

Wairarapa Consolidated Bylaw 2024 Review Findings Report

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Contents

1. Introduction	4
1.1 Purpose	4
1.2 Process	4
1.3 Review scope	4
1.4 Review methodology	5
2 About the Bylaw	5
2.1 Background	5
3 Strategic and Regulatory Framework	6
3.1 Strategic Alignment	6
3.2 Local plans, policies and strategies	7
3.3 Other local bylaws	9
3.4 Legislation authorising the Bylaw	10
3.5 Legislation and regulation informing the Bylaw	11
4 Key Aspects of the Existing Bylaw	12
5 Problems the Bylaw addresses	17
5.1. Problem 1: Nuisance or public health and safety concerns relating to use and activities in public places and on private property	17
5.2 Problem 2: Road safety or environmental issues caused or made worse by an unregulated roading network	19
5.3. Perceived Problem 3: Public safety concerns, nuisance, damage or misuse caused or made worse by the unrestricted use of cemeteries	20
5.4 Problem 4: Public health risks, including injury, infection and communicable diseases, caused by beauty related practices	21
5.5 Problem 5: Interference with, damage to and misuse of the waters network (water supply, wastewater (including trade waste), as well as public health risks	21
6. Review Findings	23
6.1 Stakeholder Engagement	23
6.2 Do the problems still exist?	24
Problem 1: Nuisance or public health and safety concerns relating to use and activities in public places and on private property	24
Problem 2: Road safety or environmental issues caused or made worse by an unregulated roading network	28
Perceived Problem 3: Public safety concerns, nuisance, damage or misuse caused or made worse by the unrestricted use of cemeteries	30
Problem 4: Public health risks, including injury, infection and communicable diseases, caused by beauty related practices	31

Problem 5: Interference with, damage to and misuse of the waters network (water supply, wastewater (including trade waste), as well as public health risks	33
6 What other strategies could be used to address the problems?	35
Perceived Problem 1: Nuisance or public health and safety concerns relating to use and activities in public places and on private property	35
Perceived Problem 2: Road safety or environmental issues caused or made worse by an unregulated roading network.....	38
Perceived Problem 3: Public safety concerns, nuisance, damage or misuse caused or made worse by the unrestricted use of cemeteries	39
Perceived Problem 4: Public health risks, including injury, infection and communicable diseases, caused by beauty related practices.....	40
Perceived Problem 5: Interference with, damage to and misuse of the waters network (water supply, wastewater (including trade waste), as well as public health risks.....	40
7 Is a Bylaw the most appropriate way of addressing the perceived problems? ..	42
Perceived Problem 1: Nuisance or public health and safety concerns relating to use and activities in public places and on private property	42
Perceived Problem 2: Public safety concerns, nuisance, damage or misuse resulting from the unregulated use of cemeteries and crematoria	46
Perceived Problem 3: Road safety or environmental issues caused or made worse by an unregulated roading network.....	47
Perceived Problem 4: Public health risks, including injury, infection and communicable diseases, caused by beauty related practices.....	48
Perceived Problem 5: Interference with, damage to and misuse of the waters network (water supply, wastewater (including trade waste), as well as public health risks.....	49
8 Could the Bylaw be improved?	51
9 Implementation of the Bylaw.....	51
8.1 Powers and penalties to enforce the bylaw.....	51
8.2 Compliance approach	52
8.3 Setting of fees and charges	53
Reference List.....	54
Attachment 1: Wairarapa Consolidated Bylaw 2019.....	55

1. Introduction

1.1 Purpose

The Masterton, Carterton and South Wairarapa District Council (the Wairarapa District Councils) adopted the Wairarapa Consolidated Bylaw 2019 (the Bylaw) on 26 June 2019. It came into force on 8 July 2019. The Bylaw regulates a broad range of matters throughout the Wairarapa region, including activities in public places, traffic, and Council's cemeteries, water supply and wastewater networks.

The Bylaw will revoke on 26 June 2026 under section 160A of the Local Government Act 2002 (LGA). To avoid a regulatory gap, Council must determine whether a bylaw is still appropriate and, if so, adopt a replacement bylaw.

This report presents the review findings to inform whether a replacement bylaw is appropriate.

1.2 Process

The process to make a bylaw is set out in the LGA. Councils must make a series of determinations, as set out in section 155 of the LGA.

Councils must determine:

- that a bylaw is the most appropriate way of addressing the perceived problem;
- that it is the most appropriate form of bylaw; and
- whether the bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990.

Council must also consult the community in accordance with section 156 of the LGA.

1.3 Review scope

The review analysed the following questions to help inform Council's statutory requirements under the LGA:

- What is the strategic and regulatory framework surrounding the Bylaw?
- What problems does the Bylaw address?
- Do the problems still exist?
- What other strategies could be used to address the problems?
- Is a bylaw the most appropriate way of addressing the perceived problems?
- Can the Bylaw be improved?

The scope of the review covers issues contained within the Wairarapa Consolidated Bylaw 2019. It excludes standalone bylaws that individual districts have including Freedom Camping, Alcohol Control, the Control of Dogs and Water Races Bylaws, as well as the Wairarapa Solid Waste Management and Minimisation Bylaw, which are each subject to their own review periods.

It excludes review of guidelines, policies or plans, and the development or implementation of non-regulatory measures.

Local Water Done Well

Staff recognise broader changes affecting water services under the Government's Local Water Done Well programme. Local Water Done Well is the Government's plan to address New Zealand's long-standing water infrastructure challenge. It recognises the importance of local decision-making communities and provides councils with a framework to determine how their water services will be delivered in the future. There is a strong emphasis on meeting economic, environmental and water quality regulatory requirements.

Councils must develop a Water Services Delivery Plan (Plan) by September 2025. The Plan must provide a long-term assessment of council's water infrastructure, how much investment is needed, and how it will be financed and delivered through a preferred water service delivery model. The community will have a chance to have their say on proposed delivery models to inform the Plan in early 2025.

Whatever the shape of the water service delivery entity in the future, revenue, assets, expenses and debt for water services must be separated from all other Council services. Given this, the focus of this review on parts relevant to Council's services in scope of the Local Water Done Well programme has been limited to ensuring they are still fit for purpose.

1.4 Review methodology

Staff undertook research and engagement to answer the above review questions. This included face-to-face engagement with council staff that administer and enforce the Bylaw, an environmental scan of how other councils in New Zealand manage similar issues, analysis of council and external data, and engagement with key external stakeholders.

There is an opportunity for the wider community to input through the formal consultation process that will occur in the next phase of the review.

2 About the Bylaw

2.1 Background

The adoption of the Bylaw followed a review of the Masterton and South Wairarapa District Council Consolidated Bylaw 2012 which was first made in 2013. As part of the 2019 review, the scope of the consolidated bylaw was expanded to include Carterton District Council and adopted as a new Wairarapa Consolidated Bylaw.

The Bylaw is divided into parts as follows:

- Part 1: Introductory
- Part 2: Public Places (including Park and Reserves)
- Part 3: Selling of Goods or Services in Public Places
- Part 4 Prevention of Nuisance from Fire and Smoke
- Part 5: Water Supply
- Part 6: Keeping of Animals, Poultry and Bees
- Part 7: Cemeteries and Crematoria

- Part 8: Wastewater
- Part 9: Trade Waste
- Part 10: Traffic

Part 11: Speed - revoked in 2023 due to the Land Transport Rule: Setting of Speed Limits 2022 which changed the way speed limits are set.

- Part 12: Beauty Therapy, Tattooing and Skin Piercing

A copy of the Bylaw is provided as Attachment One.

A bylaw made under the LGA must be reviewed five years after it is first made, and then every 10 years after that. For Masterton and South Wairarapa, the Bylaw builds on and reflects what was in the previous Masterton and South Wairarapa Consolidated Bylaw. It was the 5-year review of that Bylaw that included Carterton and resulted in the new Wairarapa Consolidated Bylaw. The Bylaw was due for review by 26 June 2024. If Council consider a bylaw is still appropriate, it is required to adopt a replacement bylaw.

3 Strategic and Regulatory Framework

The Bylaw forms part of a wider strategic and regulatory framework for managing public health risks and nuisance, and for the management and regulation of certain Council assets. The broader framework the Bylaw sits within includes strategies, local plans, policies, legislation and other bylaws that govern matters beyond the scope of the Bylaw.

3.1 Strategic Alignment

Each Council has its own vision and community outcomes linked to the purpose of local government. The purpose of local government, as defined by s10(b) of the LGA, is to promote the social, economic, environmental and cultural well-being of communities in the present and for the future. The Bylaws objectives align with this purpose, particularly as it relates to the social and environmental wellbeing of the community.

Masterton District Council

The vision for Masterton is Working Together: Our People – Our Place – Our Future. The outcomes Masterton District Council (MDC) wants to achieve for its community are:

- An Engaged and Empowered Community;
- Pride in our Identity and Heritage;
- A Sustainable and Healthy Environment;
- A Thriving and Resilient Economy; and
- Efficient, Safe and Effective Infrastructure.

