

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 9 December 2024.

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 1999, Animal Welfare Act 1999, and Impounding Act 1955.
- Environmental concerns in the Biosecurity Act 1993, Reserves Act 1977, Resource Management Act 1991, and Waikato Regional Pest Management Plan 2022-2032.
- Public health and safety in the Health Act 1956.
- 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 1996, Dog Control Bylaw 2022, and Dog Control Policy 2022.
- How and where livestock can be moved within or across roads, in the Waikato District Livestock Movement Bylaw 2022.
- Land and property covenants.

1.5 Please note that any advisory notes are for information purposes only and do not form part of this Bylaw. Advisory notes may be inserted, changed, or removed without any formality.

2.0 Revocation

The “Waikato District Council Keeping of Animals Bylaw 2015” (adopted on 17 May 2021) is 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.
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.
Beekeeping	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.
Lifestyle area	as defined in Schedule 1.
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	any unreasonable 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: <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 breeding, producing eggs or meat for human consumption, and includes ducks, 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 land, buildings, and places adjoining each other and occupied together shall be deemed to be the same premises.
Property	a property or allotment which is held under separate certificate of title and a separate rating unit and showing on the Rating Information Database.
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. This clause does not apply to cats.
- 5.7 Clauses 5.1 to 5.6 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 or lifestyle 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 150mm 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 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 premise, who receives a notice under clause 7.7 must comply with the notice within fourteen days or as it is considered reasonable by an authorised officer.

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 within a rural area.
- 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 barrier (such as a wall, a dense hedge or fencing) of 1.8m or taller on any adjoining property boundary, hives must be placed at a minimum distance of 5m to that boundary; or
 - (b) In properties which are within a lifestyle area, hives are placed no closer than 5m to any adjoining boundary to a residential dwelling;
 - (c) In properties which are within a rural area, hives are placed no closer than 10m to any adjoining boundary to a residential dwelling; and
- 8.4 Except by prior written approval, 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 urban and lifestyle areas does not exceed that which is allowed for the area of the premises, as indicated in the following table:

Property area	Number of hives
500-2000m ²	2
2001-4000m ²	4
4001m ² +	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' flight path 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 premise who receives a notice under clause 8.6 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) on a property that has available 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 Council that Council will remove the animal and the occupier will pay 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/or stray animals.

Additionally, Council encourages cat owners to de-sex their cats by four months of age, microchip, and register their cats on the New Zealand Companion Animal Register. These actions help reduce the number of unwanted kittens and aid in identifying and

returning lost cats to their owners. Please note that, while Council promotes these actions as best practice, this advisory note is not part of the Bylaw and is therefore not enforceable by Council.

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 workplace, 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 .

THE COMMON SEAL of WAIKATO

DISTRICT COUNCIL was hereto affixed in the presence of:

Mayor

Chief Executive



Activity	Key date	Council resolution
Bylaw made	2 December 2024	WDC2412/11
Minor errors corrected in Schedule 1 and Clause 8.0	14 April 2024	WDC254/21
Next review due date	2 December 2029	

Schedule 1

Advisory note:

As of November 2024, 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, lifestyle, 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: Waikato District Plan – Operative in Part

Area	Definition
Urban area	<p>1. Properties designated under the following zones as outlined in the Proposed District Plan; and</p> <ul style="list-style-type: none"> i. General residential zone ii. Medium density residential zone iii. Medium density residential zone 2 iv. Local centre zone v. Commercial zone vi. Town centre zone vii. General industrial zone viii. Heavy industrial zone ix. Business Tamahere zone x. Matangi zone xi. Rangitahi peninsula zone. xii. In addition to the listed zones, properties with a land area of up to and including 1,500m² within the area shown in Map 1 and 2 (Huntly Urban Area). <p><i>Advisory note: Huntly includes properties within the centre of town zoned as General Rural due to mine subsidence risk. These properties are relatively small, typically under 1500m², and are in close proximity to urban properties. Huntly also has the highest number of animal nuisance complaints received by the Council. As a result, Council has classified these properties as urban.</i></p>
Lifestyle area	<p>Properties designated under the following zones from the Proposed District Plan:</p> <ul style="list-style-type: none"> i. Rural lifestyle zone ii. Large lot residential zone iii. Settlement zone iv. KLZ Kimihia Lakes zone v. TaTa Valley zone.
Rural area	<p>Properties designated under the following zones from the Proposed District Plan:</p>

Area	Definition
	<ul style="list-style-type: none"> i. General rural zone ii. Future urban zone iii. Hopuhopu zone iv. Ohinewai Zone.
Not specified	<p>The following zones are not considered to be located within a rural, urban, or lifestyle area.</p> <ul style="list-style-type: none"> i. Open space zone ii. Correction zone iii. Mercer airport zone iv. Te Kowhai Airpark zone v. Motorsport and recreation zone

Table 2: Operative District Plan – Waikato Section and Franklin Section

Area	Definition
Urban area	<p>1. Properties designated under the following zones as outlined in the Waikato and Franklin Operative District Plan; and</p> <ul style="list-style-type: none"> i. Industrial zone ii. Urban zone iii. Residential zone iv. Residential 2 zone v. Medium density 2 zone vi. Business zone vii. Industrial 2 zone viii. Light industrial zone ix. Neighbour centres. <p>2. In addition to the listed zones, properties with a land area of up to and including 1,500m², within the area shown in Map 1 and 2 (Huntly Urban Area).</p> <p><i>Advisory note: Huntly includes properties within the centre of town zoned as General Rural due to mine subsidence risk. These properties are relatively small, typically under 1500m², and are in close proximity to urban properties. Huntly also has the highest number of animal nuisance complaints received by the Council. As a result, Council has classified these properties as urban.</i></p>
Lifestyle area	<p>Properties designated under the following zones as outlined in the Waikato and Franklin Operative District Plan:</p> <ul style="list-style-type: none"> i. Country Living Zone ii. Village zone iii. Rural-residential zone.

Area	Definition
Rural area	<p>Properties designated under the following zones as outlined in the Waikato and Franklin Operative District Plan:</p> <ul style="list-style-type: none"> i. Living zone ii. Pa zone iii. Business zone iv. Rural zone v. Coastal zone vi. Wetland conservation zone vii. Forest conservation zone viii. Aggregate Extraction and Processing Zone ix. Queen's Redoubt Heritage Zone.
Not specified as rural or urban	<p>The following zones are not considered rural or urban.</p> <ul style="list-style-type: none"> i. Recreation zone ii. Maioro Mining Zone iii. Timber Processing Zone iv. Tuakau Industrial Services Zone.