poultry, bees, and horses.

In reviewing the Bylaw, staff have considered both the nuisance caused by animals and the benefits that animals bring to the community. While animals can create substantial nuisances, especially in terms of noise, waste and wandering, they also contribute to companionship,

support hobbies and businesses, and offer opportunities for the public to produce their own food resources to be more sustainable and reduce the cost of living burden.

Key findings

Staff have reviewed Council's complaints data to understand the number, type and locations of animal related (excluding dogs) complaints. For detailed data on complaints, please refer to Attachment C Background Report – Keeping of Animals Bylaw 2024.

Council received 363 animal nuisance-related complaints from 1 July 2018 to 30 June 2023. The top five animals Council received complaints about are outlined below:

1. 173 complaints about roosters. 136 of these complaints specifically stated noise as the nuisance type.
2. 88 complaints about chickens. 36 of these complaints arising from chickens wandering off their designated property. 20 complaints related to noise.
3. 33 complaints about pigs. Welfare of animals was mentioned in six of these complaints. 10 complaints related to pigs wandering off their designated property.
4. 30 complaints about ducks. 19 complaints related to ducks wandering onto other properties.
5. 27 complaints about bees. Eight complaints were regarding aggressive behaviour, such as stinging and swarming. Seven complaints were about excrement from bees on neighbouring properties.

Staff reviewed the location of complaints, and the top-most complaint/s for each location is shown below:

1. Huntly (55 complaints in total)
 - i. 34 complaints related to roosters.
2. Ngaaruawaahia (42 complaints in total)
 - i. 21 complaints related to roosters.
 - ii. All nine peacock complaints were received from Ngaaruawaahia residents.
3. Unknown (41 complaints in total)
 - i. 14 complaints related to roosters.
 - ii. 13 complaints related to a form of livestock/stock.
4. Tuakau (39 complaints in total)
 - i. 26 complaints related to roosters.
 - ii. 10 complaints related to a form of livestock/stock.
5. Pookeno (26 complaints in total)
 - i. Nine complaints related to livestock/stock.
 - ii. Eight complaints related to roosters.
6. Raglan (23 complaints in total)
 - i. 12 complaints related to roosters.

The below table shows the complaints received regarding roosters, by district plan zone. This shows complaints received regarding roosters in both 'urban' and 'rural' character areas.

Number of complaints received about roosters by PDP zone (from most to least common).

Zone	Number of complaints received	Percentage
GRZ – General Residential Zone	59	34.1%
GRUZ – General Rural Zone	35	20.2%
MRZ – Medium Density Residential Zone	24	13.9%

Zone	Number of complaints received	Percentage
Unknown	20	11.6%
RLZ – Rural Lifestyle Zone	20	11.5%
LLRZ – Large Lot Residential Zone	6	3.5%
GIZ – General Industrial Zone	3	1.7%
SETZ – Settlement Zone	3	1.7%
COMZ – Commercial Zone	2	1.1%
TCZ – Town Centre Zone	1	0.6%
Total	173	100%

Is a Bylaw the best tool?

Bylaws can only be made for specific purposes, outlined in the Local Government Act 2002 (LGA) and Health Act 1956. The LGA allows bylaws to be made for the purposes of protecting, promoting and maintaining public health and safety. Bylaws can be made under the Health Act 1956 for the purpose of regulating, licensing or prohibiting the keeping of any animals.

Before commencing a process for making a bylaw, a local authority must determine whether a bylaw is the most appropriate way of addressing a perceived problem (section 155 LGA). A bylaw should not be used if it is not considered the appropriate mechanism to address a problem.

Corporate Planning staff have determined that a bylaw is still considered the most appropriate way to manage perceived problems regarding the keeping of animals in our community, for the following reasons:

- A bylaw will help maintain public health and safety.
- A bylaw can include rules around how to keep animals in such a way as to minimise the potential nuisance to other community members. No other regulatory tools are available to Council to address issues around animal nuisance behaviour.
- A bylaw allows Council to recover costs when removing feral or stray animals.
- A bylaw will enable Council to undertake enforcement action when necessary.
- A bylaw supports our monitoring staff to promote responsible animal ownership.

Proposed changes to Keeping of Animals Bylaw

Staff have reviewed the 2015 Bylaw (amended in 2021). The 2015 Bylaw is considered largely fit for purpose; however, some changes are proposed. These changes are set out below per section of the Bylaw.

Introductory text

This text outlines how and under what legislation Council makes the Bylaw.

Proposal:

It is proposed to specify that this Bylaw is made under the Health Act 1956, as well as the Local Government Act 2002. This is because the Health Act gives Council specific powers to make a bylaw for reasons which are relevant to the proposed Bylaw, including regulating, licensing, or prohibiting the keeping of any animals.

Advantages	Disadvantages
<ul style="list-style-type: none"> • The Bylaw is clear how Council obtains regulatory power to make the Bylaw. 	<ul style="list-style-type: none"> • No disadvantages are identified.

1.0 Short title, commencement and application

This section outlines the title of the Bylaw, where it applies, and when it will come into force.

Proposal:

It is proposed to include a new clause which refers to other legislation that applies to the management and regulation of animals in the Waikato District.

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">• Readers of the Bylaw are informed about other relevant documents that should be read in conjunction with the Bylaw.	<ul style="list-style-type: none">• No disadvantages are identified.

2.0 Revocation

The Bylaw notes that earlier versions of the Bylaw are revoked.

Proposal:

It is proposed to revoke the 2015 Bylaw (amended in 2021), as the new Bylaw will supersede this.

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">• For the avoidance of doubt as to Council's current Keeping of Animals Bylaw.	<ul style="list-style-type: none">• No disadvantages are identified.

3.0 Definitions

The 2021 Bylaw refers to zones under the Operative District Plan to (OPD) define 'urban area' and 'rural area'. The Proposed District Plan (PDP) is now in effect and the definitions of 'urban area' and 'rural area' should refer to new zone names from the PDP.

Proposal:

It is proposed to redefine 'urban area' and 'rural area' according to the PDP. Please refer to Attachment D for maps of the proposed 'urban area'.

To identify if zones should be identified as urban or rural, staff have reviewed activities permitted under the PDP. This is to ensure alignment between the PDP and proposed Bylaw. As a result, all zones listed as a rural area allow farming or intensive farming as a permitted activity under the PDP.

Rules specifically relating to 'urban areas' in the Bylaw includes:

- No pigs in urban areas
- Limits on poultry and type of housing in urban areas
- No roosters in urban areas

'Urban area' is proposed to mean:

1. General residential zone
2. Medium density residential zone
3. Medium density residential zone 2
4. Local centre zone
5. Commercial zone
6. Town centre zone
7. General industrial zone
8. Heavy industrial zone
9. Business Tamahere zone
10. Matangi zone
11. Rangitahi peninsula zone

'Rural area' is proposed to mean:

1. General rural zone
2. Rural lifestyle zone
3. Future urban zone
4. Large lot residential zone
5. Settlement zone
6. Whananga Coast Development
7. Hopuhopu zone
8. KLZ Kimihia Lakes zone
9. TaTa Valley zone

The following zones do not have specific rules within the proposed Bylaw:

1. Open space zone
2. Correction zone
3. Mercer airport zone
4. Te Kowhai Airpark zone
5. Motorsport and recreation zone

As zones in some parts of the district are under appeal, the Bylaw also includes definitions of urban and rural zones for the Operative District Plan in Schedule I.

It is also proposed to delete the definition of 'annoyance' as this is not used within the Bylaw.

Advantages	Disadvantages
<ul style="list-style-type: none">• The Bylaw aligns with the PDP.• Council can address nuisance complaints in rural areas through clause 5. A high level of nuisance is required to be proved, such as through multiple neighbour complaints.	<ul style="list-style-type: none">• Members of the community may not support roosters in some areas, such as 'Rural Lifestyle Zone', 'Settlement Zone' and 'Large Lot Residential Zone'.• Council has received complaints about roosters in rural areas in the past five years, including:<ul style="list-style-type: none">○ 35 in the General Rural Zone○ 20 in Rural Lifestyle Zone○ 6 in Large Lot Residential Zone○ 3 in Settlement Zone.

5.0 Keeping of animals

This section includes general provisions relating to the keeping of animals and ensuring that animals do not cause a nuisance.

Proposal: It is proposed to include a clause stating that Clause 5.1 to 5.5 applies whether a person has complied with other clauses of this Bylaw.

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"> • These clauses provide an over-arching framework that means animals cannot cause a nuisance to others. • For example, roosters are not permitted to cause an unreasonable nuisance to other members of the community, even if they are kept within a rural area. 	<ul style="list-style-type: none"> • Businesses utilising animals (for example, beekeepers, farming operations) are still required to adhere to the general nuisance provisions clauses. This could create uncertainty as to the viability of their businesses on an on-going basis, for example, if new neighbours make complaints. However, a high standard of 'nuisance' is required to be proved.

6.0 Pigs

The bylaw does not allow pigs to be kept in 'urban areas', to cause a nuisance, or for a pigsty or pig run to be erected closer than 20 metres to any dwelling or within 30m from a property boundary in all parts of the district.

No changes are proposed to these clauses.

7.0 Poultry

This section includes rules for managing poultry, including roosters, chickens and other birds.

Proposal: Following the adoption of the 2015 Bylaw (amended in 2021), a legal opinion from a member of the community who owned poultry, represented the Waikato Poultry and Pigeon Club, and resided within the 'Country Living Zone', was provided to Council.

This legal opinion opposed the consultative process used to create the 2015 Bylaw (amended in 2021). This was due to changes that were made following consultation that the community did not have the opportunity to comment on. This included prohibiting roosters in the Country Living Zone and applying Clause 7.1 'No person shall keep more than six head of poultry, pet or otherwise, on premises less than 550m²' across the district, instead of just in 'urban areas'.

The legal opinion also suggested that elements of the 2015 Bylaw (amended in 2021) was unreasonable and made proposed changes. The following changes are suggested to address issues raised by this opinion:

- Remove pigeons and quails from the definition of poultry. Quail are primarily kept in cages and are less likely to cause nuisance than birds which are kept outdoors, such as chickens, roosters, pheasants, and peacocks. Council has received no complaints about quail and one complaint about pigeons in the past five years. Therefore, no specific rules restricting the number of pigeons and quail are recommended.
- To apply the Clause '7.1 No person shall keep more than six head of poultry, pet or otherwise, on premises less than 550m²' to 'urban areas' only. This rule applied across all areas of the district in the 2015 Bylaw (adopted in 2021). However, the impact of this rule in rural areas is low given that it is less likely premises less than 550m² would be located in rural areas.

It is proposed to apply this rule in 'urban areas' only as it is considered unreasonable to limit the number of poultry in 'rural areas'. This is because farming is permitted by the PDP in 'rural areas'.

- For Clause 7.3, to prohibit roosters in the 'urban area' only and remove the prohibition of roosters in the 'country living zone'.

This means roosters would be allowed in zones outside of the 'urban area', including 'Rural Lifestyle Zone', 'Large Lot Residential Zone', and 'Settlement Zone'. This is provided roosters do not cause an unreasonable level of nuisance as per Clauses 5.1 to 5.5.

- To amend 'approved' material to construct poultry houses to 'appropriate'. This is because Council does not have a process or the staff resources to approve how a poultry run is constructed and a concrete floor is not strictly required.

Staff also propose to amend the clause 7.7 that outlines the actions authorised officers may take when poultry are causing a nuisance, replacing the term 'chickens' with 'poultry'. This is because all other rules relate to poultry and the reference to just chickens may have been a drafting error.

Advantages	Disadvantages
<ul style="list-style-type: none"> • Allowing roosters in the Country Living Zone aligns with its rural character and PDP which permits farming activity. 	<ul style="list-style-type: none"> • As noted earlier, some members of the community may disagree with permitting roosters in 'rural lifestyle' type areas. • Council receives complaints about roosters in rural areas, including 20 complaints in the Rural Lifestyle Zone and 35 in the General Rural Zone from 1 July 2018 to 30 June 2023.

8.0 Bees

This includes rules for managing bee nuisances, the number of beehives permitted according to property size and setback rules for beehives.

The 2015 Bylaw (reviewed in 2021) included three subcategories for beehive set-backs: Urban Zone (3m/5m setback), Rural Residential/Country Living Zone (12m setback) and Rural Zone (25m setback). There are zones within the OPD which are not specified within the Bylaw and therefore have had no setback rules.

Proposal:

It is proposed to amend the rules for beehive setbacks to refer to 'urban area' (3m/5m setback) and 'rural area' (12m setback) in Clause 8.3.

This is because the definition of 'urban area' and 'rural area' is already defined within the bylaw, with accompanying maps (Attachment D). It is considered overly involved to specify the setback requirements for all individual zones from three different district plans (OPD and PDP) in Clause 8. It is also simpler for community members to grasp the differentiation between rural and urban areas.

The proposed change means that set-back rules for beehives in rural areas reduces from 25m to 12m. This is deemed suitable because of the expansive size of rural properties. The proposed Bylaw already enables an authorised officer to require the relocation of a beehive to another area on the premises, if the beehive/s cause a nuisance.

As proposed, properties zoned General Rural under the PDP do not have a maximum limit of the number of beehives allowed.

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"> • The bylaw is clear and easier to understand for members of the community by referring to 'rural' and 'urban' area rather than 40+ individual zones under the OPD and PDP. • The set back zone for properties within the general rural zone reflects the generally large and spacious nature of rural properties. 	<ul style="list-style-type: none"> • The majority of complaints within the last five years has been relating to bees have been within the General Rural zone (18 complaints) and rural lifestyle zone (one complaint). Four complaints were located in the general residential zone and four complaints had an unknown location.

9.0 Horses

The Bylaw only permits horses to be kept on premises larger than 1200m² in an urban area, except if the horses are kept:

- a) by a registered breeder or trainer; or
- b) in a stable or other building premises constructed specifically for the keeping of horses.

No changes are proposed.

10.0 Feral or stray animals, including cats

The Bylaw does not allow feeding or caring for feral animals, including cats, that may cause the animal to become a nuisance.

No changes are proposed.

11.0 Service of notices

No changes are proposed.

11.0 Offences and penalties

No changes are proposed.

Pre-engagement

Staff will amend the proposed Bylaw as directed by Council. Following this, it is proposed to undertake informal early engagement with the community and stakeholders, for six weeks from 1 February 2023 to 14 March 2024. Pre-engagement is scheduled to begin following the summer and holiday period.

Feedback will be sought on proposed changes to rules for poultry, bees and how we define our 'urban' versus 'rural' area, or as directed by Council.

This engagement will include an online survey and information, Bylaw with proposed changes (Attachment A and B), Background Report - Keeping of Animals Bylaw 2024 (Attachment C) and maps of proposed 'urban areas' (Attachment D).

Key stakeholders will be contacted and invited to provide feedback. This includes:

- Animal related groups and businesses.
- Community boards and committees.
- Mana whenua, particularly in relation to impact of Bylaw on papakaainga housing.
- Previous submitters from the 2015 (amended in 2021) Bylaw.

Members of the public will also be advised of the opportunity to provide feedback.

Date	Action
1 February 2023 to 14 March 2024	Pre-engagement
April 2024	Second workshop with Council, with results of pre-engagement
June 2024	Policy and Regulatory Committee, to seek approval to consult.
July/August 2024	Formal consultation
September 2024	Hearings and deliberations
October 2024	Adoption of the Keeping of Animals Bylaw 2024

Attachments

- a) Proposed Keeping of Animals Bylaw (track changes)
- b) Proposed Keeping of Animals Bylaw (no track changes)
- c) Background Report - Keeping of Animals Bylaw 2024
- d) Maps of proposed urban areas.

Waikato District Council

Keeping of Animals Bylaw ~~2015~~2024

Waikato District Council, in exercise of its powers under the Local Government Act 2002 and Health Act 1956 and its respective amendments, and all other relevant powers, hereby makes the following bylaw.

Part one: Introduction

1.0 Short title, commencement and application

1.1 This Bylaw shall be known as the “Waikato District Council Keeping of Animals Bylaw ~~2015~~2024”

1.2 The Bylaw shall apply to the Waikato District:

1.3 The Bylaw shall come into force on [to be inserted].

1.4 This bylaw should be read in conjunction with other legislation that applies to the management and regulation of animals in the Waikato District, including:

- Animal welfare in the Animal Products Act, Animal Welfare Act and Impounding Act.
- Environmental concerns in the Biosecurity Act, Reserves Act, Resource Management Act and Waikato Regional Pest Management Plan.
- Public health and safety in the Health Act.
- The use of land for farming, intensive farming, free range or poultry farming in the Waikato District Plan.
- The ownership, control and welfare of dogs in the Dog Control Act, Dog Control Bylaw and Dog Control Policy.
- How and where livestock can be moved within or across roads, in the Waikato District Livestock Movement Bylaw.

2.0 Revocation

The “Waikato District Council Keeping of Animals Bylaw ~~2015~~2024” (adopted on 17 May 2021) ~~and the Franklin District Council Keeping of Animals, Poultry and Bees Bylaw 2007~~ are hereby revoked from the date this bylaw comes into force.

3.0 Definitions

For the purposes of this Bylaw, the following definitions shall apply:

Animal	any member of the animal kingdom, including any mammal, bird, finfish, shellfish, reptile, amphibian, insect, or invertebrate, and includes the carcass or constituent parts thereof, but does not include human beings or dogs.
<u>Annoyance</u>	to harass repeatedly causing anger or mental distress
Authorised <u>o</u> fficer	any person for the time being appointed or authorised by the Council to carry out general or specific duties arising from any of the provisions of this <u>B</u> ylaw, unless stated otherwise.
Beehive and hive	<u>a</u> ny receptacle housing a honeybee colony for the purposes of honey production and includes one <u>one</u> receptacle per colony used solely for the purposes of queen breeding, hive maintenance and swarm <u>prevention purposes.</u> prevention purposes.
<u>Bee keeping</u>	<u>t</u> he keeping of beehives, and includes the removal of honey and bee products from the hive, but not the further processing of such products.
Council	the Waikato District Council.
Livestock	means cattle/ <u>cows/bulls</u> , deer, llamas, alpacas, donkeys, mules, horses (and ponies of 148cm or less in height), sheep, goats, pigs, and any other animal kept in captivity or farmed, and dependent on humans for their care and sustenance. “Stock” shall have the same meaning as “Livestock”.
Nuisance	<u>a</u> ny reasonable interference with the peace, comfort or convenience of another person including by way of excessive noise or offensive odours, and includes the nuisances defined in <u>s</u> ection 29 of the Health Act 1956 and includes the following: <ul style="list-style-type: none"> (a) <u>w</u>here any accumulation or deposit of any waste or other similar material is in such a state or so situated as to be offensive; and (b) <u>w</u>here any buildings used for the keeping of animals are so constructed, situated, used, or kept, or are in such a condition as to be offensive; and (c) <u>w</u>here any noise emitted by an animal unreasonably interferes with the peace, comfort, or convenience of any person.
Pets	a domestic animal kept primarily as a companion.
Pigsty	means a covered enclosure used for the housing of pigs.

Poultry	any live bird that is kept or raised for the purpose of producing eggs or meat for human consumption, and includes ducks, <u>roosters</u> , and chickens, geese, pigeons , turkeys, pheasants, game birds including quail and peacocks, and domestic fowls of all descriptions.
Premises	any land, dwelling, storehouse, warehouse, shop, cellar, yard, building, or part of the same, or enclosed space separately occupied, and all lands, buildings, and places adjoining each other and occupied together shall be deemed to be the same premises.
Public place	<u>a</u> Any place that, at any material time, is under the control of the Council and is open to or being used by the public, and includes any road, whether or not it is under the control of the Council. It also includes every reserve, park, domain, beach, foreshore, and recreational grounds under the control of the Council, but <u>excludes</u> the Hamilton Zoo.
Rural area	<u>As defined in Schedule 1.</u> an area zoned rural, rural residential, country living, or any of the zones included in the Rural Zones Chapter in the Waikato District Plan.
Threat	an action that is likely to occur that will cause damage or danger.
Urban area	<u>As defined in Schedule 1.</u> an area used mainly for residential or commercial purposes. For clarity, urban area includes residential, village, heavy industrial, business, and town centre zones in the Waikato District Plan.