Carterton District Council

The vision for Carterton is a welcoming and vibrant community where we all enjoy living. Carterton District Council (CDC) has identified outcomes aligned with the responsibilities of councils for improving the social, economic, environmental and cultural outcomes for its communities. Of particular relevance to the Bylaw are the following outcomes:

- a caring community that is safe, healthy, happy and connected;
- fit for purpose public facilities, spaces, parks and rural reserves;
- a safe and resilient water supply, wastewater and stormwater system; and
- a community that fosters and promotes our character and creativity.

South Wairarapa District Council

The vision for South Wairarapa is the best of country living with the community at the heart of everything we do. South Wairarapa District Council (SWDC) has identified outcomes aligned with the responsibilities of councils for improving the social, economic, environmental and cultural outcomes for its communities. Of particular relevance to the Bylaw are the following outcomes:

- residents are active, healthy, safe, resilient, optimistic and connected; and
- sustainable living, safe and secure water and soils, waste minimised, biodiversity enhanced.

3.2 Local plans, policies and strategies

Wairarapa Combined District Plan

District Plans set out the objectives, policies, rules and other methods adopted by District Councils to promote the sustainable management of the natural and physical resources of their territories. District Plans are required under the Resource Management Act 1991 (RMA), to assist councils in carrying out their functions to achieve the purpose of the RMA.

The Wairarapa District Councils have adopted a joint Wairarapa Combined District Plan (WCDP). The WCDP is now 10 years old and a review is underway. The review of the WCDP is an opportunity to influence how the Councils control land use and subdivision in the Wairarapa districts. The proposed WCDP was released in October 2023 and underwent a formal 9-week submission period. Further submissions on the plan were invited during March and April 2024 as an opportunity for people to make submissions in support or opposition to points raised in an original submission. The review has now moved to the hearings phase and subsequent decisions on submissions including amendments to the proposed WCDP. Submitters can then lodge an appeal to the Environment Court for any decision they are dissatisfied with.

Asset Management Plans

Asset management Plans set out a 10-year programme for the management of specific groups of assets. Those relevant to the Bylaw include water supply, wastewater, roading, and parks and open spaces (covering parks, reserves and

cemetery assets). The plans provide Council with long-term view of the current status of assets, the issues likely to impact on these assets in future, and the level of service that should be provided to the community in the future.

Reserve Management Plans

Reserve Management Plans are a statutory requirement under the Reserves Act 1977 and are prepared in accordance with this Act. They provide for the use, enjoyment, maintenance, protection, preservation and development of reserves. Each Council has a management plan for the reserves it administers.

Strategies

Infrastructure Strategy

Under the LGA, councils must adopt an Infrastructure Strategy as part of the Long-Term Plan. The strategy identifies significant infrastructure issues and options for managing those issues. This includes infrastructure on water, wastewater, transport (roading) and parks, open spaces and community facilities infrastructure assets which are relevant to the Bylaw.

Other strategies relevant to the Bylaw include the Masterton District Council [Parks and Open Spaces Strategy](#) and [Homebush Wastewater Strategy](#).

Policies and Guidelines

The following policies and guidelines have been identified as relevant to the Bylaw.

Policies and Guidelines	Relationship to the Bylaw
Masterton District	
Backflow Prevention Policy	Outlines MDC's policy on Backflow prevention. This policy is relevant to the Water Supply Bylaw Part.
Enforcement Policy	Outlines the approach MDC applies when making decisions about compliance and enforcement. This Policy is relevant to enforcement and implementation of the Bylaw.
Parks and Reserves Concession Policy	Provides for an effective means for MDC to manage commercial use of parks and reserves land through the issuing of leases, licences and permits and charging appropriate fees. This policy is relevant to the Public Places Bylaw Part.
Treated Effluent Supply Policy	Outlines MDC's policy on the supply of treated wastewater to interested parties. This policy is relevant to the Wastewater Bylaw Part.
Town Square Use Policy	Provides for an effective means for MDC to manage the use of the Town Square, for both commercial and free events, whilst ensuring the passive enjoyment of the square for the public at large. This policy is relevant to the Public Places Bylaw Part.

Policies and Guidelines	Relationship to the Bylaw
Carterton District	
Plaques, Memorials, Public Art and Monuments Policy	Sets a process for CDC and the community to follow when new plaques, memorials, public art and monuments are proposed. It aims prevent ad hoc, prolific, inappropriate or widely varying placement of plaques, memorials, public art and monuments at public sites in the district. This policy is relevant to the Public Places Bylaw Part. Cemeteries are excluded from the scope of this policy.
Stock Movement Policy and Guidelines	Provide guidelines which enable farmers to undertake their farming activity in a way that minimises damage to carriageways caused by animal excrement and mud etc carried on animals hooves, and will minimise inconvenience, nuisance, and potential danger to motorists and other road users. The policy and guidelines are relevant to the Public Places and Keeping of Animals Bylaw Parts.
South Wairarapa District	
Irrigation of Key Council Assets Policy	Provides guidance about the use of irrigation systems for SWDC's assets (e.g. parks, reserves, gardens and trees) during periods of water restriction. This policy is relevant to the Water Supply Bylaw Part.
Town Water Supply Policy	Sets out the conditions and cost responsibilities relating to Council owned water supply schemes in the South Wairarapa District. This policy is relevant to the Water Supply Bylaw Part.
Wastewater Disposal Policy	Sets out the conditions and cost responsibilities relating to Council owned Sewer Reticulation Schemes in the South Wairarapa District. This policy is relevant to the Wastewater Bylaw Part.

3.3 Other local bylaws

The Wairarapa District Councils have standalone bylaws which enables the councils to respond to the differing needs of its communities, and a joint waste management and minimisation bylaw.

Bylaw	Where a Bylaw is in place	Purpose
Alcohol Control Bylaw	Masterton , Carterton and South Wairarapa	Aims to reduce crime or disorder caused or made worse by alcohol by controlling the consumption or possession of alcohol in public places.
Control of Dogs Bylaw (and Policy)	Masterton , Carterton and South Wairarapa	Set standards of control that must be observed in respect of dogs in the district. It covers matters such as dogs in public places, wandering dogs, ownership of more than one dog, and nuisances caused by dogs.
Freedom Camping Bylaw	South Wairarapa and Carterton	Controls freedom camping to protect the area, the health and safety of people who may visit; or access to the area.
Water Races Bylaw	Masterton South Wairarapa: Featherston , Longwood and Moroa Water Race Bylaws	Manages and prevents the misuse of water races. Intended to assist efforts to maintain flows and enhance the water quality.
Solid Waste Management and Minimisation Bylaw	Joint Wairarapa Bylaw and Bylaw Controls	Controls solid waste management, collection and disposal.

3.4 Legislation authorising the Bylaw

The Bylaw is primarily made under the LGA, however, certain parts also rely on other statutes.

Legislation	Description	Bylaw Parts
Burial and Cremation Act 1964 (s16)	Empowers councils to make bylaws for cemeteries under its control.	Part 7: Cemeteries and Crematoria
Health Act 1956 (s64)	Empowers councils to make bylaws to regulate health related matters.	Part 4: Prevention of Nuisance from Fire and Smoke Part 6: Keeping of Animals, Poultry and Bees Part 12: Beauty Therapy, Tattooing, and Skin Piercing

Legislation	Description	Bylaw Parts
Local Government Act 2002 (s145)	Empowers councils to make bylaws to: (a) protect the public from nuisance; (b) protect, promote, and maintain public health and safety; (c) minimise the potential for offensive behaviour in public places.	Part 2: Public Places Part 3: Sale of Goods or Services in Public Places Part 4: Prevention of Nuisance from Fire and Smoke Part 10: Traffic Part 12: Beauty Therapy, Tattooing, and Skin Piercing
Local Government Act 2002 (s146)	Empowers councils to make bylaws to regulate certain activities, or to manage, regulate against or protecting from damage or prevent the use of certain Council land or infrastructure.	Part 5: Water Supply Part 6: Keeping of Animals, Poultry and Bees Part 7: Cemeteries and Crematoria Part 8: Wastewater Part 9: Trade Waste
Land Transport Act 1998 (s22AB)	Enables councils to make bylaws for road-related activities including safety and environmental protection.	Part 10: Traffic

3.5 Legislation and regulation informing the Bylaw

As well as the above, there are a range of Acts, regulations, standards and codes that inform the Bylaw. These differ across each Bylaw part and are referenced in the bylaw parts. Examples include the Building Act 2004, Fire and Emergency New Zealand Act 2017, Reserves Act 1977 and Resource Management Act 1991, however this is not an exhaustive list.

4 Key Aspects of the Existing Bylaw

The key aspects of the existing bylaw parts are summarised below.