4.0 Exceptions

- 4.1 This ~~B~~bylaw does not apply to the Hamilton Zoo.
- 4.2 This ~~B~~bylaw does not apply to the Tuakau Saleyards.

5.0 Keeping of animals

- 5.1 No person shall keep, permit or suffer to be kept any bees or other animal (including livestock and poultry) which is or is likely to be a nuisance or a threat to public health or safety.
- 5.2 No person shall keep any ~~noisy animal (including bird or poultry) noisy animal, bird, or poultry~~ which causes or is likely to cause a nuisance to any other person.
- 5.3 No person shall allow any animal (including livestock and poultry) in a public place in a manner which is or is likely to be a nuisance or a threat to public health or safety.
- ~~5.4~~ -In addition to this ~~B~~bylaw, any person keeping animals (including livestock and poultry) shall comply with any other relevant statutory requirements.
- ~~5.45.5~~ No person shall slaughter an animal or dismember, handle, process, or dispose of the carcass or remains of an animal, on any premises which causes or is likely to cause a nuisance or threat to public health or safety.
- ~~5.6~~ Any person keeping an animal shall ensure the animal is confined to the boundaries of the premises where the animal is kept.
- ~~5.5.7~~ Clauses 5.1 to 5.5 apply regardless of whether a person has complied with other clauses of this bylaw.

6.0 Keeping of pigs – special requirements

- 6.1 No person shall keep any pigs in an urban area.
- 6.2 No person shall keep any pigs in a manner which creates or is likely to create a nuisance, or which is, or is likely to be injurious to the health of any person.
- 6.3 No pigsty or pig run shall be erected closer than 20 metres (m) from any dwelling, factory, or other building, whether wholly or partially occupied, or within 30m of the boundary of any adjoining premises.

7.0 Keeping of poultry – special requirements

~~7.1~~ No person shall keep more than ~~six~~6 head of poultry, pet or otherwise, on premises less than 550m² ~~in an urban area.~~

~~7.27.1~~

~~7.37.2~~ No person may keep more than 12 head of poultry, pet or otherwise, in an urban area on premises greater than 550m².

~~7.47.3~~ No person shall keep a rooster on any property which is within an urban area, ~~or which is zoned country living under the Waikato District Plan.~~

~~7.57.4~~ No poultry shall be kept in an urban area unless they are provided with enclosed housing (whether mobile or immobile) that is:

~~(a) p~~Properly constructed in accordance with the Building Act 2004 as the case may require; and

~~(b)(a) r~~Rainproof; and

~~(e)(b) i~~n the case of a permanent structure, provided with a floor of concrete or other ~~approved appropriate~~ material raised 150 millimetres above ground level to which a poultry run may be attached; and

~~(d)(c) a~~Adequately graded and drained.

Advisory note: All housing, structures or buildings must comply with all requirements under the Waikato District Plan and Building Act 2004.

~~7.67.5~~ No poultry house (whether mobile or immobile), or poultry run, shall be located:

(a) within 10m from any dwelling, factory, or other building; or

(b) within 3-m of the boundary of any adjoining premises.

~~7.77.6~~ Every poultry house and poultry run shall be maintained in good repair and in a clean condition, free from any offensive smell or overflow, and free from vermin.

~~7.87.7~~ Where an authorised officer considers the keeping of ~~chickens-poultry~~ has become, or is likely to become, a nuisance or potential danger to any person, they may serve a notice requiring the owner or occupier of the premises to:

(a) relocate the ~~chickens-poultry~~ to another area on the premises; and/or

(b) reduce the maximum number of ~~chickens-poultry~~ allowed on the premises; and/or

(c) remove some or all of the existing ~~chickens-poultry~~ from the premises; and/or

(d) do any other thing that, in the opinion of the officer, may reduce the nuisance or potential danger.

~~7.97.8~~ Any person, owner or occupier of a premises who receives a notice under clause ~~7.7~~ ~~must SHoul~~must, without delay comply with the notice.

8.0 Bee keeping – special requirements

- 8.1 No person shall keep bees if in the opinion of an authorised officer, the keeping of bees is, or is likely to become, a nuisance or potential danger to any person.
- 8.2 Provided that the keeping of bees complies with all other requirements (with the exception of ~~8.53(e))~~ contained in this bylaw, there is no maximum number of hives for properties which are zoned rural or general rural zone under the Waikato District Plan.

8.3 A person may keep bees provided they comply with the following conditions:

- (a) In properties which are ~~within an urban area zoned urban under the Waikato District Plan;~~
~~;~~
- (i) where there is no solid fence of 1.8m or taller on any adjoining property boundary, hives must be placed at a minimum distance of 5m to that boundary; ~~or-~~
 - (ii) where there is a solid fence of 1.8m or taller on any property boundary, the hives are placed no closer than 3m from that boundary; ~~and~~
- (b) In properties which are ~~within a rural area zoned country living or rural residential under the Waikato District Plan,~~ hives are placed no closer than 12m metres to any adjoining boundary to a residential dwelling; ~~and~~

~~Note—This clause will also apply to any properties which will be zoned village in any Waikato District Plan subsequent to the Operative District Plan as of May 2021.~~

- ~~(i) In properties which are zoned rural under the Waikato District Plan, hives are placed no closer than 125m metres to any adjoining boundary to a residential dwelling; and~~

8.4 ~~A person may keep bees only in a~~ The minimum property area of ~~is~~ 500m² square metres or greater; ~~and~~

8.5 Except by prior written approval, the number of hives in all zones does not exceed that which is allowed for the area of the premises as indicated in the following table:

Property Area	Number of hives
500-2000 square metres	2
2001-4000 square metres	4
4001 square metres- +	6

- 8.6 Where an authorised officer considers an existing hive, or hives, has become or is likely to become a nuisance or potential danger to any person, they may serve a notice requiring the owner or occupier of the premises to:
- (a) relocate the hives to another area on the premises; or
 - (b) develop a flight management plan to ensure that the bees' flightpath is diverted from, or made to go, a minimum of 1.8m metres high over an adjacent premise, footpath or road; or
 - (c) reduce the maximum number of hives allowed on the premises; or

- (d) remove some or all of the existing hives from the premises; or
- (e) do any other thing that, in the opinion of the authorised officer, may reduce the nuisance or potential danger.

8.7 Any beekeeper, owner or occupier of a premises who receives a notice under clause 8.5 must, without delay, comply with the notice.

Advisory nNote: If you keep bees in New Zealand, it is a legal requirement that you register your hive/s under the Biosecurity (National American Foulbrood Pest Management Plan) Act 1993.

9.0 Horses – special requirements

9.1 A person shall not keep any horse on premises smaller than 1200m² square metres in an urban area, except where the horses are kept:

- (a) by a registered breeder or trainer; or
- (b) in a stable or other building premises constructed specifically for the keeping of horses.

9.2 Where any horse defecates on any public place, including, but not limited to, footpaths, roads or reserves in such a way that it may cause a nuisance to other users, the person who has custody of that horse shall remove and dispose of such defecations immediately and in a way that does not cause a nuisance or offence.

10.0 Encouraging nuisances by feral or stray animals (including cats)

10.1 No person shall provide sustenance, harbourage or comfort to an animal that reasonably appears to be a feral or stray animal so as to cause the animal to become a nuisance to other persons.

10.2 Where an animal that is causing a nuisance reasonably appears to be a feral or stray animal, the owner or occupier of the property from which such animals emanate must take all reasonable steps to abate the nuisance caused by the animal(s). Abatement may include, but is not limited to:

- (a) claiming the animal(s) as a domestic owned pet and keeping it in such a state as to abate any nuisance; or
- (b) permanently removing (including disposal of) the animal so it no longer causes a nuisance to others; or
- (c) agreeing with the Council that the Council will remove the animal and the occupier will pay the Council's reasonable costs.

Advisory nNote: Animal rescue activities in the community are not prohibited unless they are conducted in such a way as to encourage stray or feral animals to cause nuisance. Where possible, Council will work proactively with the SPCA and other animal rescue organisations, to ensure animal welfare requirements are met and all practicable options are explored when dealing with feral and stray animals.

11.0 Service of notices

11.1 Any notice, order or other document which this Bylaw requires to be served or given to any person, shall be deemed to have been duly served or given if it is left at their residence or work place, or posted to their last known residential address.

12.0 Offences and penalties

12.1 Any person who fails to comply with the requirements of this Bylaw commits an offence and may be liable to a penalty under the Local Government Act 2002 or the Health Act 1956, as the case may be.

This Bylaw was made pursuant to a resolution passed by the Waikato District Council on ~~13 April 2015~~ [to be inserted].

THE COMMON SEAL of WAIKATO DISTRICT COUNCIL was hereto affixed in the presence of:

Mayor

Chief Executive

This Bylaw was reviewed on [to be inserted].

Activity	Key Date	Council Resolution
Bylaw made		
Bylaw reviewed		
Next review due date		

Schedule I – Zones under the Waikato District Plan

Advisory note:

As of November 2023, the majority of zones within the ‘Proposed District Plan’ are in effect and are applicable throughout the entire district. To identify if zones are within a rural area or urban area, please refer to Table 1.

If you have filed an appeal regarding the zoning of your property with the Environment Court which is unresolved, please refer to Table 2, which contains zones from the Operative Waikato District Plan.

Table 1: Proposed Waikato District Plan

<u>Area</u>	<u>Definition</u>
<u>Rural</u>	<p><u>This includes the following zones from the Proposed District Plan:</u></p> <ol style="list-style-type: none"> <u>1. General rural zone</u> <u>2. Rural lifestyle zone</u> <u>3. Future urban zone</u> <u>4. Large lot residential zone</u> <u>5. Settlement zone</u> <u>6. Whananga Coast Development</u> <u>7. Hopuhopu zone</u> <u>8. KLZ Kimihia Lakes zone</u> <u>9. TaTa Valley zone</u>
<u>Urban area</u>	<p><u>This includes the following zones from the Proposed District Plan:</u></p> <ol style="list-style-type: none"> <u>10. General residential zone</u> <u>11. Medium density residential zone</u> <u>12. Medium density residential zone 2</u> <u>13. Local centre zone</u> <u>14. Commercial zone</u> <u>15. Town centre zone</u> <u>16. General industrial zone</u> <u>17. Heavy industrial zone</u> <u>18. Business Tamahere zone</u> <u>19. Matangi zone</u> <u>20. Rangitahi peninsula zone</u>
<u>Not specified as rural or urban</u>	<p><u>The following zones are not considered rural or urban.</u></p> <ol style="list-style-type: none"> <u>21. Open space zone</u> <u>22. Correction zone</u> <u>23. Mercer airport zone</u> <u>24. Te Kowhai Airpark zone</u> <u>25. Motorsport and recreation zone</u>

Table 2: Waikato and Franklin District Operative Plan

<u>Area</u>	<u>Definition</u>
<u>Rural area</u>	<p><u>This includes the following zones from the Waikato and Franklin Operative District Plan:</u></p> <ol style="list-style-type: none"> <u>1. Living zone</u> <u>2. Pa zone</u> <u>3. Business zone</u> <u>4. Rural zone</u>

Area	Definition
	<ul style="list-style-type: none"> <u>5. Coastal zone</u> <u>6. Country Living Zone</u> <u>7. Village zone</u> <u>8. Rural zone</u> <u>9. Wetland conservation zone</u> <u>10. Forest conservation zone</u> <u>11. Rural-residential zone</u> <u>12. Aggregate Extraction and Processing Zone</u> <u>13. Queen's Redoubt Heritage Zone</u>
<u>Urban area</u>	<p><u>This includes the following zones from the Waikato and Franklin Operative District Plan:</u></p> <ul style="list-style-type: none"> <u>1. Industrial zone</u> <u>2. Urban zone</u> <u>3. Residential zone</u> <u>4. Residential 2 zone</u> <u>5. Medium density 2 zone</u> <u>6. Business zone</u> <u>7. Industrial 2 zone</u> <u>8. Light industrial zone</u> <u>9. Neighbour centres</u>
<u>Not specified as rural or urban</u>	<p><u>The following zones are not considered rural or urban.</u></p> <ul style="list-style-type: none"> <u>1. Recreation zone</u> <u>2. Maoro Mining Zone</u> <u>3. Timber Processing Zone</u> <u>4. Tuakau Industrial Services Zone</u>

Waikato District Council Keeping of Animals Bylaw 2024

Waikato District Council, in exercise of its powers under the Local Government Act 2002 and Health Act 1956 and its respective amendments, and all other relevant powers, hereby makes the following bylaw.

Part one: Introduction

1.0 Short title, commencement and application

- 1.1 This Bylaw shall be known as the “Waikato District Council Keeping of Animals Bylaw 2024”
- 1.2 The Bylaw shall apply to the Waikato District
- 1.3 The Bylaw shall come into force on [to be inserted].
- 1.4 This bylaw should be read in conjunction with other legislation that applies to the management and regulation of animals in the Waikato District, including:
- Animal welfare in the Animal Products Act, Animal Welfare Act and Impounding Act.
 - Environmental concerns in the Biosecurity Act, Reserves Act, Resource Management Act and Waikato Regional Pest Management Plan.
 - Public health and safety in the Health Act.
 - The use of land for farming, intensive farming, free range or poultry farming in the Waikato District Plan.
 - The ownership, control and welfare of dogs in the Dog Control Act, Dog Control Bylaw and Dog Control Policy.
 - How and where livestock can be moved within or across roads, in the Waikato District Livestock Movement Bylaw.

2.0 Revocation

The “Waikato District Council Keeping of Animals Bylaw 2015” (adopted on 17 May 2021) are hereby revoked from the date this bylaw comes into force.

3.0 Definitions

For the purposes of this Bylaw, the following definitions shall apply:

Animal	any member of the animal kingdom, including any mammal, bird, finfish, shellfish, reptile, amphibian, insect, or invertebrate, and includes the carcass or constituent parts thereof, but does not include human beings or dogs.
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Authorised officer	any person for the time being appointed or authorised by the Council to carry out general or specific duties arising from any of the provisions of this Bylaw, unless stated otherwise.
Beehive and hive	any receptacle housing a honeybee colony for the purposes of honey production and includes one receptacle per colony used solely for the purposes of queen breeding, hive maintenance and swarm prevention purposes.
Bee keeping	the keeping of beehives, and includes the removal of honey and bee products from the hive, but not the further processing of such products.
Council	the Waikato District Council.
Livestock	means cattle/cows/bulls, deer, llamas, alpacas, donkeys, mules, horses (and ponies of 148cm or less in height), sheep, goats, pigs, and any other animal kept in captivity or farmed, and dependent on humans for their care and sustenance. “Stock” shall have the same meaning as “Livestock”.
Nuisance	<p>any reasonable interference with the peace, comfort or convenience of another person including by way of excessive noise or offensive odours, and includes the nuisances defined in section 29 of the Health Act 1956 and includes the following:</p> <ul style="list-style-type: none"> (a) where any accumulation or deposit of any waste or other similar material is in such a state or so situated as to be offensive; and (b) where any buildings used for the keeping of animals are so constructed, situated, used, or kept, or are in such a condition as to be offensive; and (c) where any noise emitted by an animal unreasonably interferes with the peace, comfort or convenience of any person.
Pets	a domestic animal kept primarily as a companion.
Pigsty	means a covered enclosure used for the housing of pigs.
Poultry	any live bird that is kept or raised for the purpose of producing eggs or meat for human consumption, and includes ducks, roosters, and chickens, geese, turkeys, pheasants, game birds including peacocks.
Premises	any land, dwelling, storehouse, warehouse, shop, cellar, yard, building, or part of the same, or enclosed space separately occupied, and all land, buildings, and places adjoining each other and occupied together shall be deemed to be the same premises.

Public place	any place that, at any material time, is under the control of the Council and is open to or being used by the public, and includes any road, whether or not it is under the control of the Council. It also includes every reserve, park, domain, beach, foreshore, and recreational grounds under the control of the Council, excluding the Hamilton Zoo.
Rural area	As defined in Schedule 1.
Threat	an action that is likely to occur that will cause damage or danger.
Urban area	As defined in Schedule 1.

4.0 Exceptions

- 4.1 This Bylaw does not apply to the Hamilton Zoo.
- 4.2 This Bylaw does not apply to the Tuakau Saleyards.

5.0 Keeping of animals

- 5.1 No person shall keep, permit or suffer to be kept any bees or other animal (including livestock and poultry) which is or is likely to be a nuisance or a threat to public health or safety.
- 5.2 No person shall keep any noisy animal (including bird or poultry) which causes or is likely to cause a nuisance to any other person.
- 5.3 No person shall allow any animal (including livestock and poultry) in a public place in a manner which is or is likely to be a nuisance or a threat to public health or safety.
- 5.4 In addition to this Bylaw, any person keeping animals (including livestock and poultry) shall comply with any other relevant statutory requirements.
- 5.5 No person shall slaughter an animal or dismember, handle, process, or dispose of the carcass or remains of an animal, on any premises which causes or is likely to cause a nuisance or threat to public health or safety.
- 5.6 Any person keeping an animal shall ensure the animal is confined to the boundaries of the premises where the animal is kept.
- 5.7 Clauses 5.1 to 5.5 apply regardless of whether a person has complied with other clauses of this bylaw.

6.0 Keeping of pigs – special requirements

- 6.1 No person shall keep any pigs in an urban area.
- 6.2 No person shall keep any pigs in a manner which creates or is likely to create a nuisance, or which is, or is likely to be injurious to the health of any person.
- 6.3 No pigsty or pig run shall be erected closer than 20 metres (m) from any dwelling, factory or other building, whether wholly or partially occupied, or within 30m of the boundary of any adjoining premises.

7.0 Keeping of poultry – special requirements

- 7.1 No person shall keep more than six head of poultry, pet or otherwise, on premises less than 550m² in an urban area.
- 7.2 No person may keep more than 12 head of poultry, pet or otherwise, in an urban area on premises greater than 550m².
- 7.3 No person shall keep a rooster on any property which is within an urban area.
- 7.4 No poultry shall be kept in an urban area unless they are provided with enclosed housing (whether mobile or immobile) that is:
- (a) rainproof; and
 - (b) in the case of a permanent structure, provided with a floor of concrete or other appropriate material raised 150 millimetres above ground level to which a poultry run may be attached; and
 - (c) adequately graded and drained.

Advisory note: All housing, structures or buildings must comply with all requirements under the Waikato District Plan and Building Act 2004.

- 7.5 No poultry house (whether mobile or immobile), or poultry run, shall be located:
- (a) within 10m from any dwelling, factory or other building; or
 - (b) within 3m of the boundary of any adjoining premises.
- 7.6 Every poultry house and poultry run shall be maintained in good repair and in a clean condition, free from any offensive smell or overflow, and free from vermin.
- 7.7 Where an authorised officer considers the keeping of poultry has become, or is likely to become, a nuisance or potential danger to any person, they may serve a notice requiring the owner or occupier of the premises to:
- (a) relocate the poultry to another area on the premises; and/or
 - (b) reduce the maximum number of poultry allowed on the premises; and/or
 - (c) remove some or all of the existing poultry from the premises; and/or
 - (d) do any other thing that, in the opinion of the officer, may reduce the nuisance or potential danger.
- 7.8 Any person, owner or occupier of a premises who receives a notice under clause 7.7 must without delay comply with the notice.