Part 1: Introductory

Part 1 contains definitions and provisions of a general nature which apply to all Parts of the Bylaw. It covers provisions relating to serving of orders and notices, powers of entry, licences, fees and charges, removal of works, and offences and penalties.

Part 2: Public Places (including Parks and Reserves)

Part 2 controls a diverse range of activities to ensure that acceptable standards of convenience, safety, visual amenity and civic values are maintained for the wellbeing and enjoyment of citizens, visitors and businesses within the district. In particular, Part 2 addresses damage to public facilities such as roads, grass verges, garden areas and reserves. It also addresses activities within public places and reserves which may have an adverse effect on other users of these facilities.

Specifically Part 2:

- regulates activities in public places to reduce public safety and nuisance (e.g. littering, manner in which vehicles may be driven, soliciting, assembly);
- restricts the setting of fireworks or explosive material;
- regulates material that can be placed in public to avoid obstructions (e.g. signage, awnings/blinds, overhanging vegetation);
- regulates activities that can cause damage (e.g. graffiti);
- controls the use of wheeled recreational devices;
- requires a consent or Council approval for construction or modifications of vehicular crossings, and to obtain a road opening notice from Council to undertake trenching and minor earthworks;
- restricts the use of barbed wire and electrified fences;
- sets restrictions on animals in reserves and public places, including grazing on rural road verges; and
- sets additional requirements for reserves (e.g. enables Council to restrict entry at certain times and to charge an entry fee).

Part 3: Sale of Goods and Services in Public Places

Part 3 regulates the conduct of persons selling goods or services on streets, roads, footpaths, and other public places; or using vehicles to sell goods or services to the general public.

It requires people to obtain licence from Council to engage in the sale of goods or services in public places and compliance with the relevant bylaw provisions:

- locations where the sale of goods or services are permitted or prohibited;
- compliance with licence conditions imposed;
- production of licence on request;
- alteration of position to any other position on request; and

- payment of fees.

Approvals are given in the form of a licence and a licence fee is charged annually in accordance with the Fees and Charges adopted by each council.

Part 4: Nuisance from Fire and Smoke

Part 4 protects the public from nuisance arising from fire and smoke, in regard to aspects other than fire safety. Part 4 prohibits people from lighting a fire that creates a nuisance, or health risk to any person or property, or from permitting permit smoke, noxious fumes, or any other matter to be emitted in such a way as to create a nuisance, or health risk, to any person or property.

Part 5: Water Supply

Part 5 enables the Wairarapa District Councils to manage and provide public water supply services effectively. It seeks to protect the public water supply network from any potential damage, misuse, or interference. Part 5 applies to all aspects of water supply within the specified districts and ensures compliance with relevant statutory acts and regulations, including the Local Government Act 2002, Health Act 1956, and Resource Management Act 1991.

Part 5 includes provisions relating to:

- Protection of Water Supply;
- Conditions of Supply – including applications for supply, point of supply and types of supply;
- Water Metering;
- Continuity of Supply;
- Fire Protection Connections;
- Backflow Prevention;
- Customer responsibilities relating to equipment, inspection, and prevention of waste; and
- Administration related provisions regarding payment, transfer of rights and responsibilities, change of ownership, and disconnections.

Part 6: Keeping of Animals, Poultry and Bees

Part 6 outlines requirements for the keeping of animals, poultry and bees, in order to protect neighbours and property owners. It includes specific requirements for the keeping of pigs, cats, poultry and bees, as well as requirements regarding dead animals.

Key aspects include:

- Keeping of Pigs - No pigs to be kept in urban areas;
- Keeping of Cats - No more than three cats (aged 3 months or more) to be kept without permission for a period exceeding 14 days;
- Keeping of Poultry

- Poultry in urban areas of Masterton and Carterton to be confined within the owner/occupier's property;
- Poultry in urban areas of South Wairarapa to be confined within a poultry house, coop or similar; and
- No roosters permitted to be kept in urban areas.
- Dead Animals – no dead animals permitted to remain on private property and specific requirements around burying (at least 0.5 metres below ground level).
- General keeping of animals – not allowed to cause nuisance (including odour, noise) or to be kept in conditions offensive to human health.

Part 7: Cemeteries and Crematorium

Part 7 enables Council to control and set standards for the operation of cemeteries and crematoria within the boundaries covered by Council's responsibility or ownership. Key aspects covered include:

- directing the position and depth of graves, and ensuring safety by regulating the filling in of graves;
- provision for natural burials which provides an environmentally friendly burial option;
- protection of the cemetery and users through setting rules around plot maintenance, the planting of shrubs and trees, the placing of adornments and the erection and maintenance of monuments, headstones and structures;
- regulating behaviours including soliciting trade and vehicle use within cemeteries
- controlling burial and cremation times through setting hours of operation;
- regulating disinterment; and
- setting fees for the purchase of plots and other cemeteries and crematoria related services and making allowances for deceased servicemen and poor persons.

Part 8: Wastewater

Part 8 aims to regulate wastewater drainage. It seeks to:

- ensure the safe and efficient operation of the public wastewater drainage network;
- protect the network from damage and misuse; and
- regulate the acceptance of trade wastes (covered separately in Part Nine: Trade Waste).

Part 8 includes provisions relating to:

- Accessing the Network
- Protection of the Public Wastewater Drainage Network

- Private Drainage Systems
- Proposed Works
- Approval to Connect
- Point of Discharge
- Conditions of Supply
- Liability and Payment

Part 9: Trade Waste

Part 9 regulates the trade waste to a sewerage system and provides for the following:

- acceptance of long-term, intermittent, or temporary discharge of trade waste to the sewerage system;
- establishment of three grades of trade waste (controlled, conditional and prohibited);
- evaluation of individual trade waste discharges to be against specified criteria;
- correct storage of materials in order to protect the sewerage system from spillage;
- installation of flow meters, samplers or other devices to measure flow and quality of the trade waste discharge;
- pre-treatment of waste before it is accepted for discharge to the sewerage system;
- sampling and monitoring of trade waste discharges to ensure compliance with the bylaw;
- Wastewater Authority (WWA) to accept or refuse a trade waste discharge;
- charges to be set to cover the cost of conveying, treating and disposing of, or reusing, trade waste and the associated costs of administration and monitoring;
- administrative mechanisms for the operation of the bylaw; and
- establishment of waste minimisation and management programmes (including sludges) for trade waste producers

Part 9 applies to all trade premises within the Masterton, Carterton and South Wairarapa districts where trade wastes are discharged or sought or likely to be discharged to the public sewerage system. Part 9 also applies to tankered wastes collected for the purpose of discharge to the public sewerage systems.

Part 10: Traffic

Part 10 sets requirements for parking and control of vehicles or other traffic on roads in Masterton, Carterton and South Wairarapa. It provides a mechanism for the Wairarapa District Council to:

a) prohibit or restrict the stopping, standing, or parking of vehicles on any road or part of a road, or on any piece of land owned or controlled by the Council, including parking places or transport stations;

b) set aside, designate or reserve any road or piece of land owned or controlled by the Council and not being a road or part of a road, as:

- i. stopping places or stands for a specified class, classes or types of vehicles, including bus stops; small passenger service vehicle stands; loading zones; and pie cart stands;
- ii. mobility parking spaces;
- iii. restricted parking areas parking places and zone parking;
- iv. transport stations;
- v. clearways;
- vi. cycle lanes and cycle paths;
- vii. reserved parking areas;
- viii. metered areas;
- ix. special vehicle lanes;
- x. electric charges stations; or
- xi. one-way roads.

c) Prohibit or restrict:

- i. U-turns;
- ii. left turns, right turns, or through movements;
- iii. any specified class of traffic, or any specified motor vehicle or class of motor vehicle which, by reason of its size or nature or the nature of the goods carried, is unsuitable for use on any road or roads;
- iv. parking of heavy motor vehicles on specified road during specified hours or exceeding such period as may be specified;
- v. use of roads by pedestrians; or
- vi. use of roads by cyclists.

d) Permit turning movements to be made only by:

- i. passenger service vehicles;
- ii. vehicles of other specified classes; or
- iii. vehicles carrying specified classes of loads or not less than a specified number of occupants.

Part 10 enables Masterton, Carterton and South Wairarapa District Councils to maintain their own schedules of traffic control measures in their respective districts.

Part 12: Beauty Therapy, Tattooing, and Skin Piercing

Part 12 aims to prevent the transference of communicable diseases via beauty therapy practices, tattooing or skin piercing.

Key aspects Part 12 include:

- requires a Certificate of Registration to be issued;
- sets conditions that must be complied with such as the requirement to hold a recognised qualification where this is available;
- sets requirements of physical aspects of premises such as ensuring they are maintained in a sanitised, clean and tidy condition;
- sets requirements for mobile premises and operators;
- regulates conduct of operators such as the thorough cleaning of hands;
- regulates tattooing includes sterilisation of equipment and requirements around solutions used (e.g. dye and pigments);
- regulates beauty therapy, skin piercing and epilation;
- sets requirements for sterilisation of equipment; and
- requires records to be maintained to assist with aftercare advice and auditing.