8.0 Bee keeping – special requirements

- 8.1 No person shall keep bees if in the opinion of an authorised officer, the keeping of bees is, or is likely to become, a nuisance or potential danger to any person.
- 8.2 Provided that the keeping of bees complies with all other requirements (with the exception of 8.5) contained in this bylaw, there is no maximum number of hives for properties which are zoned rural or general rural zone under the Waikato District Plan.
- 8.3 A person may keep bees provided they comply with the following conditions:
- (a) In properties which are within an urban area:
 - (i) where there is no solid fence of 1.8m or taller on any adjoining property boundary, hives must be placed at a minimum distance of 5m to that boundary; or
 - (ii) where there is a solid fence of 1.8m or taller on any property boundary, the hives are placed no closer than 3m from that boundary;
 - (b) In properties which are within a rural area, hives are placed no closer than 12m to any adjoining boundary to a residential dwelling;
- 8.4 A person may keep bees only in a minimum property area of 500m² or greater.
- 8.5 Except by prior written approval, the number of hives in all zones does not exceed that which is allowed for the area of the premises as indicated in the following table:

Property Area	Number of hives
500-2000 square metres	2
2001-4000 square metres	4
4001 square metres +	6

- 8.6 Where an authorised officer considers an existing hive, or hives, has become or is likely to become a nuisance or potential danger to any person, they may serve a notice requiring the owner or occupier of the premises to:
- (a) relocate the hives to another area on the premises; or
 - (b) develop a flight management plan to ensure that the bees' flightpath is diverted from, or made to go, a minimum of 1.8m high over an adjacent premise, footpath or road; or
 - (c) reduce the maximum number of hives allowed on the premises; or
 - (d) remove some or all of the existing hives from the premises; or
 - (e) do any other thing that, in the opinion of the authorised officer, may reduce the nuisance or potential danger.
- 8.7 Any beekeeper, owner or occupier of a premises who receives a notice under clause 8.5 must, without delay, comply with the notice.

Advisory note: If you keep bees in New Zealand, it is a legal requirement that you register your hive/s under the Biosecurity (National American Foulbrood Pest Management Plan) Act 1993.

9.0 Horses – special requirements

- 9.1 A person shall not keep any horse on premises smaller than 1200m² in an urban area, except where the horses are kept:
- (a) by a registered breeder or trainer; or
 - (b) in a stable or other building premises constructed specifically for the keeping of horses.
- 9.2 Where any horse defecates on any public place, including, but not limited to, footpaths, roads or reserves in such a way that it may cause a nuisance to other users, the person who has custody of that horse shall remove and dispose of such defecations immediately and in a way that does not cause a nuisance or offence.

10.0 Encouraging nuisances by feral or stray animals (including cats)

- 10.1 No person shall provide sustenance, harbourage or comfort to an animal that reasonably appears to be a feral or stray animal so as to cause the animal to become a nuisance to other persons.
- 10.2 Where an animal that is causing a nuisance reasonably appears to be a feral or stray animal, the owner or occupier of the property from which such animals emanate must take all reasonable steps to abate the nuisance caused by the animal(s). Abatement may include, but is not limited to:
- (a) claiming the animal(s) as a domestic owned pet and keeping it in such a state as to abate any nuisance; or
 - (b) permanently removing (including disposal of) the animal so it no longer causes a nuisance to others; or
 - (c) agreeing with the Council that the Council will remove the animal and the occupier will pay the Council's reasonable costs.

Advisory note: Animal rescue activities in the community are not prohibited unless they are conducted in such a way as to encourage stray or feral animals to cause nuisance. Where possible, Council will work proactively with the SPCA and other animal rescue organisations, to ensure animal welfare requirements are met and all practicable options are explored when dealing with feral and stray animals.

11.0 Service of notices

- 11.1 Any notice, order or other document which this Bylaw requires to be served or given to any person, shall be deemed to have been duly served or given if it is left at their residence or work place, or posted to their last known residential address.

12.0 Offences and penalties

- 12.1 Any person who fails to comply with the requirements of this Bylaw commits an offence and may be liable to a penalty under the Local Government Act 2002 or the Health Act 1956, as the case may be.

This Bylaw was made, pursuant to a resolution passed by the Waikato District Council on [to be inserted].

THE COMMON SEAL of WAIKATO

 DISTRICT COUNCIL was hereto affixed in the presence of:

 Mayor

Chief Executive

This Bylaw was reviewed on [to be inserted].

Activity	Key Date	Council Resolution
Bylaw made		
Bylaw reviewed		
Next review due date		

DRAFT

Schedule I – Zones under the Waikato District Plan

Advisory note:

As of November 2023, the majority of zones within the ‘Proposed District Plan’ are in effect and are applicable throughout the entire district. To identify if zones are within a rural area or urban area, please refer to Table 1.

If you have filed an appeal regarding the zoning of your property with the Environment Court which is unresolved, please refer to Table 2, which contains zones from the Operative Waikato District Plan.

Table 1: Proposed Waikato District Plan

Area	Definition
Rural	<p>This includes the following zones from the Proposed District Plan:</p> <ol style="list-style-type: none"> 1. General rural zone 2. Rural lifestyle zone 3. Future urban zone 4. Large lot residential zone 5. Settlement zone 6. Whananga Coast Development 7. Hopuhopu zone 8. KLZ Kimihia Lakes zone 9. TaTa Valley zone
Urban area	<p>This includes the following zones from the Proposed District Plan:</p> <ol style="list-style-type: none"> 10. General residential zone 11. Medium density residential zone 12. Medium density residential zone 2 13. Local centre zone 14. Commercial zone 15. Town centre zone 16. General industrial zone 17. Heavy industrial zone 18. Business Tamahere zone 19. Matangi zone 20. Rangitahi peninsula zone
Not specified as rural or urban	<p>The following zones are not considered rural or urban.</p> <ol style="list-style-type: none"> 21. Open space zone 22. Correction zone 23. Mercer airport zone 24. Te Kowhai Airpark zone 25. Motorsport and recreation zone

Table 2: Waikato and Franklin District Operative Plan

Area	Definition
Rural area	<p>This includes the following zones from the Waikato and Franklin Operative District Plan:</p> <ol style="list-style-type: none"> 1. Living zone 2. Pa zone 3. Business zone 4. Rural zone

Area	Definition
	5. Coastal zone 6. Country Living Zone 7. Village zone 8. Rural zone 9. Wetland conservation zone 10. Forest conservation zone 11. Rural-residential zone 12. Aggregate Extraction and Processing Zone 13. Queen's Redoubt Heritage Zone
Urban area	This includes the following zones from the Waikato and Franklin Operative District Plan: 1. Industrial zone 2. Urban zone 3. Residential zone 4. Residential 2 zone 5. Medium density 2 zone 6. Business zone 7. Industrial 2 zone 8. Light industrial zone 9. Neighbour centres
Not specified as rural or urban	The following zones are not considered rural or urban. 1. Recreation zone 2. Maioro Mining Zone 3. Timber Processing Zone 4. Tuakau Industrial Services Zone

Waikato District Council

Background Report: Keeping of Animals Bylaw 2024

Last updated: 3/11/2023

Authors: Melissa Ward, Corporate Planner.



Executive Summary

Council is proposing to create a new Keeping of Animals Bylaw 2024. Before initiating a process to make a new bylaw, Council is required to determine that a bylaw is the most appropriate way of addressing the perceived problem (sec.155 of the Local Government Act 2002).

To assist in making this determination, staff have reviewed animal related (excluding dogs) complaints received between 1 July 2018 to 30 June 2023.

This report includes the following:

1. Number of animal-related complaints
2. Most common complaint type
3. Most common complaints received, by animal
4. Complaints received, by location
5. Common complaints received, by location
6. Number of complaints received about roosters, by zone.

Key findings include:

- The animal that Council receives the most complaints about is roosters, due to noise, followed by chickens, due to roaming and noise.
- The most common types of complaints were for noise, roaming and seeking information/education on the Bylaw.
- The majority of complaints are from urban areas, including Huntly, Ngaaruawaahia, Tuakau, and Pookeno.
- Within the top five known locations across the Waikato District, roosters are the top-most received complaint, other than Pookeno, when they were the second highest animal complained about. Tuakau and Pookeno also have a number of complaints relating to livestock/stock.
- All nine peacock related complaints were from Ngaaruawaahia residents.
- Just over one third (37%) of complaints received about roosters were from people living in rural zones - General Rural, Large Lot Residential, Settlement, or Rural Lifestyle zones.

Complaints Data from 1 July 2018 to 30 June 2023

1. Number of animal-related complaints made

From 1 July 2018 to 30 June 2023, Council has received a total of 363 animal nuisance-related complaints. The animal categories that these complaints relate to are listed in Table 1 below.

Note: This data does not include dog-related complaints or complaints relating to the Hamilton Zoo or the Tuakau Saleyards.

The data in table 1 will not add up to total complaints (363) as this is counting the number of complaints received by animal, sometimes a single complaint was about multiple animals.

Table 1: Number of animal complaints received between 1 July 2018 and 30 June 2023.

Category	Complaint by animal type	Number of complaints received about a single animal	Number of complaints received about multiple animals	Percentage (of total complaints – multiple animals)
Poultry	Roosters	127	173	44%
	Chickens	35	88	22.4%
	Ducks	12	30	7.7%
	Peacock	8	9	2.3%
	Geese	1	4	1%
	Poultry (undefined)	2	0	0%
	Doves	0	1	0.3%
	Ginea fowl	0	1	0.3%
	Pigeons	0	1	0.3%
	Turkey	0	1	0.3%
Stock/Livestock	Pigs (incl. piglets)	27	33	8.4%
	Bees	27	0	0%
	Horses (incl. stallion)	18	19	4.8%
	Sheep (incl. lambs)	7	14	3.6%
	Goats	6	13	3.3%
	Cows (incl. calves, stock and livestock)	10	0	0%
Other (incl. feral/wild) animals	Cats	1	4	1%
	Pukeko	4	0	0%
	Deer	1	0	0%
	Possoms	1	0	0%
	Rabbits	1	0	0%
	Rats	1	0	0%
	Swans	0	1	0.3%
	Vermin	1	0	0%
	Animal (undefined)	1	0	0%
Total		291	392	100%

2. Most common complaint-type

Over the last five-years, Council received 363 animal nuisance-related complaints. The most common complaint type is ‘noise’, followed by ‘roaming’.

Table 2: Data by complaint/nuisance type (from most to least common).

Complaint type	Number received	Percentage
Noise	146	40%
Roaming	84	23%
Education re Bylaw	29	8%
Location	25	7%
Welfare of animals	14	4%
Excrement	12	3.3%
Odour	10	3%
Aggressive	9	2.5%
Numbers	9	2.5%
Excrement in a public place	8	2.2%
Use of Council land	4	1%

Complaint type	Number received	Percentage
Beach use	3	0.8%
Nuisance	3	0.8%
Feral	2	0.5%
Killing animals	2	0.5%
Left behind by previous owner	1	0.3%
Setting up business	1	0.3%
Vermin	1	0.3%
Total	363	100%

3. Most common complaints received, by animal

The following information lists the most common complaints for each animal type. The animal that Council received the most complaints about is roosters, due to noise, followed by chickens, due to roaming and noise.

1. Roosters (173 complaints in total)
 - a. 136 complaints were related to noise.
2. Chickens (88 complaints in total)
 - a. 36 complaints were related to roaming
 - b. 20 complaints were related to noise.
3. Pigs (33 complaints in total)
 - a. Six complaints were related to the welfare of the animals
 - b. 10 complaints related to pigs roaming.
4. Ducks (30 complaints in total)
 - a. 19 complaints were related to roaming.
5. Bees – (27 complaints in total)
 - a. Eight complaints about aggressive behaviour, such as stinging in this case
 - b. Seven complaints received about the excrement from bees on neighbouring properties.

Note: In some situations, the monitoring and/or compliance teams are not responsible for roaming stock/animals/poultry. If stock/animals/poultry are posing a risk to public health and safety by roaming onto roads either, our contractor Alliance or the New Zealand Transport Authority (Waka Kotahi) would be contacted.

4. Complaints received, by location

Table 3 below shows complaints received by location in the District. The majority of complaints are from the District's urban areas, including Huntly, Ngaaruawaahia, Tuakau and Pokeno.

Table 3: Complaints received by location (from most to least)

Complaint location	Number received	Percentage
Huntly	55	15%
Ngaaruawaahia	42	12%
Unknown	41	11.3%
Tuakau	39	10.7%
Pokeno	26	7.1%
Raglan	23	6.3%
Tamahere	17	4.7%
Te Kauwhata	15	4.1%
Taupiri	13	3.6%
Whatawhata	10	2.8%

Complaint location	Number received	Percentage
Tauwhare	9	2.5%
Horotiu	7	1.9%
Ohinewai	7	1.9%
Pukekohe	6	1.6%
Maramarua	5	1.4%
Waitakaruru	5	1.4%
Glen Massey	4	1.1%
Mercer	4	1.1%
Meremere	4	1.1%
Newstead	4	1.1%
Rotokauri	4	1.1%
Glen Afton	3	0.8%
Horsham Downs	3	0.8%
Glen Murray	2	0.5%
Pukemiro	2	0.5%
Puni	2	0.5%
Te Kauwhai	2	0.5%
Waiuku	2	0.5%
Mangatawhiri	1	0.3%
Matangi	1	0.3%
Ngahinapouri	1	0.3%
Onewhero	1	0.3%
Otaua	1	0.3%
Port Waikato	1	0.3%
Pukekawa	1	0.3%
Total	363	100%

5. Most common complaints received, by location

Note: The below number of complaints, by location includes the top one or two animal type complaints, so will not add up to the total number of animal complaints for that location.

The below data shows the most common complaints received by location and the animal that most complaints in that location were related to. Within the top five known locations across the Waikato District, roosters are the top-most received complaint. Tuakau and Pookeno also have a number of complaints relating to livestock/stock.

1. Huntly (55 complaints in total)
 - a. 34 complaints were related to roosters.
2. Ngaaruawaahia (42 complaints in total)
 - a. 21 complaints were related to roosters
 - b. All nine peacock complaints were received from Ngaaruawaahia residents.
3. Unknown (41 complaints in total)
 - a. 14 complaints were related to roosters
 - b. 13 complaints were related to a form of livestock/stock (defined as per table 1 above).
4. Tuakau (39 complaints in total)
 - a. 26 complaints were related to roosters
 - b. 10 complaints were related to a form of livestock/stock (defined as per table 1 above).
5. Pookeno – (26 complaints in total)
 - a. Nine complaints received were related to livestock/stock (defined as per table 1 above)

- b. Eight complaints received were related to roosters.
- 6. Raglan – (23 complaints in total)
 - a. 12 complaints were related to roosters.

Note: In some situations, the monitoring and/or compliance teams are not responsible for roaming stock/animals/poultry. If stock/animals/poultry are posing a risk to public health and safety by roaming onto roads either, our contractor Alliance, or New Zealand Transport Authority (Waka Kotahi) would be contacted.

6. Number of complaints received about roosters, by zone

Council received 173 complaints about roosters between 1 July 2018 and 30 June 2023. Table 4 below shows the complaints received regarding roosters, by District Plan Zone. This shows complaints received regarding roosters in both ‘urban’ and ‘rural’ character areas.

Table 4: Number of complaints received about roosters by zone (from most to least common).

Zone	Number of complaints received	Percentage
GRZ – General Residential Zone	59	34.1%
GRUZ – General Rural Zone	35	20.2%
MRZ – Medium Density Residential Zone	24	13.9%
Unknown	20	11.6%
RLZ – Rural Lifestyle Zone	20	11.5%
LLRZ – Large Lot Residential Zone	6	3.5%
GIZ – General Industrial Zone	3	1.7%
SETZ – Settlement Zone	3	1.7%
COMZ – Commercial Zone	2	1.1%
TCZ – Town Centre Zone	1	0.6%
Total	173	100%

Assumptions for data:

1. The data provided is for the period 1 July 2018 to 30 June 2023 and captures complaints received relating to the Keeping of Animals Bylaw 2015. This relies on correct ‘tagging’ of the complaint when it is received by Customer Service.
2. Only complaints relating to roosters have been categorised according to zones within the Proposed District Plan.
3. Cockerels have been included under roosters.
4. Each contact has been counted individually, including repeat calls about the same issue.
5. This data does not include the length of time it took to respond to complaints.
6. The nuisance category under table 2 represents all complaints received where details have not been provided on exactly what the nuisance is.
7. Where the reason identified is roaming, it is also acknowledged that animals may have either been a nuisance, defecated, caused damage to a neighbouring property, or created health and safety concerns for road users.
8. The category ‘Education re Bylaw’ includes members of the public who would like to understand the Bylaw prior to bringing animals onto a property, and enquiries where people would like to know their rights in order to make a complaint.

Staff Feedback

Feedback has been gathered from key internal stakeholders who use/enforce the 2015 Bylaw. Some key issues/opportunities identified were:

- There is a finite amount of resource available to enforce this Bylaw.
- The 2015 Bylaw was rigorously reviewed in 2021, therefore it is expected that no large changes are required this time.
- There are elements of the 2015 Bylaw where we could be clearer about what falls within the 2015 Bylaw and what does not.
- The Proposed and Operative District Plan zones must align with the new Bylaw.

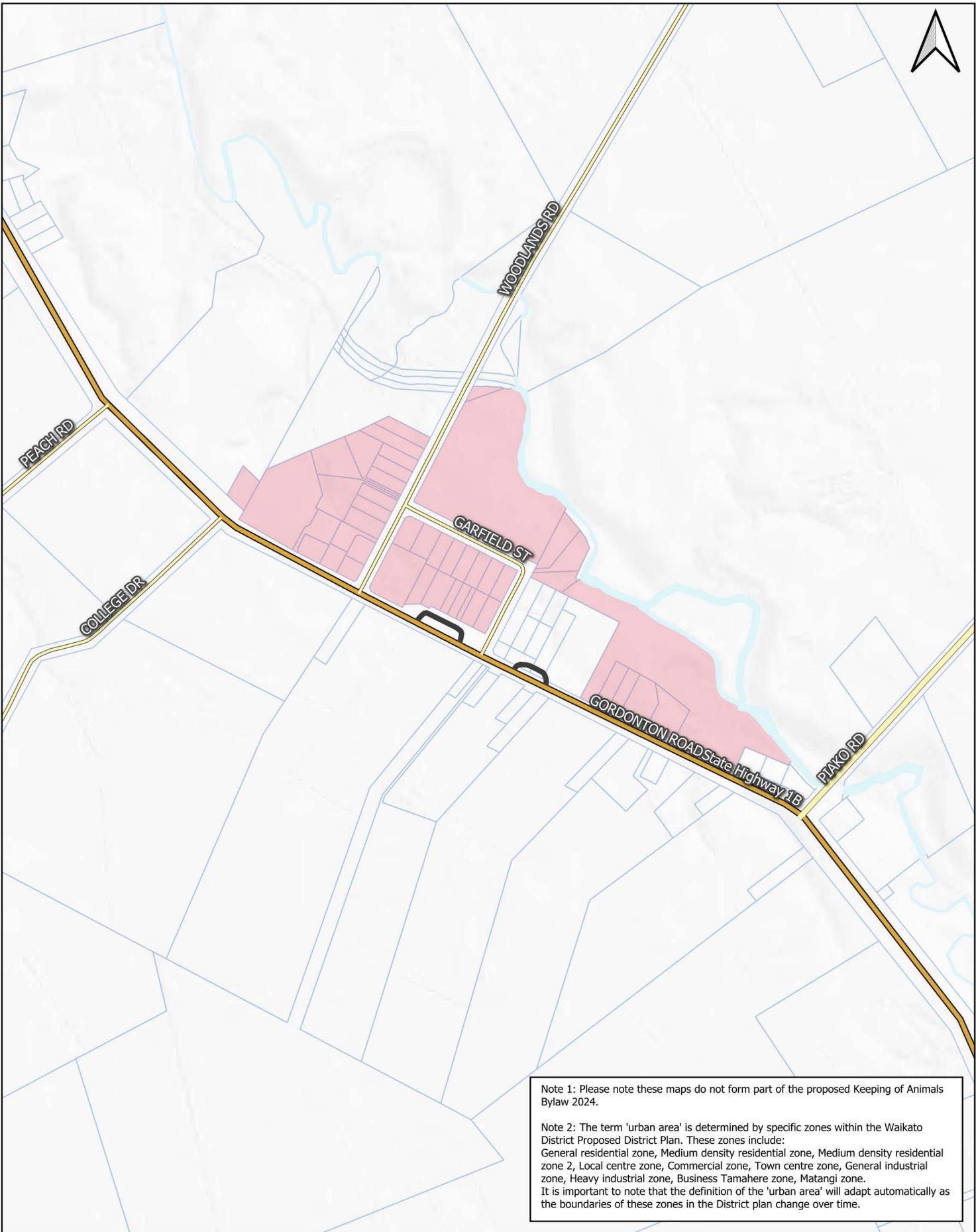
Conclusion

The data shows the scale of animal nuisance complaints received from across the Waikato District over the last five years (1 July 2018 to 30 June 2023). Roosters are the top-most complaint due to noise, followed by chickens with a high number of complaints about their noise and roaming onto neighbouring properties or roads.

The data confirms that the keeping of animals remains an ongoing issue and the 2015 Bylaw is largely effective in managing animal nuisance issues that arise across our community.

It is important to be cognisant of the fact that our Districts' population is growing. How we are living is also changing. We are seeing more lifestyle blocks being developed and through Variation 3 (under the Resource Management Act 1991) we will see higher density development with smaller property sizes, such as the three-by-three change.

Based on this, a bylaw is the most appropriate tool to ensure that Waikato District Council can continue to effectively manage animal nuisance issues for our community.



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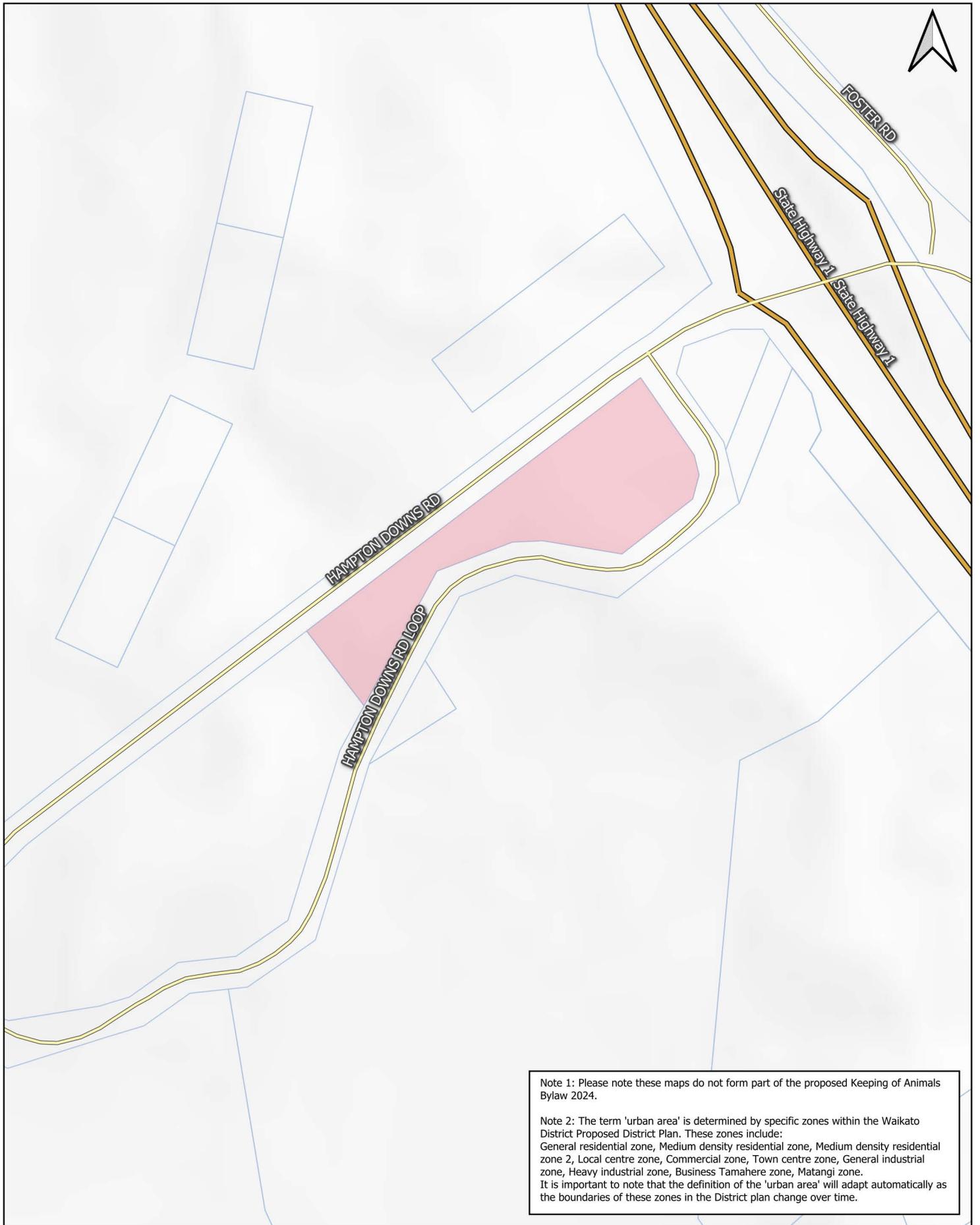
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Proposed Urban Area Water Body Parcel Boundary



Proposed Urban Area for Gordonton

Waikato District Council
 Prepared 6 Nov 2023
 Cadastre Boundaries from
 Land Information New Zealand
 Projection: NZTM2000
 Ref: ME47578



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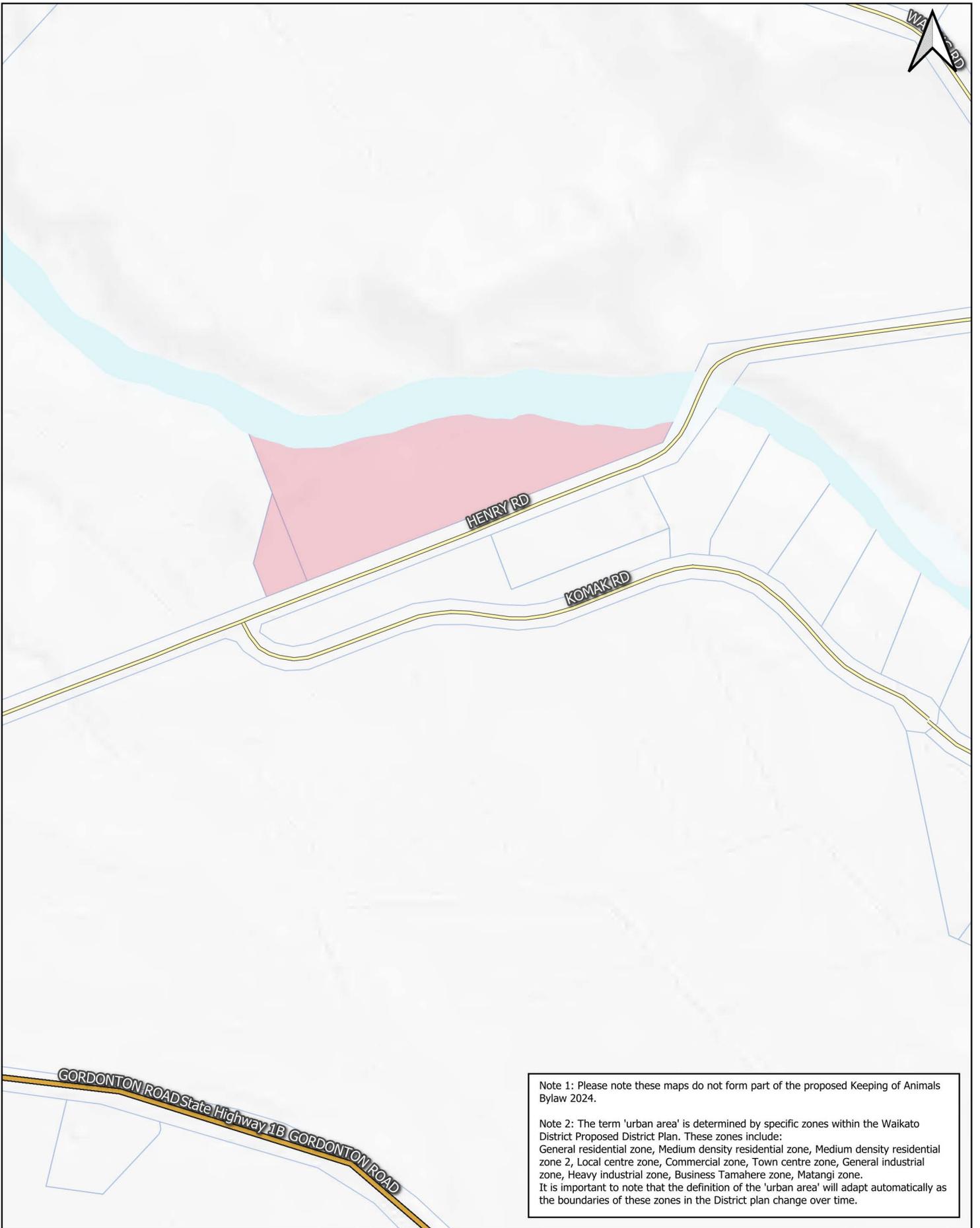
Proposed Urban Area Water Body Parcel Boundary

0 250 m



Proposed Urban Area for Hampton Downs

Waikato District Council
 Prepared 6 Nov 2023
 Cadastre Boundaries from
 Land Information New Zealand
 Projection: NZTM2000
 Ref: ME47578



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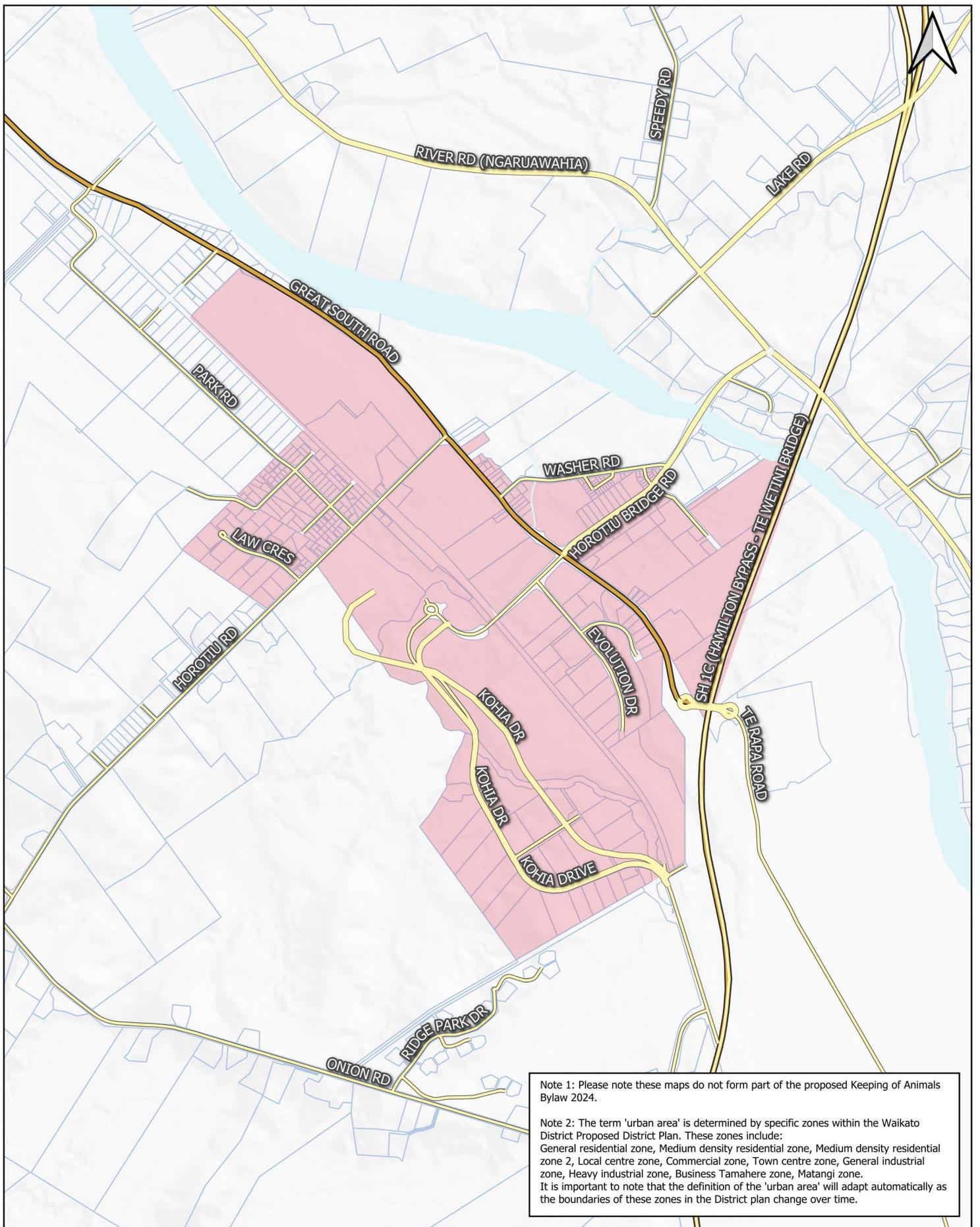
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Proposed Urban Area Water Body Parcel Boundary



Proposed Urban Area for Henry Road

Waikato District Council
 Prepared 6 Nov 2023
 Cadastre Boundaries from
 Land Information New Zealand
 Projection: NZTM2000
 Ref: ME47578

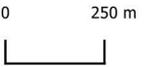


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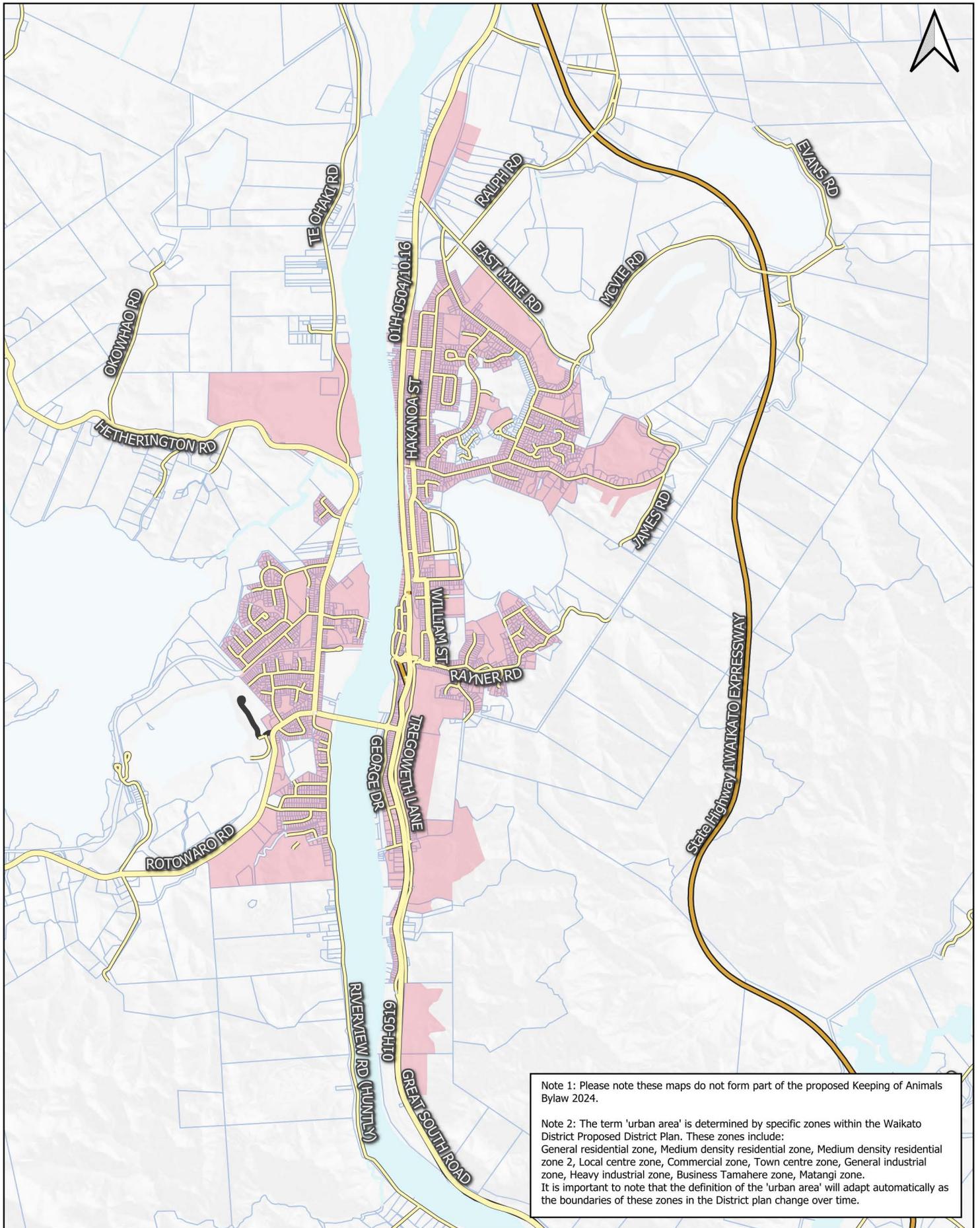
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Proposed Urban Area Water Body Parcel Boundary