5 Problems the Bylaw addresses

In 2019, the Statement of Proposal stated that the Bylaw is made in order to protect the public from nuisance, minimise offensive behaviour in public places, maintain public health and safety and protect the environment.

For the purposes of this review, we have themed the problems we consider the Bylaw addresses into five broad problems:

- 1. Nuisance or public health and safety concerns relating to use and activities in public places and on private property;**
- 2. Road safety or environmental issues caused or made worse by an unregulated roading network;**
- 3. Public safety concerns, nuisance, damage or misuse caused or made worse by the unrestricted use of cemeteries;**
- 4. Public health risks, including injury, infection and communicable diseases, caused by beauty related practices; and**
- 5. Interference with, damage to and misuse of the waters network (water supply, wastewater (including trade waste), as well as public health risks.**

The problems as we have identified them are defined further below.

5.1. Problem 1: Nuisance or public health and safety concerns relating to use and activities in public places and on private property

Council provides community facilities and activities to support wellbeing and contribute to making Wairarapa an enjoyable place to live and visit.

Competing interests in public places can create obstructions, health and safety concerns, or a negative environmental impact. Activities within public places may have an adverse effect on public facilities, or health and safety of the people that use them. It is important that acceptable standards of convenience, safety, visual amenity and civic values are maintained for the wellbeing and enjoyment of citizens, visitors and businesses within the Wairarapa region.

There is also the potential for nuisance to arise from activities that occur on private property that can impact the health and safety of people in the community, such as nuisance from smoke or from animals kept by property owners.

Specific problems that can arise include:

- **Distribution of material, soliciting, collecting donations** – distribution of material (e.g. fliers) can be a nuisance and may be offensive to the recipient. Being in a public place and being asked for something, often money, is often not welcome even if it's for a good cause. If this is persistent it can change how people use the space (e.g. by avoiding it). It can be considered a nuisance either by the manner of activity or by creating obstructions, and also safety issues of congestion. The activity may particularly cause nuisance for nearby businesses.
- **Activities and use of objects** – some public places are not appropriate for some activities (e.g. roller blading) and can cause problems in shared spaces. Examples can include nuisance to others, safety risks and potential damage to things in the area.
- **Fireworks or explosives in public places** – fireworks or explosive materials can cause nuisance and safety risks to people and animals.
- **Obstructions in public places** – overhanging vegetation, items, and materials projecting onto public places such as blinds/awnings, balcony, gates, signs etc. can cause nuisance by interfering with or obstruct pedestrians and traffic.
- **Access, damage and misuse / removal of assets/materials** – Council has various assets (including land) that provide services to the community, including parks and reserves, signs and street name/numbering, vegetation (e.g. grass pots). Council needs to be able to access, install and maintain assets and protect them against damage, misuse and removal. Interference can lead to loss of access which can cause nuisance to the wider community.
- **Condition of property** – the condition of a property adjacent to a public place (e.g. fence, retaining wall) can cause damage or injury to persons passing by.
- **Signage and seating** – signage is used to advertise, raise awareness, educate and give directions. Seating is used to offer an opportunity for rest, and for people to gather. Their usage can lead to health and safety concerns (e.g. creating accessibility difficulties) if there are no rules about what appropriate signage and seating is and where it should be located.
- **Barbed wire and electrified fences** - these types of fences may be appropriate on private property, such as on rural farms, but can be a safety risk in public places especially in urban environments.
- **Vehicles and transport devices** – use of vehicles and other transport devices (e.g., wheeled recreational devices) can be a nuisance and pose health and safety risks. Examples arise in shared spaces such as parks and reserves. Potential

issues include obstructions, injuries to others and damage to property including grassed parks and reserves.

- **Gatherings, parades, assembly** - when groups of people get together in public places nuisances may result for others in the vicinity. Examples of problems include congestion and impeding access to shops or premises. It is important to be able to effectively manage use of public spaces to minimise the likelihood of problems occurring and to ensure all members of our community can use these spaces. This may involve seeking permission from Council for particular types of activities in public places.
- **Trading in public places (e.g. hawkers, stalls, mobile shops, or exposing articles for sale)** – problems can include obstructing the use of the area by other people, congestion, rubbish and cleanliness, hazardous structures, and noise. These problems can cause nuisance and health and safety issues.
- **Fire and smoke** - burning can cause localised nuisance problems, including impacts on amenity, from smoke and smell. Smoke can also cause generate potentially hazardous compounds, depending on what is burnt, with the potential for health risks to arise.
- **Animals (including stock, poultry and bees)** – the keeping of animals can cause nuisance and health and safety issues through noise, odour and potential to harm people (e.g. bee stings, bites, allergic reactions). The impact is often more pronounced in urban areas where properties are smaller and neighbours are located in closer proximity. Other problems can arise from the keeping of livestock if not well managed (including on or near roads) including damage.

Broadly, the problem can be defined as *nuisance or public health and safety concerns relating to use and activities in public places and on private property*.

5.2 Problem 2: Road safety or environmental issues caused or made worse by an unregulated roading network

The Wairarapa District Councils provides a local transport network throughout Masterton, South Wairarapa and Carterton¹. The network supports the social and cultural wellbeing of our people, allowing them to move around the region, providing access to employment, services, recreational and cultural activities. The network also supports economic wellbeing by enabling transportation of goods and provides access for critical services such as power, telecommunications, water supply and waste disposal. Our footpaths and cycling lanes also enable people to move about the district on bicycles or on foot.

With a variety of uses by a number of different users, there is the ability for users to be endangered, with severe consequences including deaths and serious injuries. Specific problems that can occur if the roading network is not effectively managed include:

- safety risks created by vehicles using one-way roads in the wrong direction, or performing dangerous manoeuvres;

¹ Note: South Wairarapa and Carterton local road networks are managed under Ruamāhanga Roads which is a contract that commenced in July 2019. The contract is a joint approach between the South Wairarapa and Carterton Districts to roading maintenance and aims to maximise efficiency, achieve increased regional consistency and optimise the use of internal resources.

- safety risks caused by vehicles stopping or parking inappropriately on roads, car parks, reserves or other public places. This could include injury to other road users.
- damage caused by parking in spaces that are inappropriate for parking e.g. footpaths, grass berms, or parking inappropriately (e.g. multiple vehicles occupying one carpark);
- nuisance caused by vehicles occupying car parking spaces for too long in built up areas, reducing ability of access (e.g. to shops) for other users; and
- selling cars or advertising goods on the side of the road which can cause congestion and create safety risks for other road users.

In order to ensure the safety of road users, the roading network needs to be managed and maintained.

5.3. Perceived Problem 3: Public safety concerns, nuisance, damage or misuse caused or made worse by the unrestricted use of cemeteries

Cemeteries and crematoria are important spaces for the community. They're places people go to find peace and quiet, to mourn and remember friends and family members. They are an expression of the respect we show to those who have gone before.

Our cemeteries are visited frequently by our community. The Council Residents' Survey shows that in a 12-month period, the proportion of residents that visited a cemetery was 45 percent in Masterton (2023), 35 percent in South Wairarapa (2023) and 28 percent in Carterton (2022). Most visitors do so responsibly without impacting the cemetery or other users. However, without effective management, issues may arise including health and safety risks, difficulty in keeping the cemetery clean and tidy, inability to enforce fees, the potential to cause offence related to cultural sensitivities, and non-compliance with relevant legislation including the Burials and Cremation Act 1964.

Safety incidents can occur in many ways such as broken glass or pottery lying in the grass, or when people drive unsafely. Issues such as overhanging vegetation and rough kerbs can impact the physical accessibility and ability of people to safely navigate cemeteries, and interfere with maintenance.

Cemeteries are also places that steadily expand over time, and where later intervention can be difficult, with headstones and burial sites expected to remain. Cemeteries therefore need to be managed in a way that supports the best current and future use, minimising potential environmental impacts.

The problem can therefore be defined as "Public safety concerns, nuisance, damage or misuse resulting from the unregulated use of cemeteries and crematoria." Examples of these include:

- Public safety concerns e.g. unsecured or unsafe monuments or adornments;
- Public nuisance or distress (e.g. failing to appropriately manage activities (e.g. soliciting of trade, use of vehicles during funeral services) at cemeteries can cause distress to grieving family members; and

- Damage or interference with property or ground maintenance (e.g. improperly installed monuments, overhanging vegetation, planting of trees and shrubs).

The Residents' Surveys of Wairarapa District Councils show good levels of satisfaction among our community with our cemeteries – 66 per cent satisfaction from residents of Masterton District (2023), 86 per cent in Carterton District (2022) and 82 per cent in South Wairarapa District (2023). The Wairarapa District Councils are committed to maintaining and improving this which can only be achieved through effective management. Additionally, due to the sensitive nature of cemeteries and crematoria, providing controls supports better public communication outcomes and reduces the potential reputational risk to Council.