Proposed Urban Area for Horotiu

Waikato District Council
 Prepared 6 Nov 2023
 Cadastre Boundaries from
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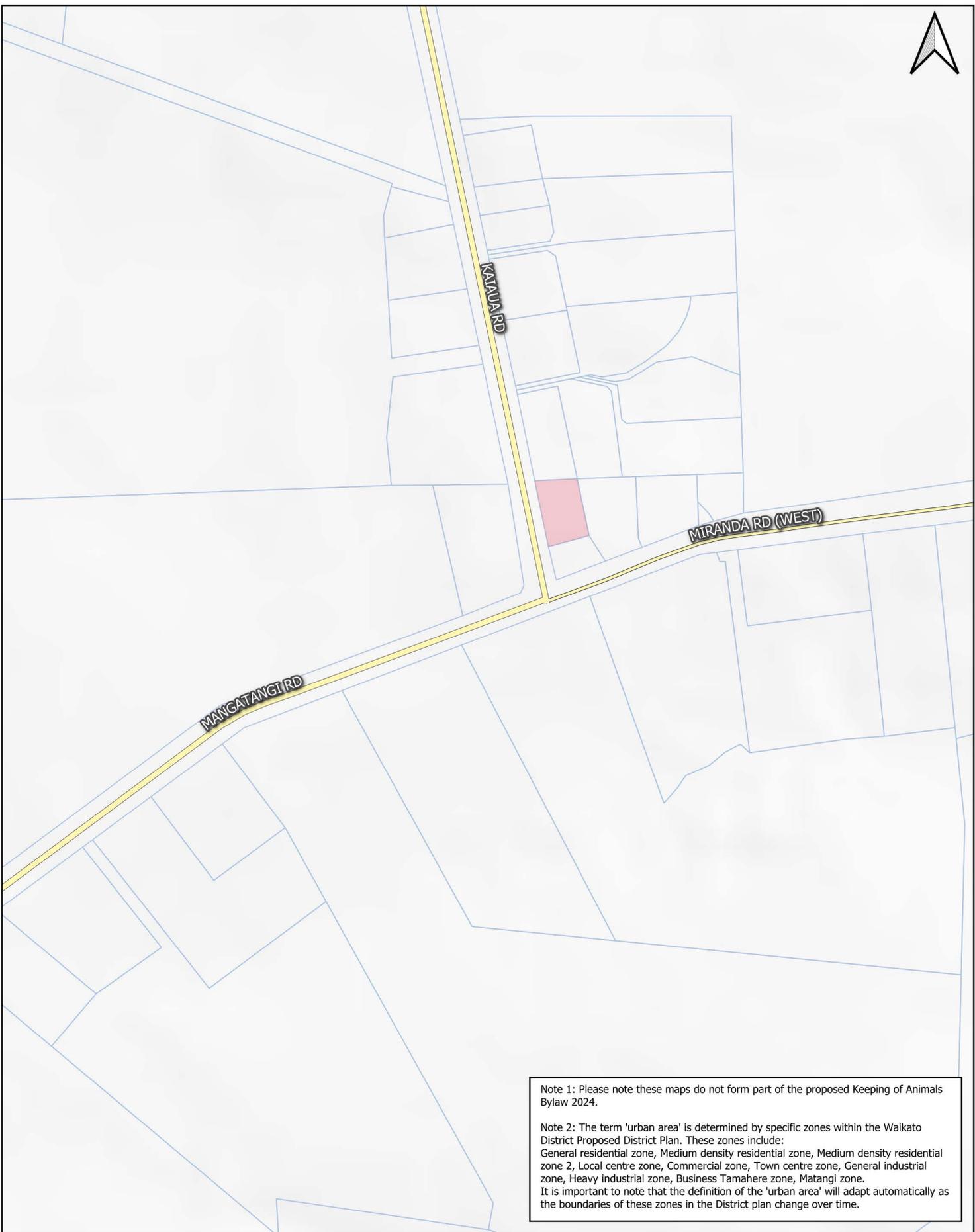
Proposed Urban Area Water Body Parcel Boundary

0 250 m



Proposed Urban Area for Huntly

Waikato District Council
 Prepared 6 Nov 2023
 Cadastre Boundaries from
 Land Information New Zealand
 Projection: NZTM2000
 Ref: ME47578

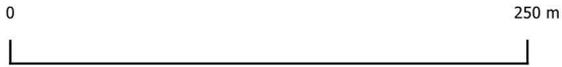


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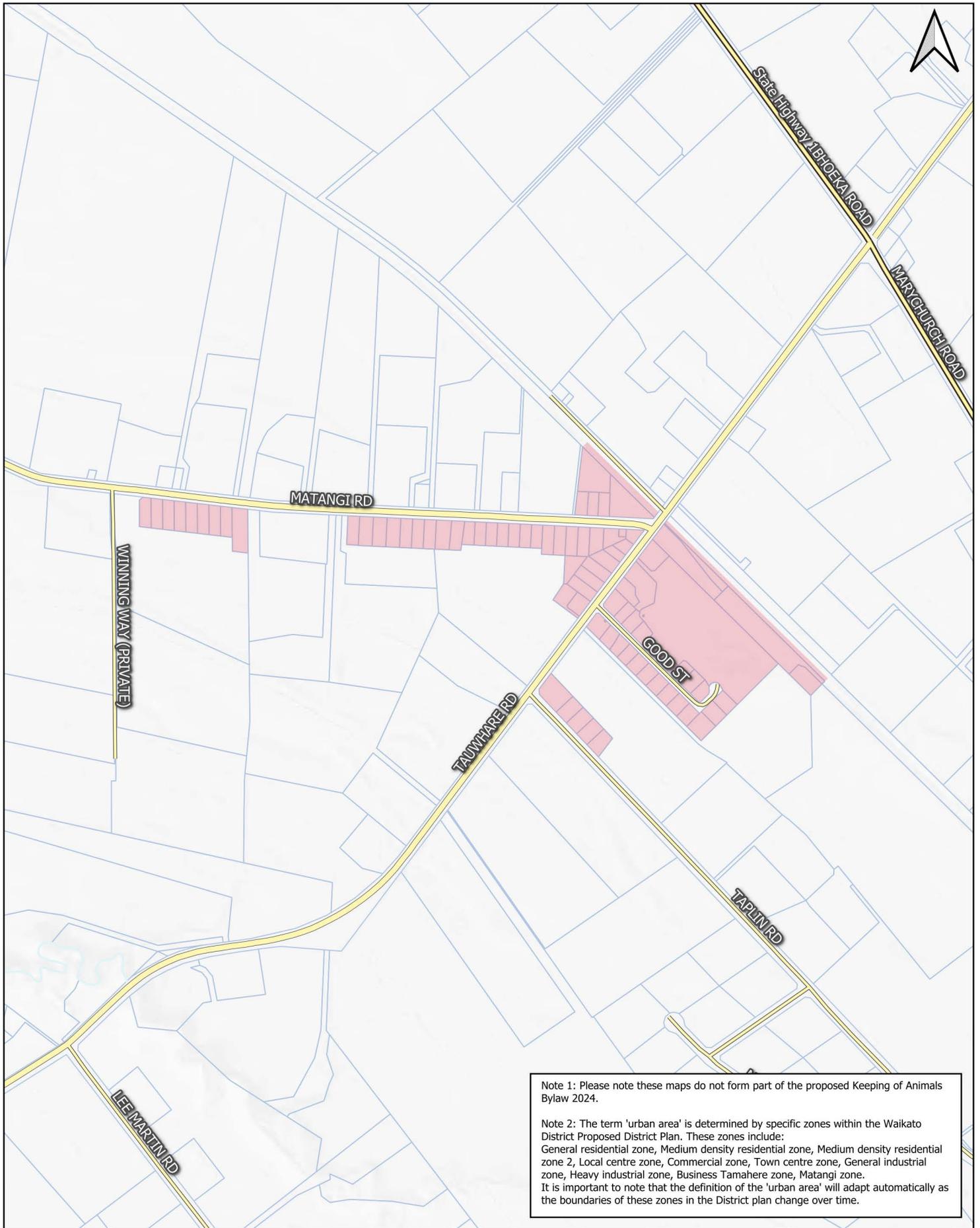
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Proposed Urban Area Water Body Parcel Boundary



Proposed Urban Area for Mangatangi

Waikato District Council
 Prepared 6 Nov 2023
 Cadastre Boundaries from
 Land Information New Zealand
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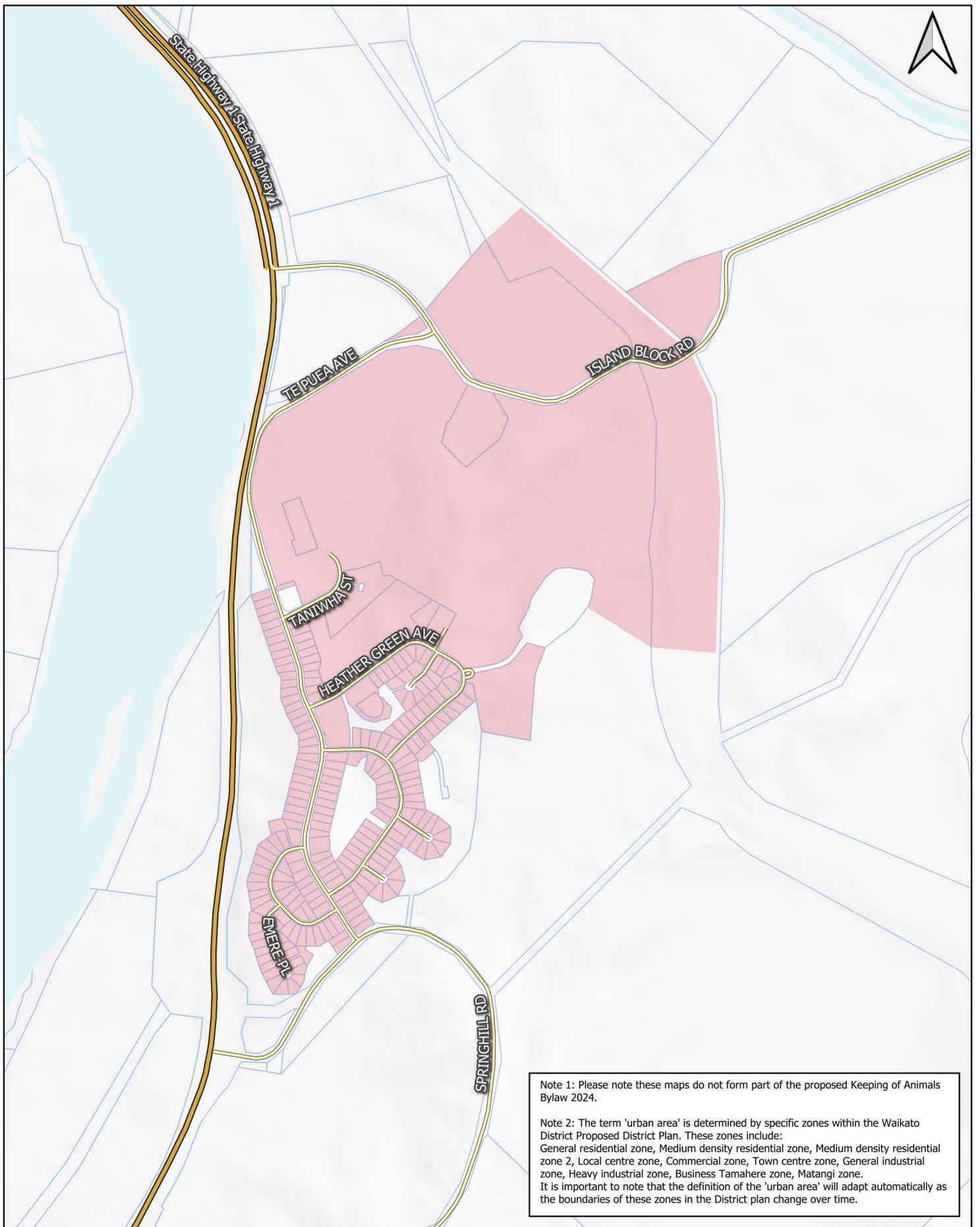
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Proposed Urban Area Water Body Parcel Boundary



Proposed Urban Area for Matangi

Waikato District Council
 Prepared 6 Nov 2023
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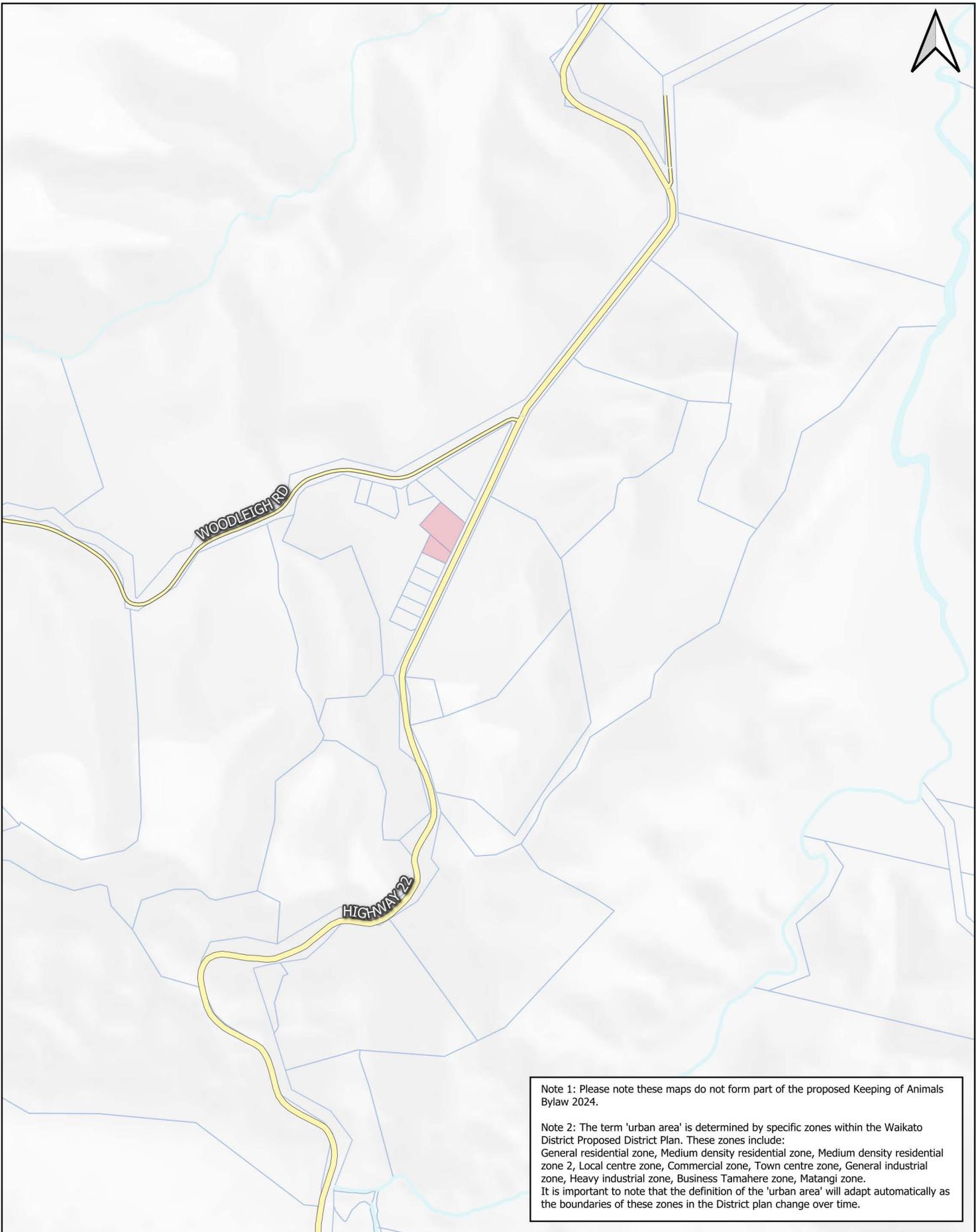
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Proposed Urban Area Water Body Parcel Boundary



Proposed Urban Area for Mercer

Waikato District Council
 Prepared 6 Nov 2023
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 Land Information New Zealand
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 Ref: ME47578

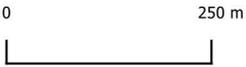


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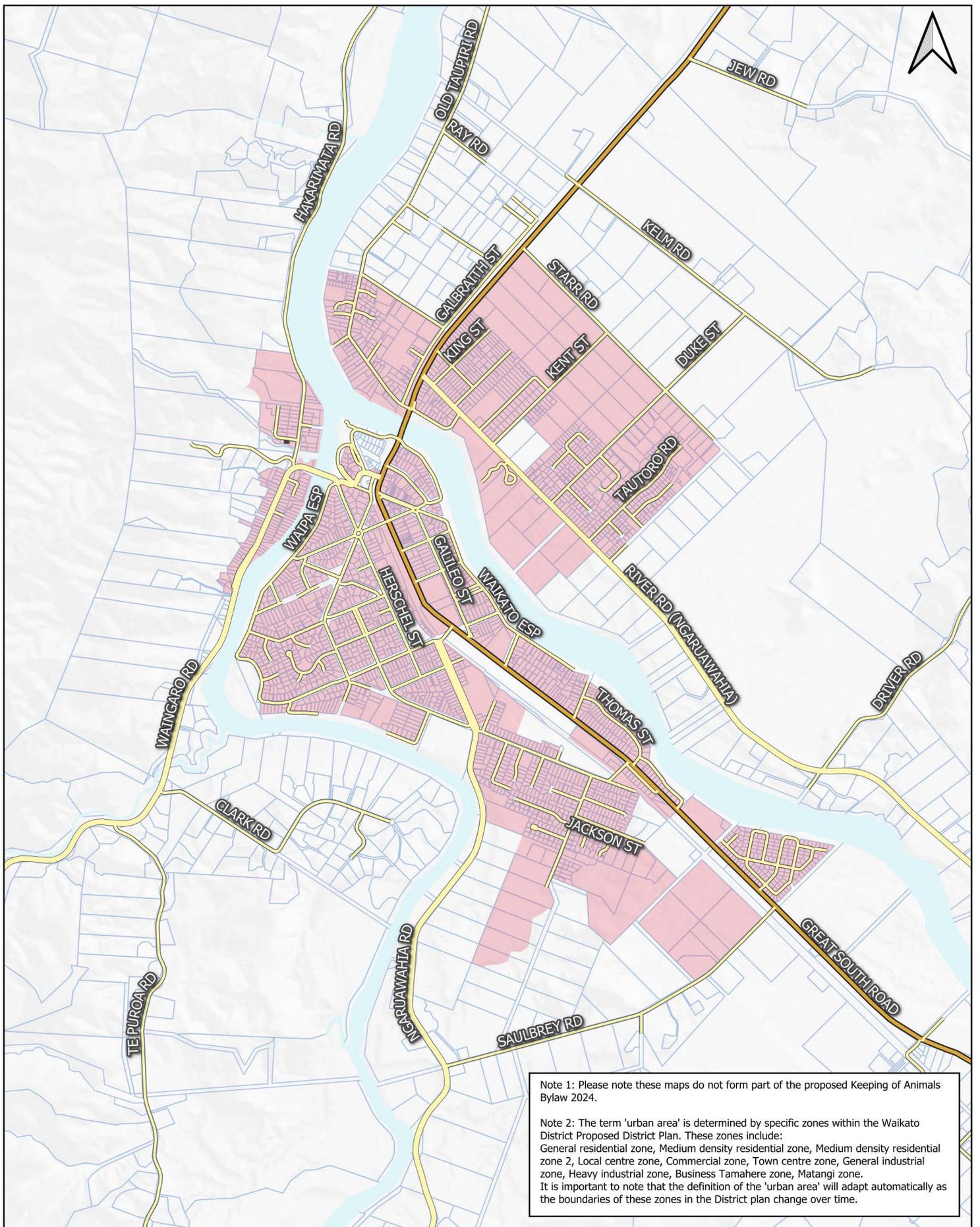
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Proposed Urban Area Water Body Parcel Boundary



Proposed Urban Area for Naike

Waikato District Council
 Prepared 6 Nov 2023
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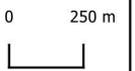