5.4 Problem 4: Public health risks, including injury, infection and communicable diseases, caused by beauty related practices

Beauty therapy practices (including skin piercing and tattooing) can pose health risks as they can either pierce, break or burn the skin or tissue.

Beauty therapy practices that involve piercing the skin carry risks to do with the transference of blood-borne diseases and viral, bacterial or fungal infections from breaking or abrading the protective epidermal layer. Other services may be unlikely to puncture the skin but involve contact with skin or bodily fluids and carry a public health risk of transferring bacterial and viral infections, or injury.

To respond to emerging trends the beauty industry has seen an increase in the variety of beauty treatments on offer. Some operators offering the "latest treatments" may have limited training and experience. It is also hard to know what health risks new treatments will pose over a long term.

Specific examples of public health risks include:

- blood-borne infection (e.g. hepatitis B and C, HIV);
- bacterial infections (e.g. staphylococcus);
- fungal infections (e.g. tinea, candida);
- gastrointestinal infection (e.g. campylobacter, E.coli);
- cancers (e.g. melanoma from sunbed use);
- allergic reactions and chemical poisoning (e.g. piercing metals, tattoo ink, glue/solvents, hair products);
- burning and damage to skin, tissue and eyes (e.g. laser, intense pulsed-light); and
- physical injury to the body (e.g. damage to eyesight, tissue or organ damage).

These injuries can cause personal trauma, costs for medical treatment, and even loss-of-pay due to time off work.

The problem can therefore broadly be defined as "public health risks, including injury, infection and communicable diseases, caused by beauty related practices."

5.5 Problem 5: Interference with, damage to and misuse of the waters network (water supply, wastewater (including trade waste), as well as public health risks

The water networks, comprising the water supply network and wastewater network, are core infrastructure managed by, or on behalf of, the Council. Resilient networks are vital to the prosperity, well-being and safety of our communities. If not effectively managed, interference with, damage to and misuse of the network can arise, as well as potential public health risks.

Water supply

The water supply network provides for the supply of water on demand to the communities and businesses within the network. If not effectively managed, problems can arise including:

- contamination of drinking water supplies (e.g. from poorly constructed connections to mains, backflow of contaminants into mains from private networks, damage to mains and connections) potentially resulting in sickness or deaths within the communities served;
- loss of water or service pressures to other customers (damage to mains and connections by other service suppliers, uncontrolled removal of bulk water from hydrants, removal of restrictors where fitted on unmetered supplies);
- uncontrolled high-water usage such that Council exceeds permitted water take resulting in consent breaches;
- customers on limited or restricted supplies running out of water; and
- damage to reticulated services from contractors excavating or drilling in close proximity to services.

Wastewater

The wastewater network provides for the collection, treatment and discharge of wastewater. It includes domestic wastewater and industrial wastewater from trade premises known as trade waste. If not effectively managed, problems that can arise include:

- containments being discharged into the network (e.g. wet wipes, nappies) which can cause blockages and damage to the network resulting in sewer overflows;
- hazardous substances entering the network (e.g. corrosive or flammable substances) which can contaminate water and cause health and safety risks;
- incorrect connections to the wastewater network can lead to spills and leakages and associated public health risks;
- excessive discharge flow rates can cause spillages from wastewater connections and associated public health and safety risks; and
- damage to the network can arise from construction, excavation and other work near buried services.

Trade Waste

Trade waste is liquid waste (excluding domestic wastewater), with or without solids in suspension, that is or may be discharged from a trade premise. Trade waste includes wastewater that contains contaminants, including solids, fat, oil, grease, solvents, emulsions and chemicals resulting from industrial or trade processes.

If not effectively managed, problems can arise including:

- adverse health and safety effects for people if harmful substances are discharged into the public wastewater network;
- harm to the environment;
- damage, misuse or loss to the public wastewater network;
- unauthorised use of the land, structures or infrastructure associated with the public wastewater network; and
- non-compliance with GWRC discharge consent.

6. Review Findings

6.1 Stakeholder Engagement

Stakeholders engaged in the first phase of the review included:

- New Zealand Police;
- Te Whatu Ora Health New Zealand (Medical Officer of Health, National Public Health Service);
- Fire and Emergency New Zealand;
- Greater Wellington Regional Council;
- Iwi;
- Māori Standing Committee of South Wairarapa District Council;
- Wellington Water Ltd (responsible for managing and providing water services to South Wairarapa District Council);
- Business Wairarapa; and
- Community and Industry Associations including Riversdale Beach Community Association, Castlepoint Residents and Ratepayers Association and New Zealand Association of Registered Beauty Therapists.

Feedback was also sought from Council staff involved in administering and enforcing the bylaws.

Key themes from early stakeholder engagement

The key overarching themes from our stakeholder engagement are summarised below. Feedback relating to specific bylaw parts is covered in Section 6.2 of this report. There is another opportunity for stakeholders to provide feedback during the formal consultation phase of the review.

- **Ensure bylaws are focused and easy to understand** some stakeholders advocated for improved understandability of the Bylaw, ensuring it is easy to read and understand by businesses and the public.
- **Working in partnership with local businesses** some stakeholders advocated for the review to recognise and promote the benefits of registered businesses and to work in partnership with businesses. This was raised in relation to licensees selling goods and services in public places, trade premises and beauty therapy

premises. Some stakeholders noted businesses are facing increased costs and advocated for councils to keep compliance costs to a minimum.

- **Assessing the extent of the problem can be difficult** some stakeholders considered it can be hard to truly assess the extent of the problem due to underreporting and the effect of the existing bylaw. One example of this was beauty therapy related practices whereby stakeholders indicated that there can be shame and embarrassment associated with reporting health risks from treatment. Some stakeholders considered that bylaws are an important tool to manage issues proactively and expressed that absence of an issue occurring now should not necessarily remove the need for a bylaw.
- **It is important to recognise cultural practices** some stakeholders support the intent of the Bylaw but expressed a desire for the Bylaw to appropriately reflect cultural practices, such as Tā moko tikanga and traditional Pasifika tattooing.
- **Enforcement is important** some stakeholders advocated for Council to increase enforcement of the Bylaw and for an increased presence in remote coastal settlements. There was some concern that a lack of enforcement could reduce the overall effectiveness of the Bylaw over the long term. Some stakeholders recognised the cost to council in enforcing the Bylaw given a lack of infringement regime available in many cases.
- **Consistent approach throughout Wairarapa** some stakeholders supported the consistent approach the Bylaw offers throughout Wairarapa region and advocated for greater consistency in the implementation and enforcement of the Bylaw. One example given was Animal Control Services which operates differently across the Wairarapa District Councils.
- **Clarity of roles between different enforcement agencies** some stakeholders highlighted that there are overlapping responsibilities under some parts of the Bylaw, such as the part which prevents smoke nuisance from fire and smoke. Local councils, regional councils and Fire and Emergency New Zealand all have a role in responding to fire and smoke. It was important to stakeholders that agencies worked together and that the contribution of each agency was understood and made clear for the community.

6.2 Do the problems still exist?

This section of the report draws on information from a range of sources including internal Council data, external data sourced from agencies such as Waka Kotahi, and feedback from engagement with Council staff and key stakeholders.

Each Wairarapa District Council collects its own information and therefore not all information is directly comparable. Where there are gaps in information this is because information had not been made available at the time of reporting.

Problem 1: Nuisance or public health and safety concerns relating to use and activities in public places and on private property

Overall, parks, reserves and open spaces are one of the highest rated facilities among the Wairarapa District Councils. The proportion of residents satisfied with parks, reserves and open spaces was 74% in Masterton (2023), 78% in South

Wairarapa (2023), and 76% in Carterton (2022). However problems still exist, as outlined below.

Damage to Public Places

Staff report incidents of graffiti and damage occurring throughout the Wairarapa region. Recent examples include the Masterton Queen Elizabeth Park which has suffered from a spate of graffiti and damage, and the removal of plants. There has also been sporadic incidents of damage and destructive behaviour in locations such as Henley Lake. Signs and dog bins have been run over due to vehicle access, and evidence of attempts to start a vegetation fire have been discovered. Carrington Park in Carterton has also experienced an influx of graffiti. Staff also report instances of graffiti on public facing aspects of private property, which if not removed promptly, detracts from the visual amenity of the district.

Staff note issues with parking on berms and grassed areas of reserves causing damage. We understand this issue is primarily in Masterton, with some challenges in Carterton with parking on berms impacting maintenance (mowing).

Obstructing Public Places and Placing of Articles

Staff report an increase in signage (sandwich boards) on footpaths, obstructing pathways. This is problematic to users, including those with wheelchairs/mobility scooters and those with young children. Staff also note growth in outdoor seating at cafes/restaurants. While this requires Council approval, there is no guidance on the appropriate amount of seating to support a consistent approach throughout Wairarapa.

MDC staff have reported materials being left in public places and obstructing public walkways (e.g. large pallets) associated with homelessness. There have also been make-shift camps set up in reserve areas.