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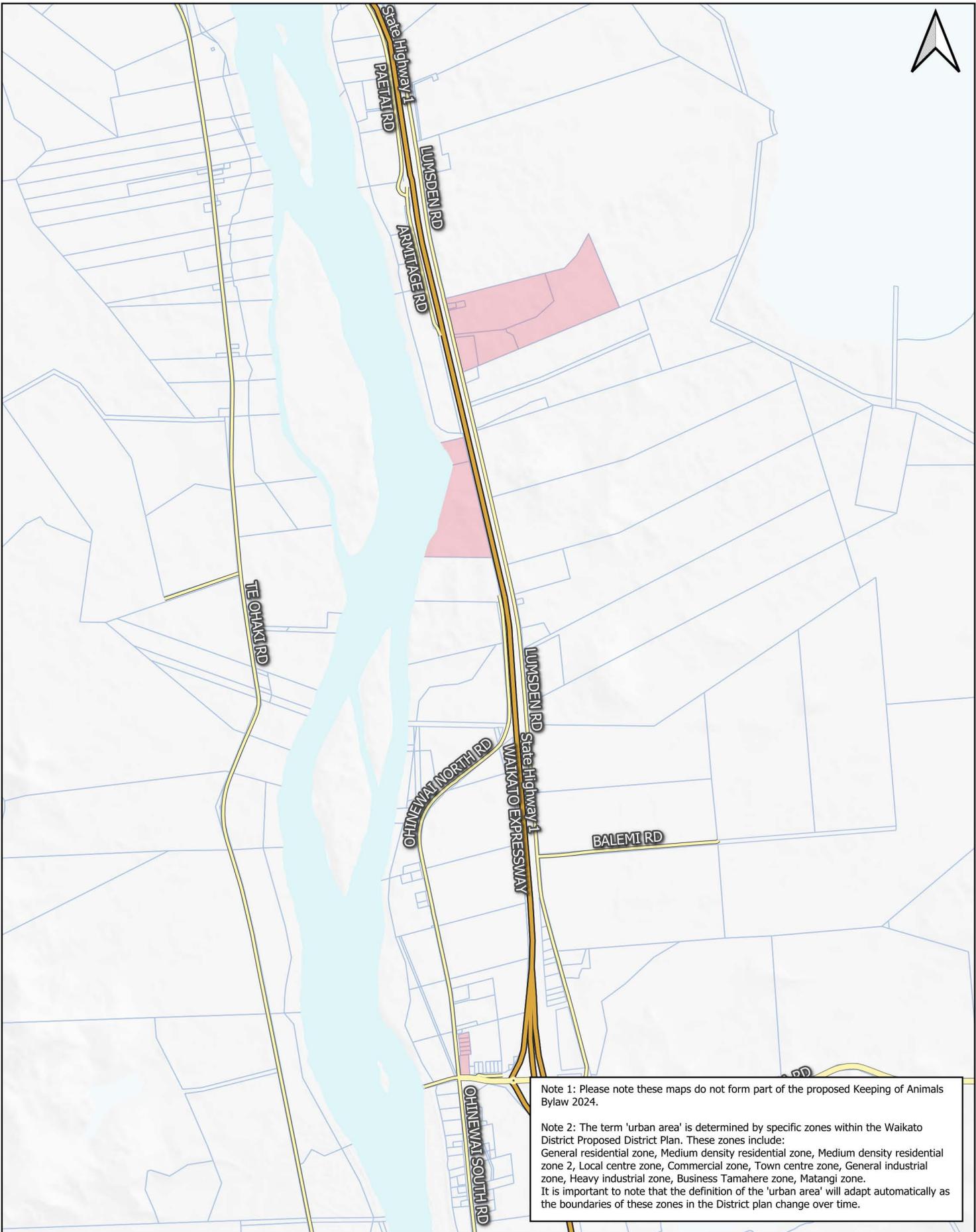
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Proposed Urban Area Water Body Parcel Boundary



Proposed Urban Area for Ngaruawahia

Waikato District Council
 Prepared 6 Nov 2023
 Cadastre Boundaries from
 Land Information New Zealand
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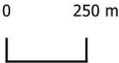


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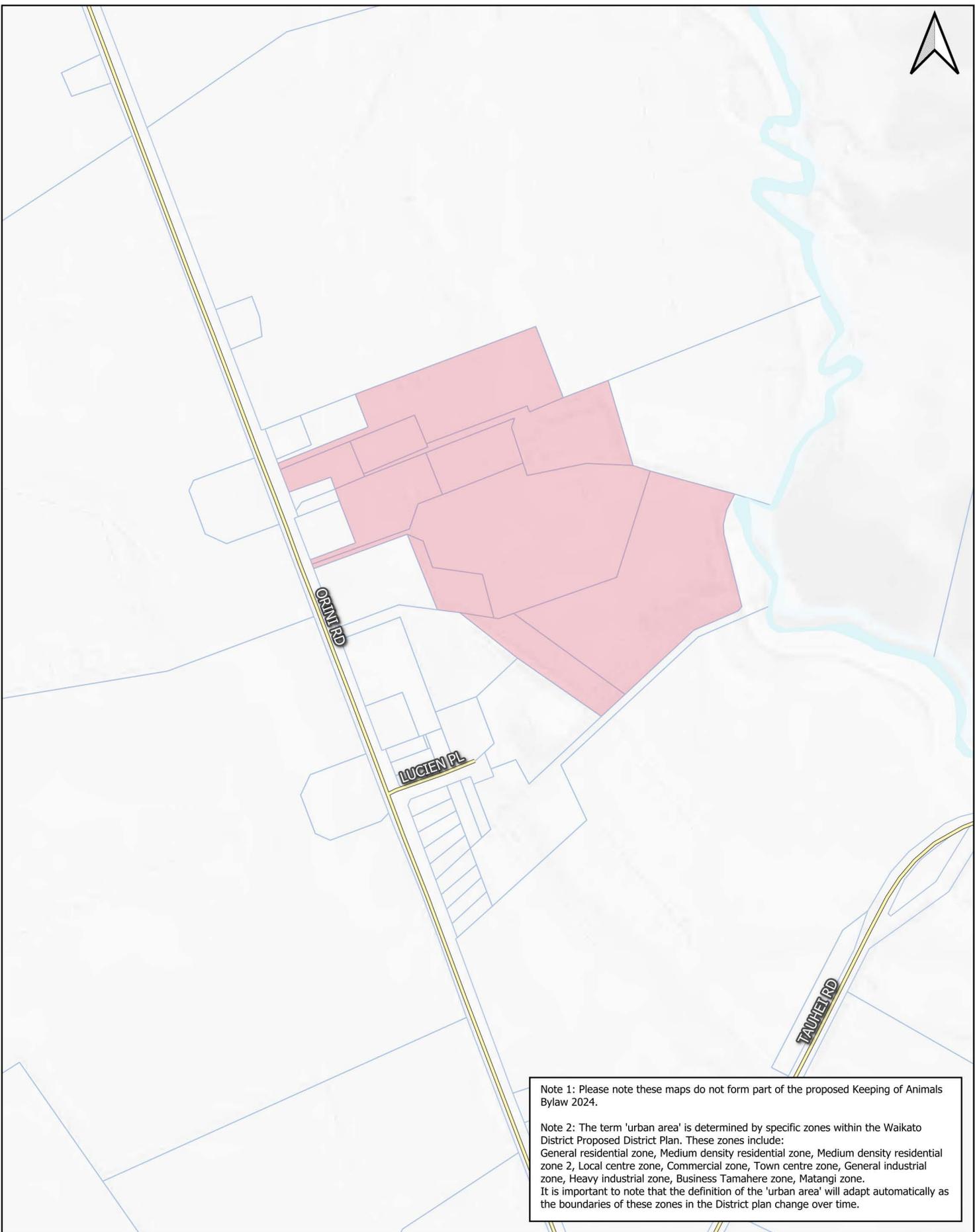
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Proposed Urban Area Water Body Parcel Boundary



Proposed Urban Area for Ohinewai

Waikato District Council
 Prepared 6 Nov 2023
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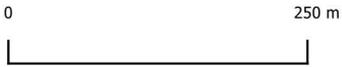


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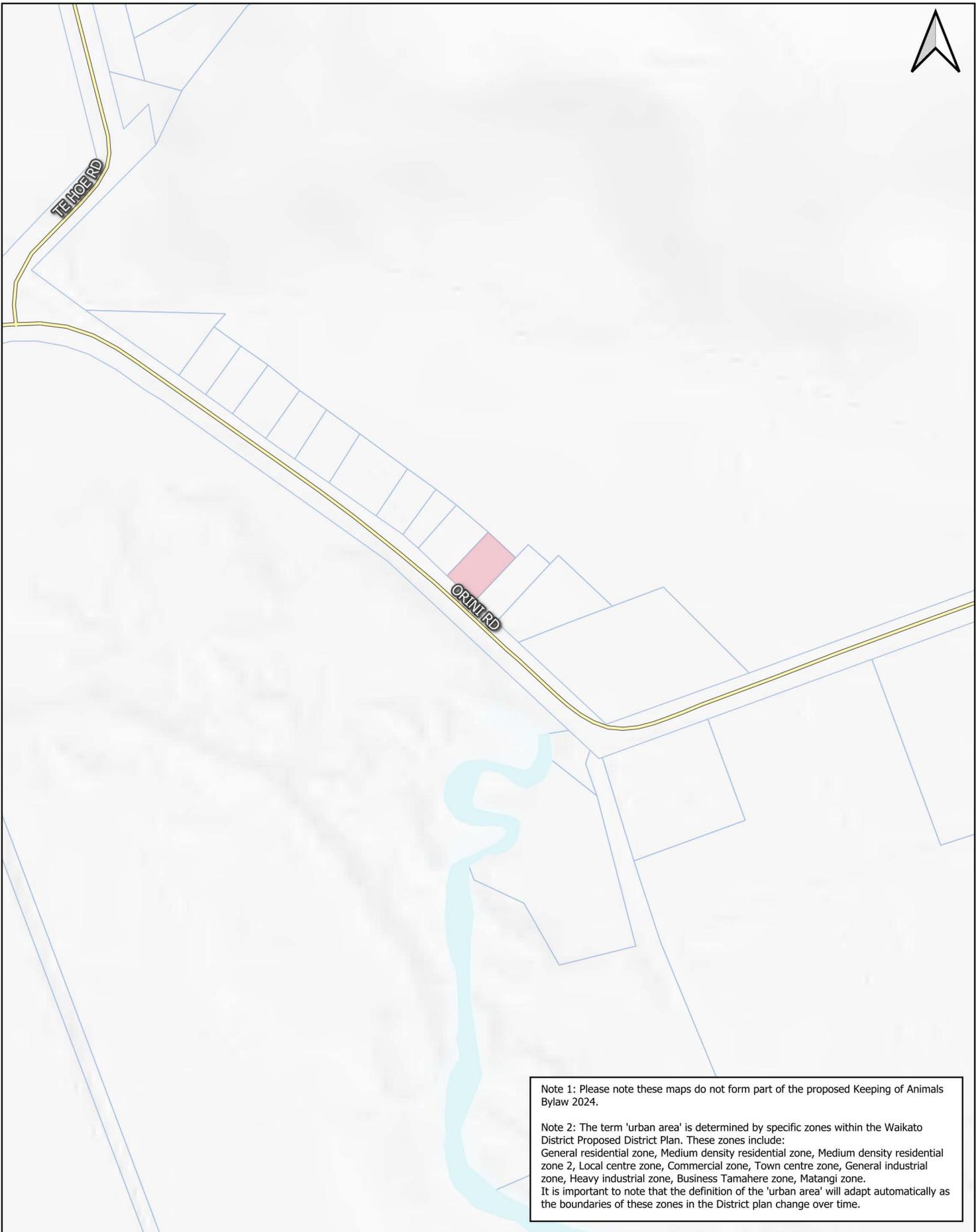
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Proposed Urban Area Water Body Parcel Boundary



Proposed Urban Area for Orini Mill

Waikato District Council
 Prepared 6 Nov 2023
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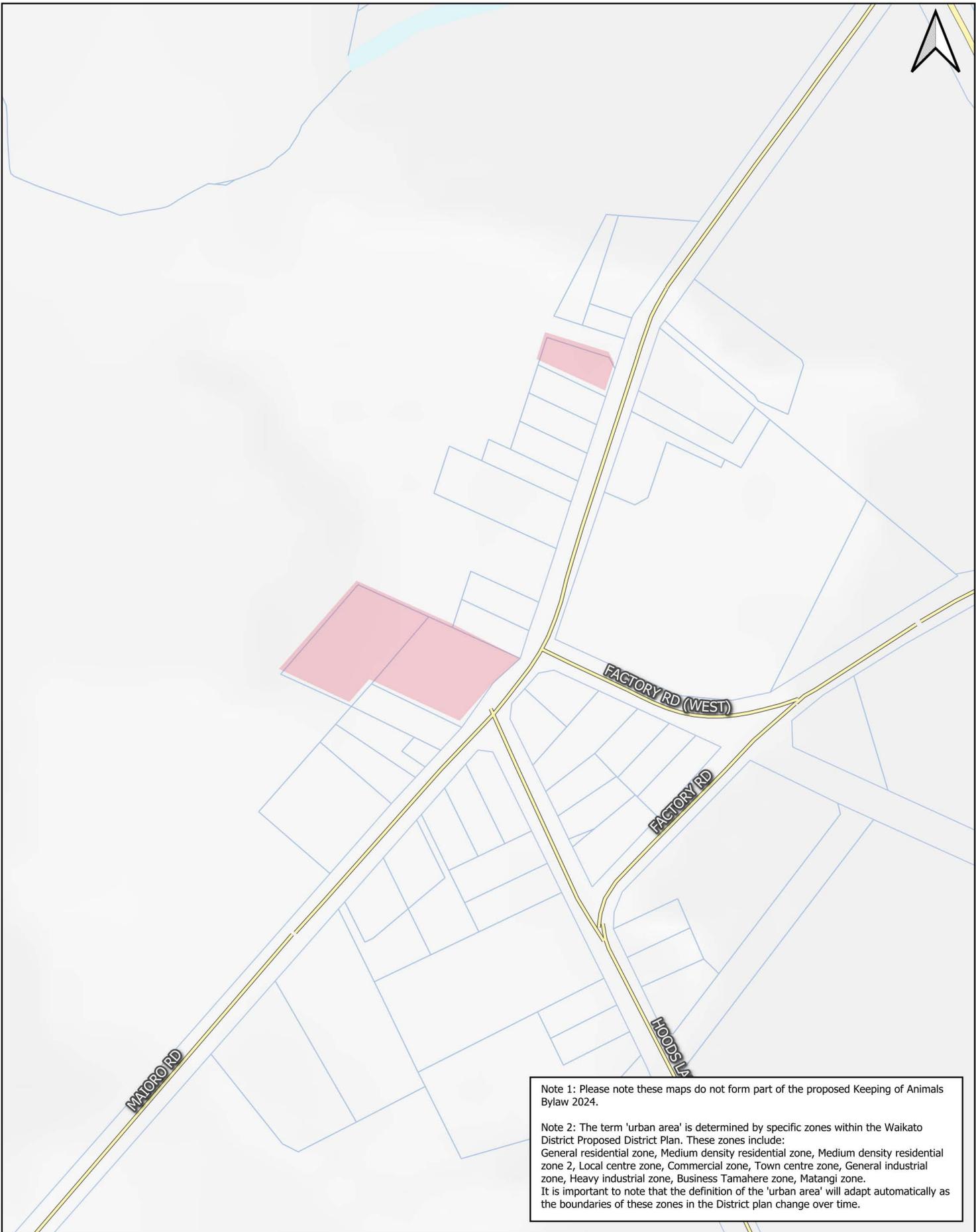
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Proposed Urban Area Water Body Parcel Boundary



Proposed Urban Area for Orini

Waikato District Council
 Prepared 6 Nov 2023
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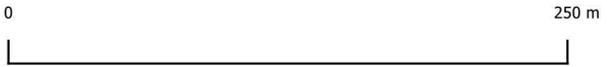


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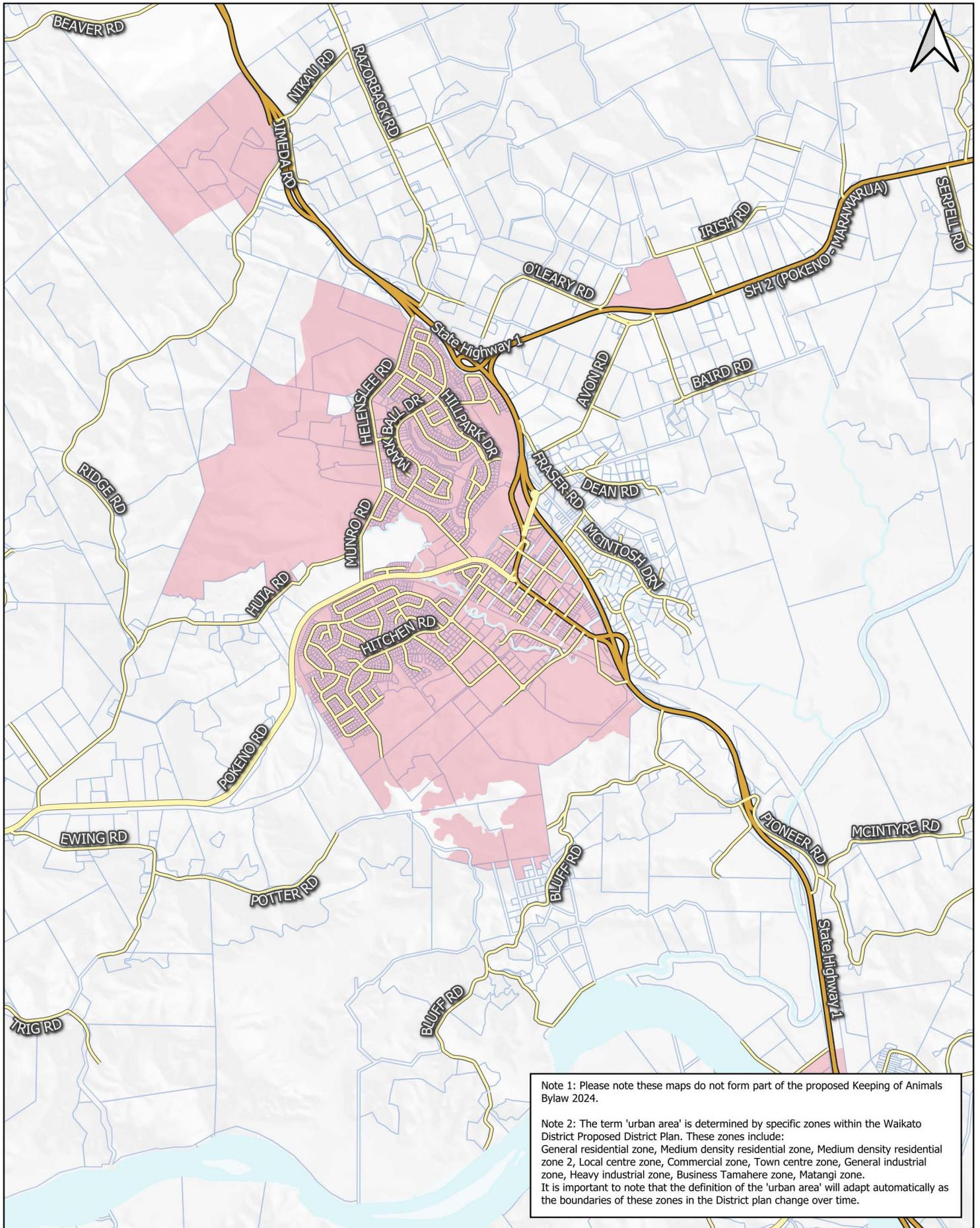
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Proposed Urban Area Water Body Parcel Boundary



Proposed Urban Area for Otatau

Waikato District Council
 Prepared 6 Nov 2023
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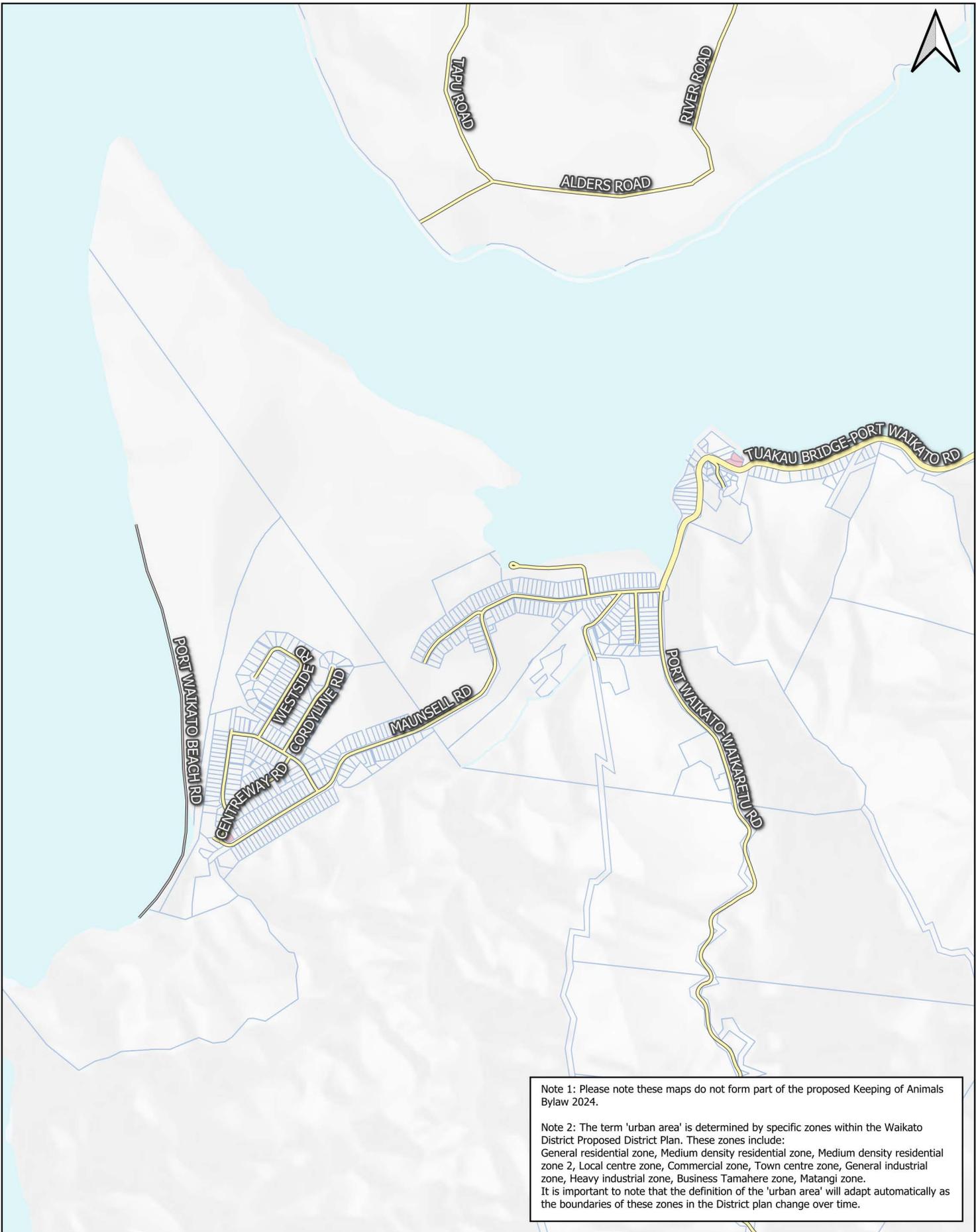
Proposed Urban Area Water Body Parcel Boundary

0 250 m



Proposed Urban Area for Pokeno

Waikato District Council
 Prepared 6 Nov 2023
 Cadastre Boundaries from
 Land Information New Zealand
 Projection: NZTM2000
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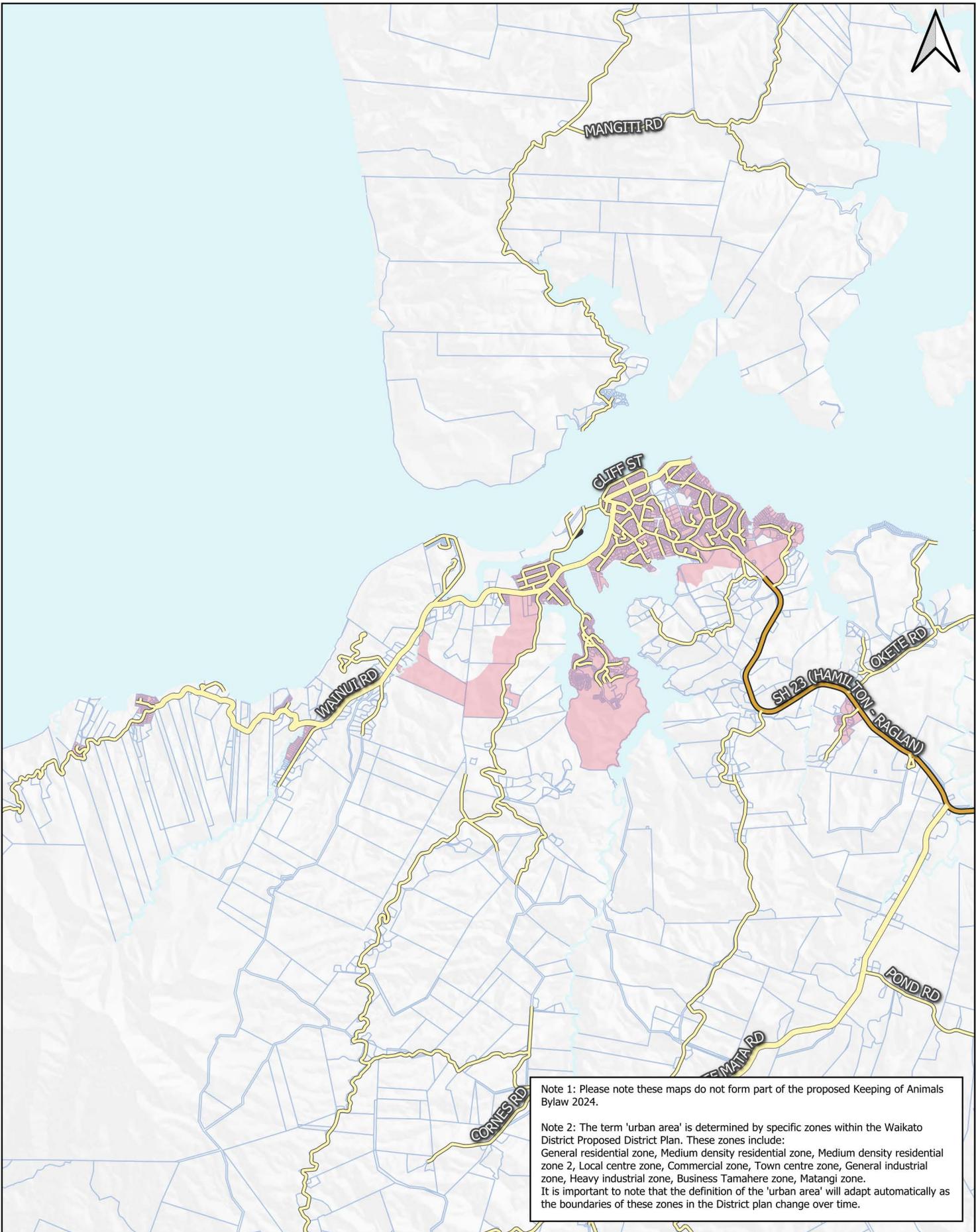
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Proposed Urban Area Water Body Parcel Boundary



Proposed Urban Area for Port Waikato

Waikato District Council
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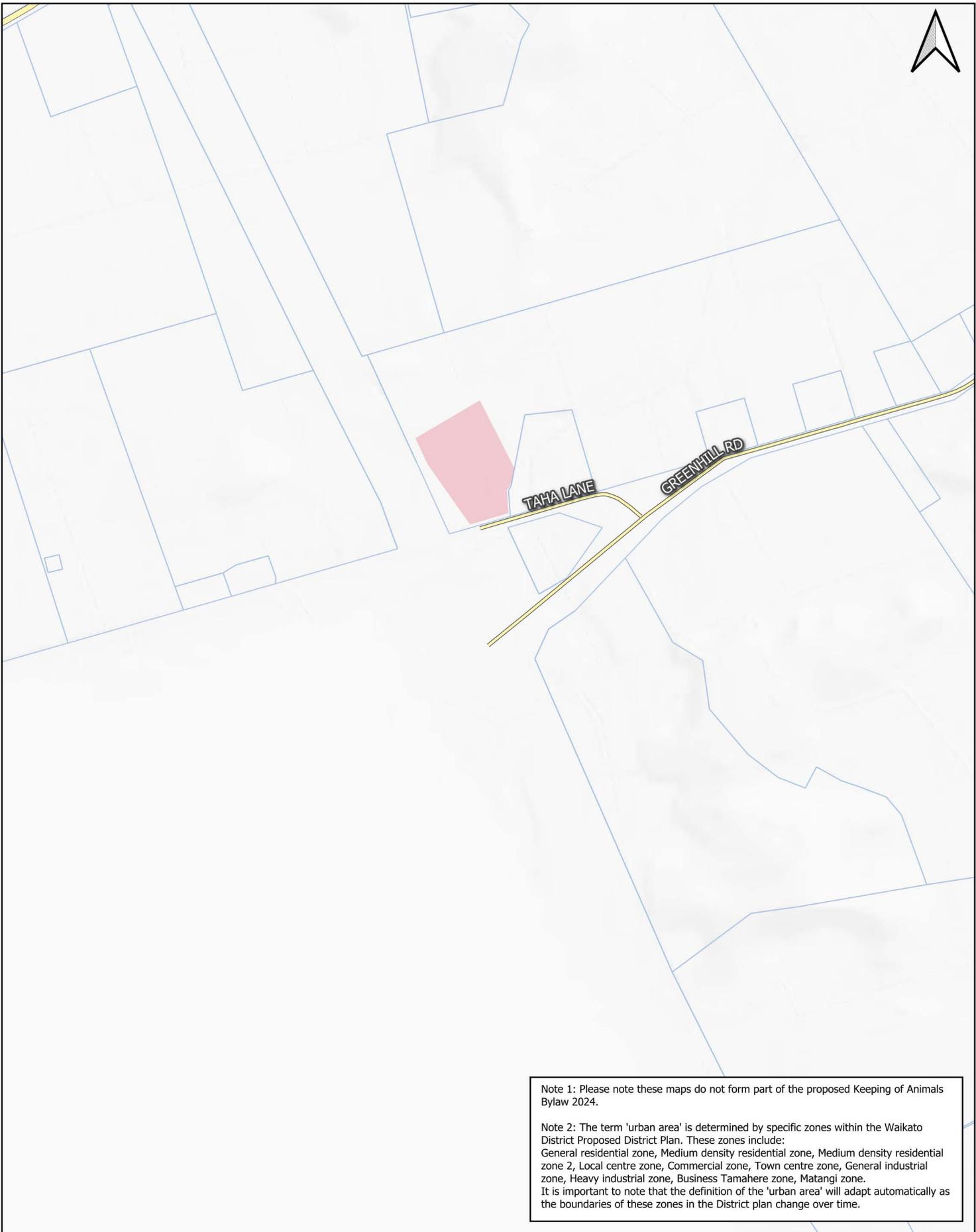
Proposed Urban Area Water Body Parcel Boundary

0 250 m



Proposed Urban Area for Raglan

Waikato District Council
 Prepared 6 Nov 2023
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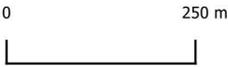


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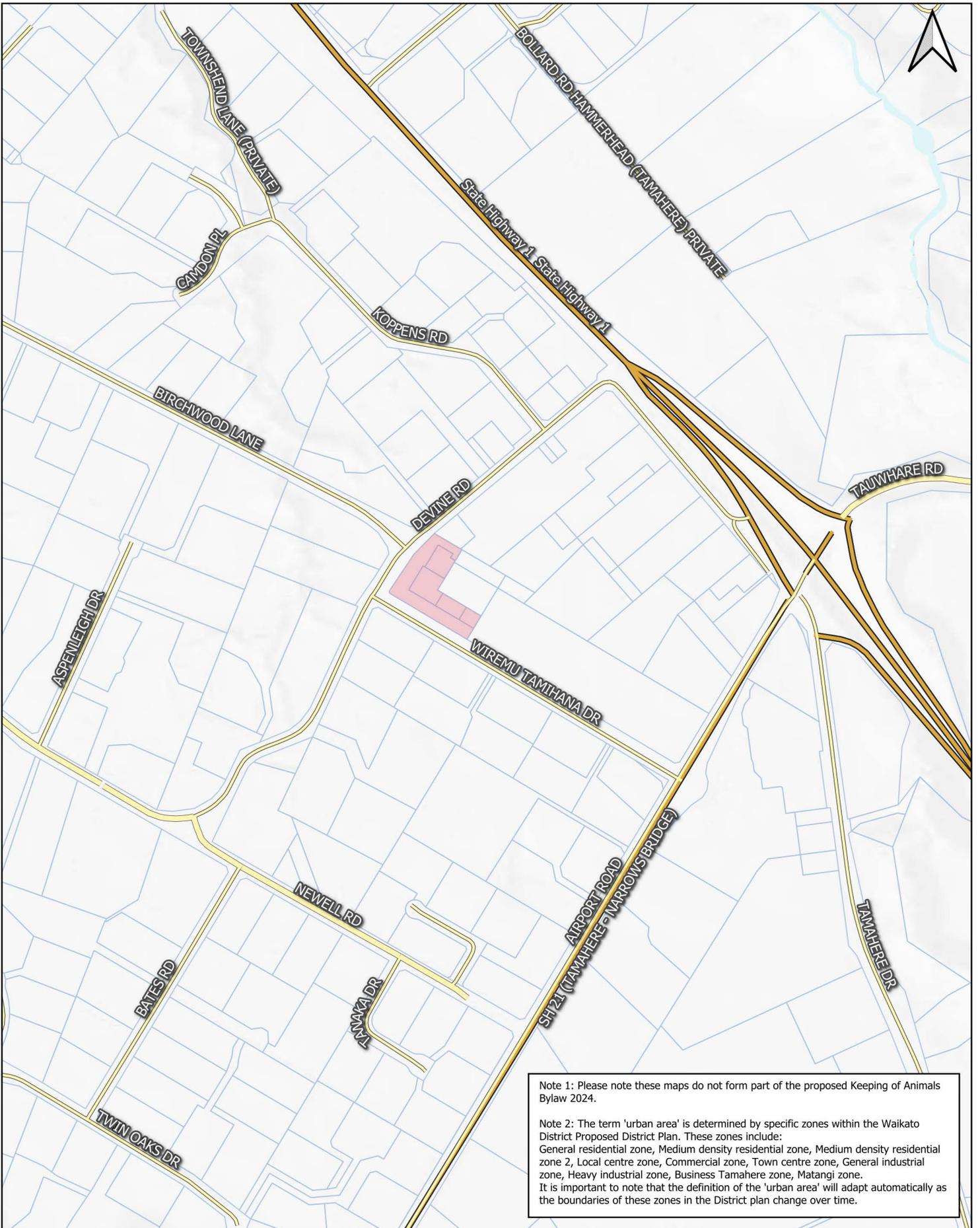
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Proposed Urban Area Water Body Parcel Boundary



Proposed Urban Area for Taha Lane

Waikato District Council
 Prepared 6 Nov 2023
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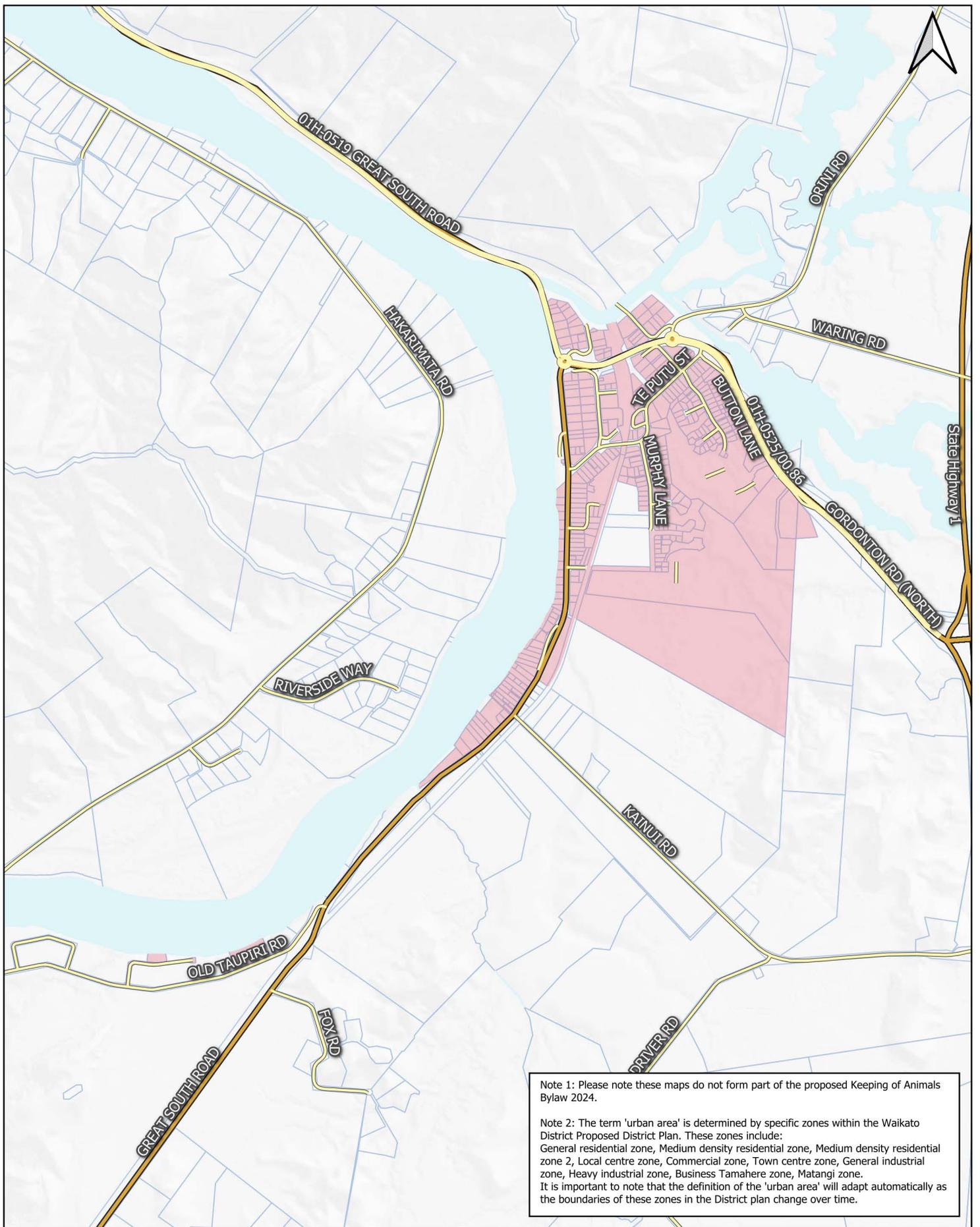
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Proposed Urban Area Water Body Parcel Boundary



Proposed Urban Area for Tamahere

Waikato District Council
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 Projection: NZTM2000
 Ref: ME47578

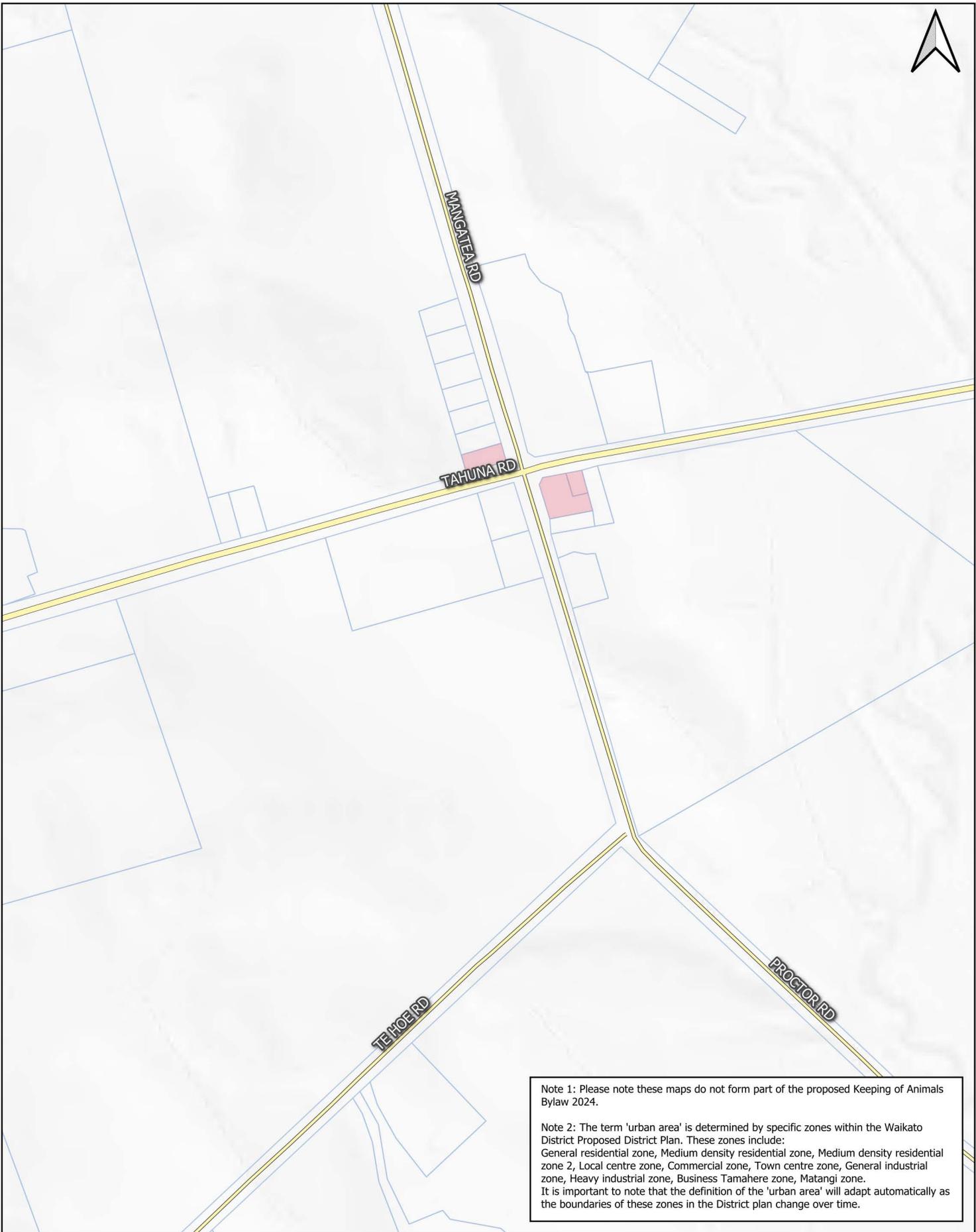


Legend

Proposed Urban Area Water Body Parcel Boundary

0 250 m





Note 1: Please note these maps do not form part of the proposed Keeping of Animals Bylaw 2024.