Feedback from NZ Police reiterated that material being left in public places is often associated with homelessness. Local police have received requests for homeless individuals to be vacated from public areas which can result in items being left (e.g. blankets, bedding and tents). NZ Police do not store and items and request the Bylaw review addresses Council's response to the removal of items left in public places.

Control of Wheeled Recreational Devices

The Bylaw prohibits a person from riding a wheeled recreational device in the Masterton CBD. There are no prohibitions in Carterton or South Wairarapa.

In the five years from 2019/20 there have only been four service requests relating to wheeled recreational devices in the Masterton district, and none since April 2022. Feedback from the MDC Roding Team supports active modes of transport which reduces vehicle use in the CBD and therefore the continuation of this prohibition is not supported. This position was also supported by the MDC Environmental Services and Parks and Open Spaces Teams. We understand this prohibition was put in place to address historical issues that no longer exist.

Animals in Public Places

Feedback from NZ Police indicated that wandering stock is an issue throughout Wairarapa. In the five years from 2019/20, there were 363 service requests relating to stock in Masterton and 78 in South Wairarapa.

Overhanging Vegetation

Overhanging vegetation continues to be a common issue across Wairarapa District Councils. In the five years from 2019/20 there were 325 service requests relating to overhanging vegetation in Masterton and 179 in South Wairarapa.

Littering/Rubbish

In the five years from 2019/20 there were 97 service requests relating to littering/rubbish in Masterton and 56 in South Wairarapa.

Trading in Public Places

Table 1 provides the number of licences issued for the sale of goods and services in Wairarapa from 2019/20. Licences have been issued for selling food, coffee, ice cream, fruit & vegetables and sale of other items (e.g. jewellery). Stalls are temporary structures often used to sell food at events, fairs and markets.

Staff do not report any issues with trading in public places. However, staff are supportive of retaining a bylaw as a mechanism to proactively manage the activity in public places, to ensure the suitability of proposed trading locations, and to continue a consistent approach across the Wairarapa region.

Staff are aware of demand for designated trading areas outside the current bylaw provisions. Riversdale Beach Community Association has requested designated trading areas similar to that of Castlepoint. Suggested locations provided by the Association as part of early engagement include sites at the Southern Reserve Carpark, Pinedale Crescent and Karaka Avenue Park.

Licensing, roading and parks staff have also provided feedback on the current locations. Staff have recommended reducing the number of Masterton CBD sites due to low demand and increased pedestrian traffic in the Masterton CBD which means the dedicated sites are no longer fit for purpose.

South Wairarapa has designated trading areas in each of the three main town centres which are proposed to remain. Carterton does not have any designated trading areas identified in the existing or proposed Bylaw.

To meet increased demand for alternative locations, Wairarapa District Council staff support a mechanism for additional sites to be considered on a case-by-case basis dependent on criteria.

Table 1: Number of licences issued, 2019/20 – 2023/24

Territorial authority	2019/20	2020/21	2021/22	2022/23	2023/24
Masterton District					
Hawkers Licence	2	0	0	4	3
Stall/Stand	11	19	12	18	24
South Wairarapa District					
Hawkers Licence	4	7	6	8	6
Stall/Stand	116	171	122	165	149

Note: These figures may exclude any event, market, stall or stand which has current approval under any bylaw, legislation, resource consent or resolution of Council which are exempt from a licence under the current bylaw.

Nuisance from fire and smoke

Over the five-year period from 2019/20 to 2023/24, there were 64 smoke nuisance service requests in Masterton and 32 in South Wairarapa.

Service requests typically relate to fires at neighbouring/nearby private properties (urban and rural). Many relate to the burning of material including rubbish and green waste. Concerns typically relate to the offensive smell, health impacts (difficulty breathing), safety concerns, and nuisance arising from the smoke (e.g. inability to hang washing).

Staff report difficulty in this area as often they attend and a fire is out or nuisance is not at a level that an average person would consider a nuisance (e.g. smoke from a chimney). Staff also report instances of 'neighbours at war' scenarios. Wairarapa District Council enforcement staff request the review consider whether revoking this part and relying on powers under the Health Act 1956 would be appropriate.

Fire and Emergency New Zealand (FENZ) and Greater Wellington Regional Council (GWRC) also have a role in responding to fire and smoke and were engaged as part of the review:

- **FENZ** receive similar calls and difficulties as the Wairarapa District Councils. FENZ responsibilities are under the Fire and Emergency New Zealand Act 2017 and they take action when there is a threat to life and/or property. FENZ sometimes redirect calls to GWRC but do not tend to redirect calls to Wairarapa District Councils.
- **GWRC's** ability to regulate is through rules in the regional plan and relates to abating smoke that is offensive or objectionable for air quality purposes. GWRC receives a small number of calls in Wairarapa and refers calls received for smoke nuisance originating from inside premises to Wairarapa District Councils as they do not have authority to enter premises. It was important to GWRC that they retain the ability to refer calls to Wairarapa District Councils .

Keeping of Animals

Over the five-year period from 2019/20 to 2023/24 there have been 175 service requests relating to the keeping of animals (e.g. bees, poultry, cats, pig) in Masterton and 57 in South Wairarapa. These figures exclude dogs and wandering stock.

Bees

Service requests about bees typically relate to complaints about bees swarming from neighbouring properties, including concerns about the number of beehives being kept and the distance at which they are located from the boundary. Some complainants note health and safety concerns in relation to being stung or a concern about the potential to be stung and health risks due to allergies. Others report complaints about bee excretion on their property (home, cars, clothesline etc.).

Poultry

Complaints about poultry received typically relate to roosters being kept in urban areas, crowing loudly early in the morning, and nuisance from poultry not being confined within their property. SWDC enforcement staff report some issues with dogs killing chickens, primarily in Featherston.

Cats

Complaints received about cats are low. Staff are aware that some councils have introduced bylaw controls to regulate the mandatory microchipping, registering and desexing of domestic cats which is not covered in the scope of the existing bylaw. A key driver is to manage cat populations to reduce the potential for nuisance.

Wairarapa District Councils received a request for this through a submission to the 2019 Bylaw review at which time staff recommended monitoring national legislation and trends in relation to cat control. We have identified several councils who have microchipping, registering and/or desexing in their bylaw including Whangarei, Ruapehu, Palmerston North, Whanganui, Selwyn, Wellington City and Hutt City. Some stakeholders have also contacted council staff throughout the review period expressing interest in cat control in the Wairarapa.

Wairarapa District Councils enforcement staff do not support new bylaw controls due to enforcement costs/difficulties. Instead, staff consider it appropriate for Wairarapa District Councils to promote educational messaging for responsible cat ownership and to continue to monitor national legislation.

Other animals

Complaints about other animals have been low. Staff report some instances of lambs and horses being grazed in urban properties during dry seasons. However, aside from a one-off incident, there have been minimal complaints or issues. Staff recommended monitoring for future reviews.

There have been complaints about dead animals, including carcasses found in public places.

Problem 2: Road safety or environmental issues caused or made worse by an unregulated roading network

Fatalities and serious injuries from road crashes provides an overview of the safety of the roading network. However, many of the factors contributing to crashes are outside of the control of the Traffic Bylaw. Examples include driver-related factors such as speed, alcohol/drugs and diverted attention, and other factors such as wet

weather, and the condition of the roading network. Not all incidents on roads result in a death or serious injury.

In 2022, the Wairarapa region accounted for 1.1 per cent of fatalities and 1.4 per cent of serious injuries from road crashes in New Zealand.

Table 2: Fatalities and Serious Injuries, 2018 - 2022

Territorial authority		2018	2019	2020	2021	2022
Carterton District	Fatalities	1	1	2	0	0
	Serious injury	2	8	8	3	7
Masterton District	Fatalities	4	2	2	0	2
	Serious Injury	18	18	14	20	13
South Wairarapa District	Fatalities	1	1	0	1	1
	Serious Injury	11	1	11	11	14
Wairarapa	Fatalities	6	4	4	1	4
	Serious Injury	31	27	33	34	34
National	Fatalities	379	350	318	318	374
	Serious Injury	2,600	2,507	2,174	2,318	2,471

Source: Ministry of Transport, Annual Crash Statement (2022).

In 2022/23, MDC received 1,133 requests relating to the district road network (including footpaths), CDC received 365 and SWDC received 785. While the scope of some requests extends beyond the matters regulated through the bylaw, it demonstrates high community interest in a roading network that is safely maintained.

Each district council runs a resident's satisfaction survey. While many of the issues raised fall outside the scope of the bylaw, the data again demonstrates the community interest in the roading network.