Note 2: The term 'urban area' is determined by specific zones within the Waikato District Proposed District Plan. These zones include: General residential zone, Medium density residential zone, Medium density residential zone 2, Local centre zone, Commercial zone, Town centre zone, General industrial zone, Heavy industrial zone, Business Tamahere zone, Matangi zone. It is important to note that the definition of the 'urban area' will adapt automatically as the boundaries of these zones in the District plan change over time.

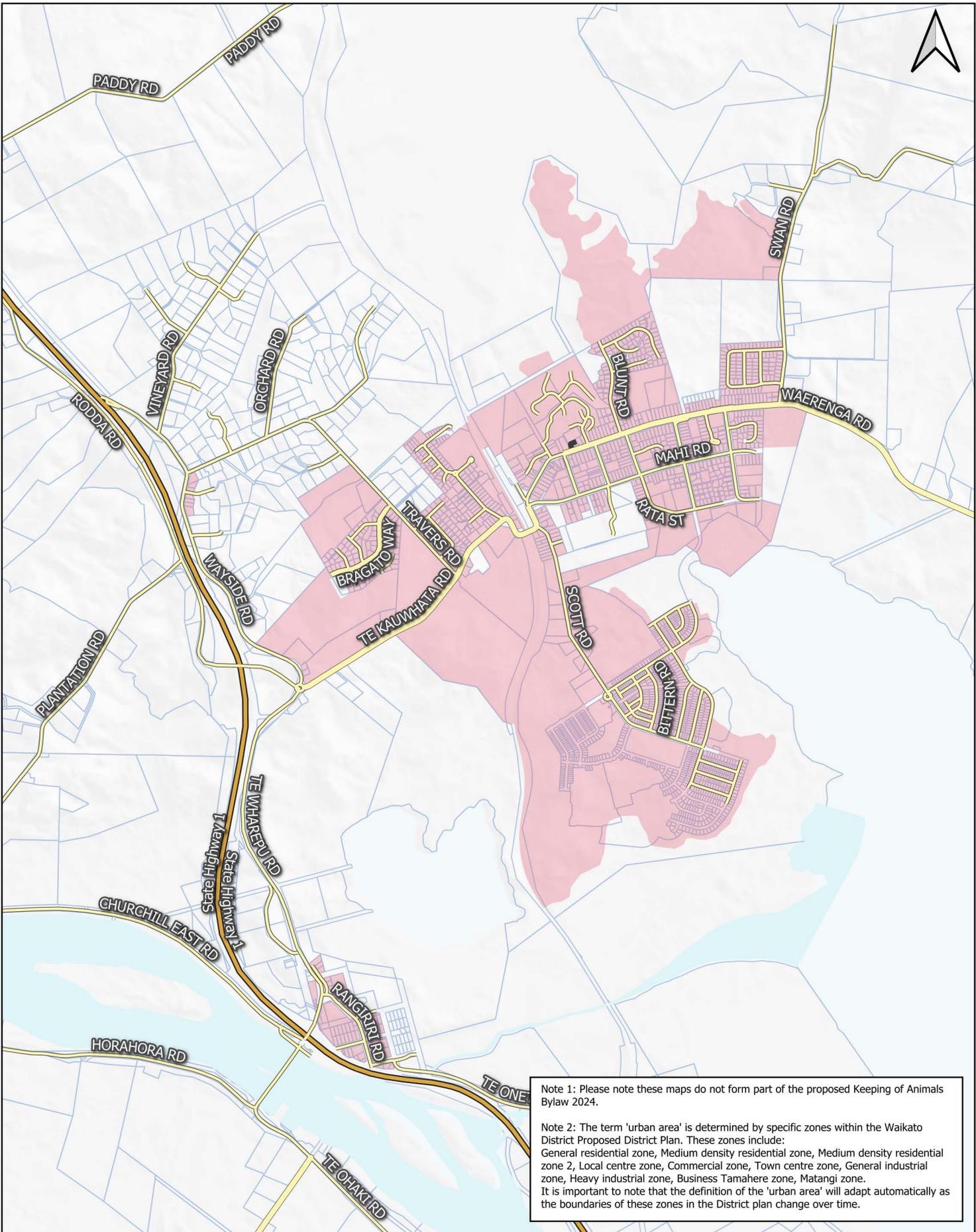
Legend

Proposed Urban Area Water Body Parcel Boundary



Proposed Urban Area for Te Hoe

Waikato District Council
 Prepared 6 Nov 2023
 Cadastre Boundaries from
 Land Information New Zealand
 Projection: NZTM2000
 Ref: ME47578

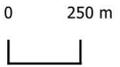


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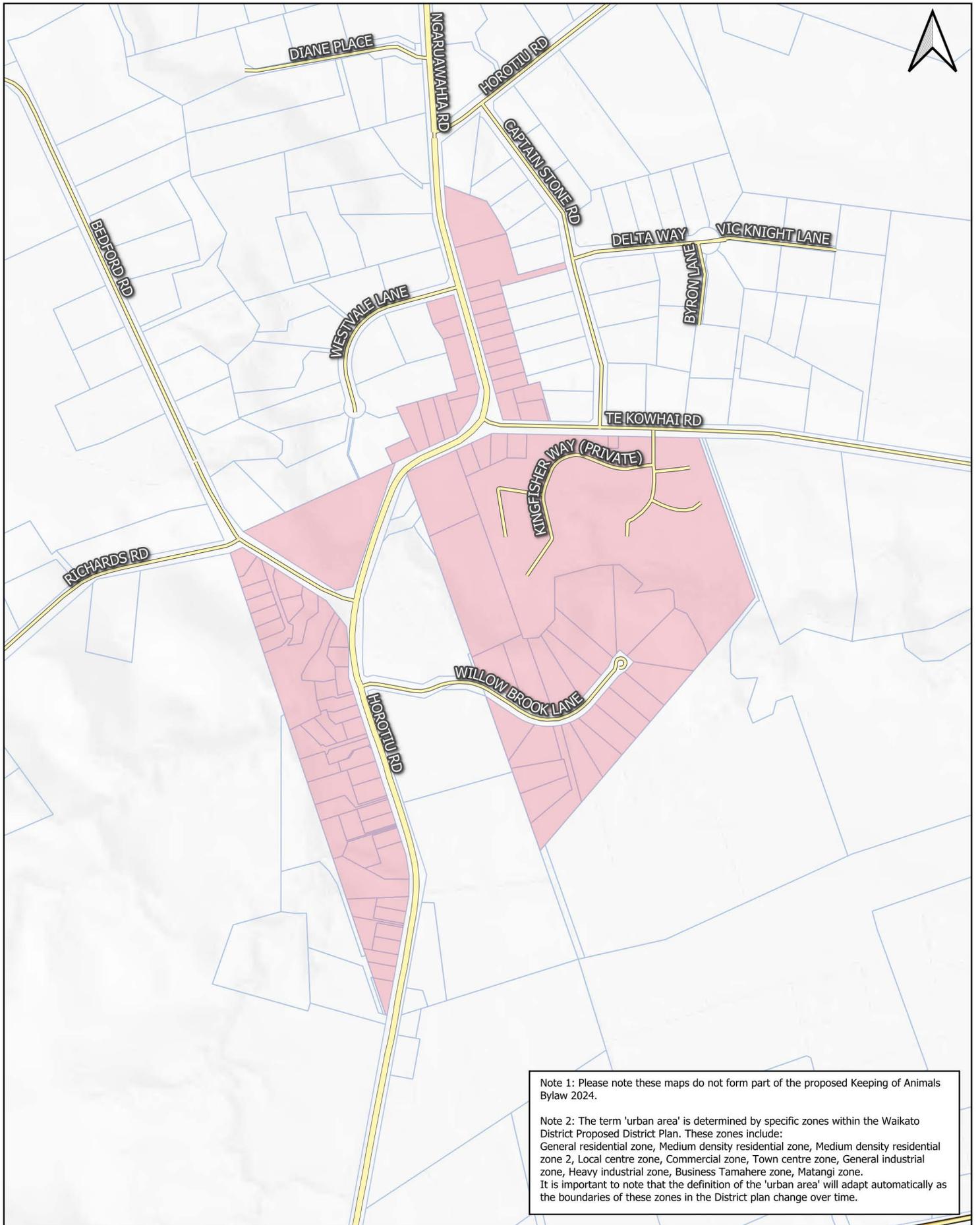
Legend

Proposed Urban Area Water Body Parcel Boundary



Proposed Urban Area for Te Kauwhata

Waikato District Council
 Prepared 6 Nov 2023
 Cadastre Boundaries from
 Land Information New Zealand
 Projection: NZTM2000
 Ref: ME47578



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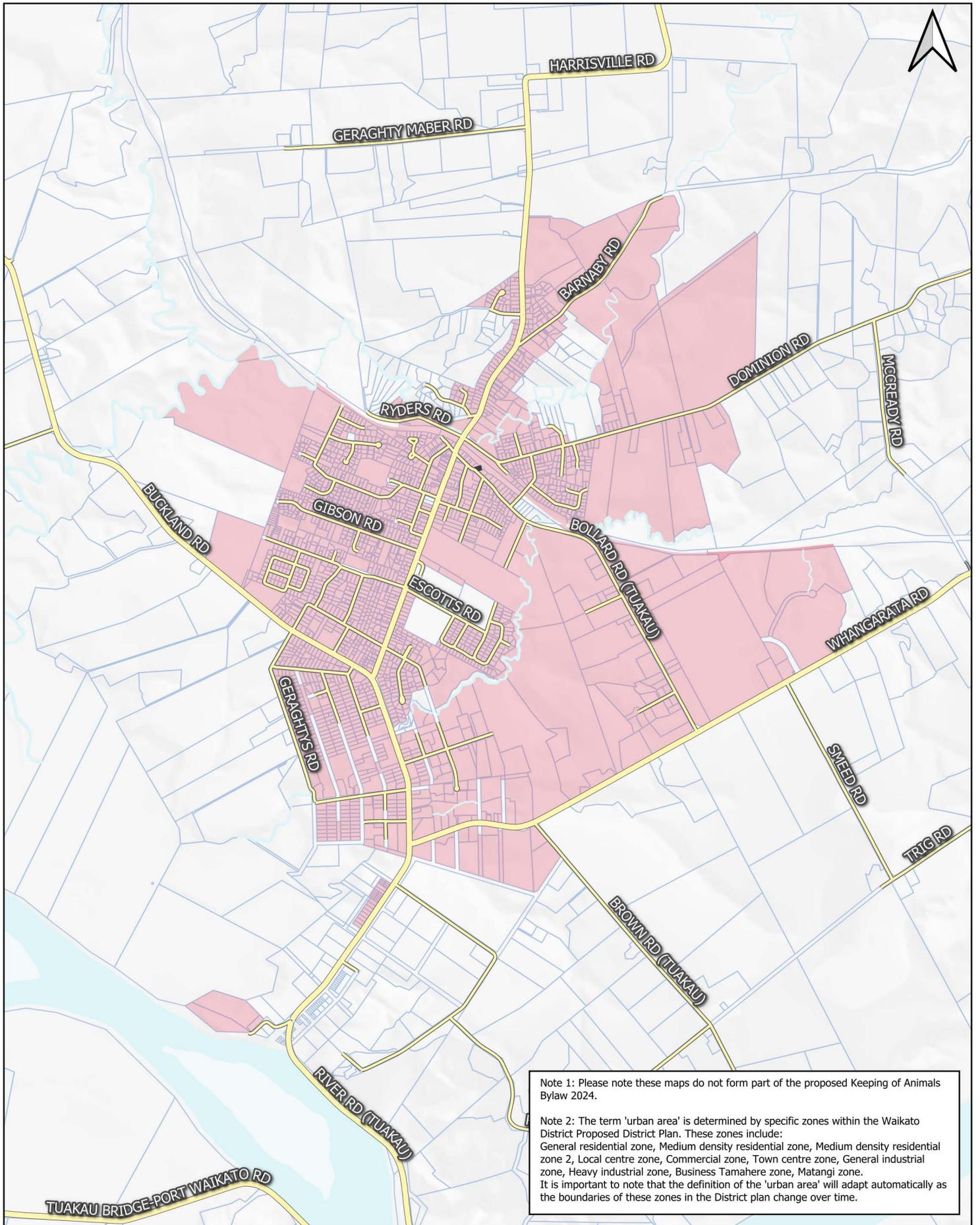
Legend

Proposed Urban Area Water Body Parcel Boundary



Proposed Urban Area for Te Kowhai

Waikato District Council
Prepared 6 Nov 2023
Cadastre Boundaries from
Land Information New Zealand
Projection: NZTM2000
Ref: ME47578



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Legend

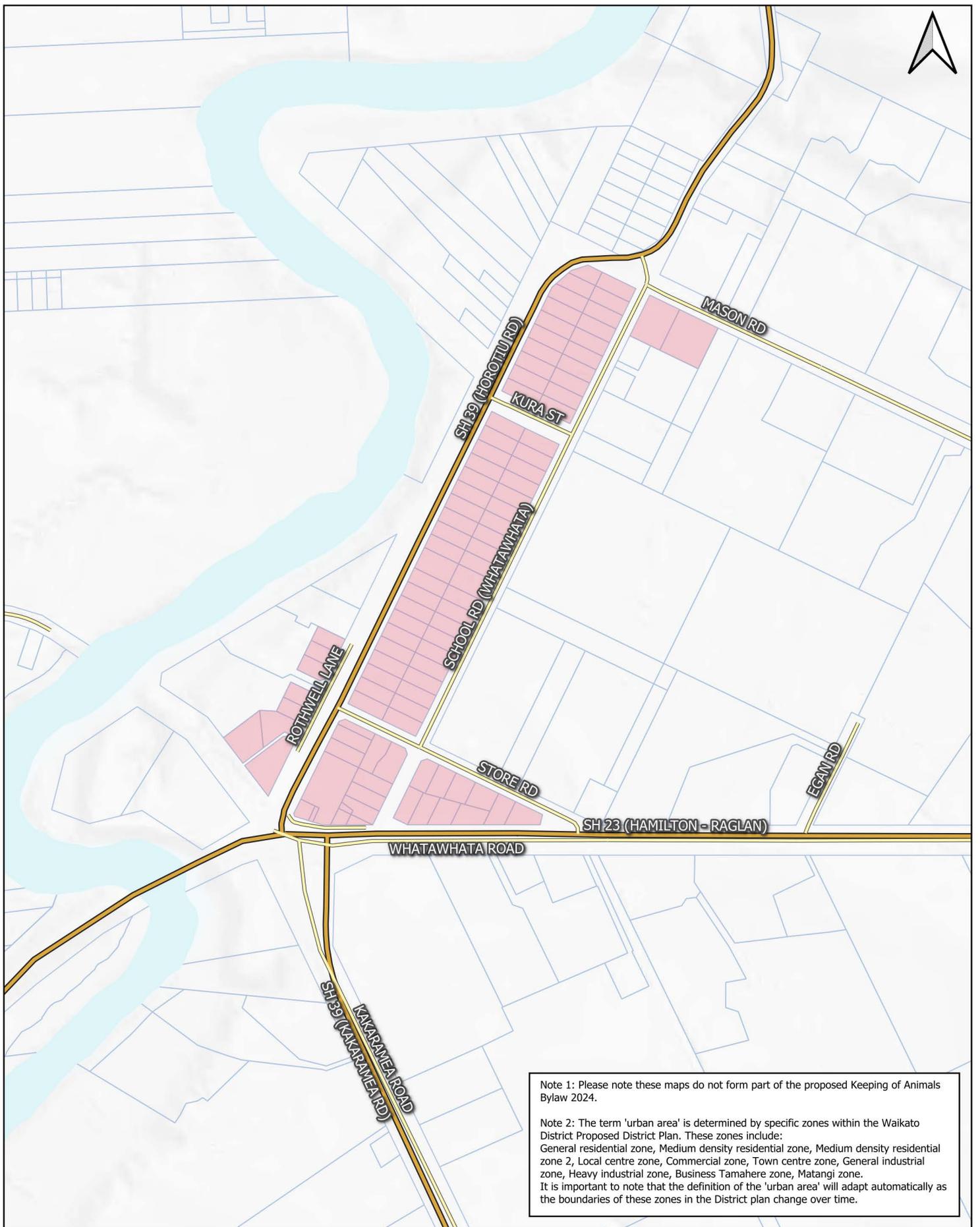
Proposed Urban Area Water Body Parcel Boundary

0 250 m



Proposed Urban Area for Tuakau

Waikato District Council
 Prepared 6 Nov 2023
 Cadastre Boundaries from
 Land Information New Zealand
 Projection: NZTM2000
 Ref: ME47578



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Legend

Proposed Urban Area Water Body Parcel Boundary



Proposed Urban Area for Whatawhata

Waikato District Council
 Prepared 6 Nov 2023
 Cadastre Boundaries from
 Land Information New Zealand
 Projection: NZTM2000
 Ref: ME47578