- **Masterton (2023):** 27 per cent were satisfied with roads throughout the district, 35 per cent were satisfied with the ease of moving around the district at peak times, and 57 per cent satisfied with the availability of parking in the district. Concerns about roads mainly relate to the condition, with 49 per cent of residents' suggesting that road maintenance is needed.
- **Carterton (2022):** 47 per cent satisfied with overall roads, 56 per cent satisfied with roads in town and 47 per cent satisfied with rural roads.
- **South Wairarapa (2023):** 28 per cent were satisfied with the condition and maintenance of urban roads and 18 per cent with rural roads. The main concerns expressed included poor maintenance and repair of roads (potholes, uneven surface), noise and disruption caused by heavy vehicles, lack of footpaths and poor condition of existing footpaths (overgrown vegetation, obstructions, uneven surface), safety concerns and drainage and flooding issues.

MDC's Traffic Bylaw schedule sets out parking restrictions which are enforced by parking wardens. In 2022/23, there were 3,754 infringements issued at a value of \$120,060.

Table 3: Parking infringements issued in Masterton District, 2019/20 to 2022/23

	2019/20	2020/21	2021/22	2022/23
Parking Infringements Issued	2,711	2,413	3,551	3,754

Source: MDC Internal Data

Note: These figures include all parking infringements issues during that period. Some infringements are cancelled during the year due to various reasons including but not limited to explanations accepted and issue errors. In 2022/23 there were 333 infringements cancelled.

Some new traffic related concerns were raised during our engagement with Council staff and key stakeholders:

- **Storage of vehicles associated with business** - Some Masterton car dealerships and vehicle garages have been using public parking spaces / footpaths to store their excess vehicles during the day. This is occurring in repeat locations, particularly around Dixon Street. It is creating nuisance for other road users who are unable to access parking in the area (e.g. students attending the nearby polytechnic).
- **Heavy vehicle storage in residential areas** - complaints have been received about heavy vehicles parking in residential areas for overnight storage. Issues identified include nuisance and public safety concerns through the narrowing of roads and parking over driveways.
- **Vehicle access in parks overnight** – there have been some reports of damage in parks/reserves made possible by vehicle access. Examples include damage to signage and park furniture in the vicinity of Memorial Drive at Queen Elizabeth Park, Masterton. Due to repeated instances of vandalism, and the costs and staff time taken up as a result, a decision was taken to move the gate that closes the road at night from opposite the boat shed to east of the swing bridge and pedestrian crossing. Staff have requested the Bylaw review include consideration of an ability to restrict access to roads that have been identified as problem areas of vandalism and other anti-social behaviours.
- **Management of vehicles on beaches** - staff have received complaints of vehicles travelling at high speeds on beaches which could cause a safety risk for beach goers and vehicle occupants, particularly at Castlepoint. Staff report that there is an understanding of the local coastal communities that vehicles are not permitted on parts of the beach, such as the frontage of Castlepoint Beach from the store through to Jetty Road, except for authorised vehicles (e.g. emergency services and for the Castlepoint Races). Castlepoint Residents' and Ratepayers Association echoed feedback from staff and support reduced speed on beaches and only authorised access along the beach frontage.

Perceived Problem 3: Public safety concerns, nuisance, damage or misuse caused or made worse by the unrestricted use of cemeteries

Wairarapa District Council staff with responsibility for cemeteries support its framework and consider it is having the desired effect. Complaint numbers are low, however, anecdotal staff feedback provides evidence that there are ongoing compliance issues, including unsecured adornments that impact maintenance.

Some concerns were also raised regarding the potential conduct of users, including the potential for memorial headstones to be inscribed with offensive content. While the evidence of this issue is low, given the sensitivities of cemeteries, staff consider it important to take a proactive approach to managing cemeteries.

Residents also provided feedback through the Residents' Survey about a concern with the upkeep of public spaces, including cemeteries. Issues mentioned included overgrown vegetation and general untidiness, with one commenting "the cemetery has rubbish blowing over it and the weeds are not under control on the boundary. We spend lots of our time tidying up the place..."

Problem 4: Public health risks, including injury, infection and communicable diseases, caused by beauty related practices

There has been a limited number of ACC claims in relation to injuries as a result of beauty related treatments in the Wairarapa (refer to Tables 5 and 6 below).

Wairarapa District Councils have not received any complaints or experienced issues with ongoing compliance. However, it is difficult to ascertain whether more injuries and claims may have resulted without the Bylaw in place.

Anecdotal feedback from the industry has indicated that there are still hygiene issues facing the industry which present a risk to clients. Examples provided included the reusing of nail files between clients, gloves not being used, areas not being sanitised in between clients, and not using autoclave sterilisation equipment. There are also reports of small home-based businesses which are not registered.

The industry and Te Whatu Ora both considered that many incidents go unreported, with the industry considering reported claims to be the "tip of the iceberg." Reasons for not reporting included shame and embarrassment. Both parties supported retaining a bylaw in the absence of national regulation and wanted to ensure the bylaw is flexible to support new and emerging techniques. The industry also supported additional requirements for premises to be registered with a relevant industry association, and a requirement for the operator to have insurance.

Table 4: New ACC claims for injuries from beauty therapy treatments in the Wairarapa²

Measure	Territorial authority	2018/19	2019/20	2020/21	2021/22	2022/23
New claims lodged	Carterton District			<4	<4	<4
	Masterton District	7	<4	6	4	<4
	South Wairarapa District	<4	<4		<4	<4
	National Level	1008	972	1180	1065	1317

² In the interest of client privacy claim counts of less than four claims have been replaced with '<4', if the presence of totals could allow a suppressed number to be derived further suppression is displayed as '...'.

Table 5: New ACC claims for injuries from beauty therapy treatments in the Wairarapa broken down by individual treatment/procedure³

Treatment type	2018/19	2019/20	2020/21	2021/22	2022/23
Acupuncture	<4				
Body Piercing	<4			<4	<4
Exfoliation	<4	<4		<4	
Laser Hair Removal				<4	
Manipedi/Pedicure	<4	<4		<4	
Tattoo	4	<4	..	<4	<4

Table 6: New ACC claims for injuries from beauty therapy treatments in New Zealand broken down by individual treatment/procedure

Treatment type	2018/19	2019/20	2020/21	2021/22	2022/23
Acupuncture	59	41	66	47	57
Body Piercing	290	277	375	411	435
Exfoliation	35	57	56	56	78
Laser Hair Removal	19	15	21	20	15
Manipedi/Pedicure	123	98	121	120	155
Tattoo	473	479	533	404	570
Sunbed	..	<4	<4	..	<4
Tattoo Removal	<4	<4	..	<4	..

There are outstanding matters to address from the 2019 Bylaw Review

As part of the review in 2019, the Wairarapa District Councils resolved to undertake further consultation on proposed amendments to Part 12 of the Bylaw. This part provides the necessary regulatory support to manage hygiene standards in commercial practices where there is a risk of infection of communicable diseases from procedures carried out by beauty therapists, tattooists and skin piercers.

The proposed amendments would:

- prohibit scleral tattooing (permanent colouring of the white part of the eye) in the Masterton and Carterton Districts unless it is carried out by an ophthalmologist; and
- mean that tohunga tā moko (traditional Māori tattooing) would be exempt from the bylaw and that Tā Moko tattooists would instead adhere to the Ministry of Health's Customary Tattooing Guidelines for Operators.

These amendments were raised during the 2019 consultation period, however, further consultation is required as these changes would have an effect on the rights and obligations of the people to whom the bylaw applies.

Technical staff consider the proposed amendments to still be relevant to progress, and SWDC staff support aligning for the scleral tattooing prohibition. The National Public Health Service (NPHS) of Te Whatu Ora Health New Zealand has advocated for Wairarapa District Councils to proceed with a prohibition.

³ The accident description is a non-mandatory free text field on the ACC45 form. The nature and quality of responses varies. These data should therefore be considered indicative, but not a definitive count of claims.

Early engagement with Iwi and the SWDC Māori Standing Committee provides preliminary support for an exemption of tā moko. Feedback was that tā moko is different in nature from beauty therapy, tattooing and skin piercing practices, it is protected under Te Tiriti o Waitangi, and that there is tikanga that involves whānau input and the artists duty of care. Some also recognised the importance of a clear set of guidelines and safety standards for practitioners and therefore supported the bylaw directing practitioners to the Customary Tattooing Guidelines. There has also been feedback about extending the exemption to Pasifika tattooing.

The NPHS acknowledges and supports Tā moko as a taonga and understands that an exemption from the bylaw may be appropriate when performed under the authority of a marae in the Wairarapa, in accordance with tikanga Māori. As tā moko carries the same risk of infection as tattooing, NPHS recommends that practitioners and the authorising marae adhere to the relevant health and safety sections of the bylaw and the Minister of Health's 2010 Customary Tattooing Guidelines for Operators' as a best practice guide, alongside the [Auckland Council Code of Practice](#).

NPHS recognises cultural significance and importance of Pasifika tattooing practices. NPHS is not aware of any traditional tattooists residing in the Wairarapa. Since 2005, in the Greater Wellington Region there have been three separate incidents where Pacific traditional tattooing led to septicaemia, resulting in hospitalisation of five people. Given this, NPHS recommends that traditional Pacific tattooing remains in the bylaw framework.

Problem 5: Interference with, damage to and misuse of the waters network (water supply, wastewater (including trade waste), as well as public health risks

The Wairarapa District Councils Residents' Surveys ask residents about their satisfaction with the Council's water supply and wastewater:

- **Masterton (2023):** 61 per cent were satisfied with the water supply system and 55 per cent were satisfied with the wastewater system and 36 per cent satisfied with the stormwater. Comments about the district's systems included water leaks, drainage; a need to "sort out" water restrictions, water storage problems and water quality; a need to upgrade the sewerage system; and not being happy with water meters.
- **Carterton (2022):** 65 per cent were satisfied with the water supply system and 59 per cent were satisfied with the wastewater system.
- **South Wairarapa (2023):** 51 per cent satisfied with the water supply system and 54 per cent were satisfied with the wastewater system. The main concerns expressed included the quality of the water supply including the presence of chemicals and impact on appliances and health; and dissatisfaction with the taste of the water.

Wairarapa District Council's internal data also shows that problems the bylaw seeks to address are still relevant. In 2022/23, SWDC received the highest number of complaints per 1,000 connections for water supply and wastewater, followed by MDC and CDC.

Table 7: Selected Performance Measures for the Wairarapa District Councils Water Supply and Wastewater Networks

2022/23 Results	Masterton District	Carterton District	South Wairarapa District
Water Supply			
Complaints about drinking water, clarity, taste, odour, pressure or flow, continuity of supply or Council response to complaints received	4.88 complaints / 1000 connections	1.05 complaints / 1000 connections	22.1 complaints / 1000 connections
Percentage of real water loss from reticulation system (unexplained water loss)	32% ⁴	16%	46%
Average consumption of drinking water per resident per day	586 litres/person/day	436 litres/person/day	597 litres/person/day
Wastewater			
Complaints about sewage, odour, system faults and Council response to issues with its sewerage system	26.6 complaints/ 1000 connections	12.7 complaints/ 1000 connections	34.7 complaints/ 1000 connections
Number of dry weather sewerage overflows from sewerage system	0.41 / 1000 connections	0.36 / 1000 connections	4.5 / 1000 connections
Compliance with resource consents for discharge from sewerage system	One abatement notice served	100% compliance	One abatement notice served

Trade Waste

The existing bylaw requires a person to obtain a permit to discharge trade waste to the wastewater network. A permit may either be controlled or conditional.

A controlled permit is issued when the discharge complies with the physical and chemical characteristics as scheduled in the bylaw. A conditional permit is issued

⁴ This measure tracks unexplained water losses as a percentage of total water produced. Masterton District Council (MDC) has used the following methodology: the result is based on the single lowest night-time flow, which was recorded on 31 July 2022 at 4am with 75.3l/s being minimum night flow. Allowances were made for real use for key users, including the hospital, schools and JNL LTD and for households. This resulted in a final real loss of 57.71 l/s or 32.42% of the total flow. This methodology has also been used in past years. The Department for Internal Affairs (DIA) Water Loss Guidelines 2010 (WLG) sets out two approaches for calculating water loss: a water balance methodology, and a night flow measurement (the approach taken by MDC). The WLG notes that any water loss calculation that "is not based on an annual water balance can only be regarded as an indicative value". As MDC have not taken a water balance approach there is inherent uncertainty in the reported result. MDC's intention is to move to a water balance approach for future water loss calculations.

when the discharge does not comply with the scheduled characteristics, but is not prohibited. Table 8 provides the number of trade waste permits issued by MDC.

Table 8: Masterton District Trade Waste Permits as at September 2024

	Controlled Permit	Conditional Permit	Total Permits
Masterton	110	13	123

Controlled permits in Masterton have been issued for businesses relating to animals, automotive repair, butchery, café or other food premise, engineers, hotels/motels, industrial, landfills, laundromats and dry cleaners, medical premises, rest homes, schools, service stations, supermarkets and vehicle washing. Conditional permits have been issued for food premises and service stations.

Since 2019, MDC has recorded four complaints relating to the discharge of trade waste.

6 What other strategies could be used to address the problems?

Councils are required to identify and assess all reasonably practicable strategies to address the problems identified and achieve the desired outcome. Councils often adopt a combination of strategies. Potential strategies identified for addressing the perceived problems are outlined below.

Perceived Problem 1: Nuisance or public health and safety concerns relating to use and activities in public places and on private property

Some perceived problems can be addressed (in part or entirety) through existing Council policies, bylaws plans or legislation. This may include using the Litter Act 1979 and the associated Litter Infringement Provisions, Reserves Act 1977, the Resource Management Act 1991 (RMA) and Council's District Plan and Reserve Management Plans. Staff consider that using these mechanisms are appropriate in some instances where relevant legislation is available, and in these cases provisions should not be unnecessarily duplicated in bylaws.

Littering and Solid Waste

Littering in public places can be appropriately addressed under the Litter Act 1979. Council can appoint Litter Control Officers who may issue infringements notices under the Litter Act. Litter is defined by the Act as any refuse, rubbish, animal remains, glass, metal, garbage, debris, dirt, filth, rubble, ballast, stones, earth, or waste matter, or any other thing of a like nature.

The Wairarapa District Councils have a joint Solid Waste Management and Minimisation Bylaw. The bylaw supports delivery of effective and efficient waste management and minimisation throughout the Wairarapa.

Freedom Camping

SWDC and CDC each have a freedom camping bylaw. These bylaws identify areas where freedom camping is prohibited and restricted to manage how and where freedom camping can occur. The purpose of the bylaw is to protect the area,

protect the health and safety of people who may visit the area, and protect access to the area.

MDC does not have a bylaw as the issues in the district do not currently meet the threshold for the development of a freedom camping bylaw. This is an area that will continue to be monitored.

Sale of goods and services in public places

Alternative mechanisms or approaches to manage the sale of good and services in public places could be:

- **Reliance on existing legislation:**
 - **Food Act 2014:** Requires persons trading in food to implement a food safety regime which includes food plans for their business so as to demonstrate that the food they are selling is safe for consumption. Section 19 of the Food Act 2014 authorises territorial authorities to monitor and enforce compliance with the Act, including carrying out enforcement and other regulatory responsibilities under this Act.
 - **Reserves Act 1977:** Section 94 (1) (kb) states that it is an offence under the act to conduct any unauthorised trade or business on a reserve.
 - The New Zealand Transport Authority regulates roadside trading on State Highways through the **Regulating Roadside Vendors on State Highways 1993 Bylaws** that are made through the Transit New Zealand Act 1989.
 - **The Health Act 1956.** This act provides the definition of nuisance that is applicable to trading in a public place. Section 54 of the Health Act 1956 provides Council with powers to deny or restrict trade that is offensive.
 - The **Consumer Guarantees Act 1993** and **Fair Trading Act 1986** can protect the public in the manner of what is sold in public spaces.
- **The Proposed Wairarapa Combined District Plan** provides rules for temporary activities, this includes market days and temporary retail activities. The plan provides rules regarding the hours and days of duration.
- **Reliance on new or existing policies,** for example, the Masterton Town Square Policy manages the use of the Town Square in Masterton for commercial and free events. This policy is very specific to the Town Square. Any policies would work alongside a bylaw rather than managing issues on its own.
- **Individual agreements.** Council could enter individual agreements with those wishing to sell goods or services in public places however this may result in inconsistency of application across the Wairarapa and does not take advantage of the already established licencing process.
- **Public education** this could involve working with local businesses to promote responsible trading in public. This would rely on the public voluntarily following guidance.

Other activities in public places (including parks and reserves)

Alternative mechanisms or approaches to manage issues in public places not addressed through the above mechanisms could be:

- Discussed above there is a number of Council Policies and legislation such as the **Litter Act 1979** and the **Health Act 1956** that manages some nuisances in public places.
- **Public education** relies on the public voluntarily following guidance and also removes Councils ability for appropriate enforcement or to set fees. This non-bylaw approach may provide advice on responsible use of public places and how to avoid nuisances, it will not provide mechanisms for managing conflicting commercial and personal use of public places. An example of this is that Masterton District Council has trialled a non-regulatory approach of education by placing leaflets under windscreens to resolve the issue of parking on berms and grass verges.
- **Reserves Act 1977** covers some issues that may result in damage or impact maintenance to reserves. The three Councils also have a number of Reserve Management Plans, Parks and Open Spaces Policies and Freedom Camping Bylaws to help manage these issues through signage and rules regarding use of reserves. To address issues under the Reserves Act can result in a long expensive prosecution process, enforcement under a bylaw will be more effective.
- For some concerns and nuisance, the **Trespass Act 1980** could be utilised. This would require police involvement and is less effective than a bylaw where Council has the power to regulate.
- **Wairarapa Combined District Plan** may assist in managing certain issues in relation to public places through resource consent requirements and consent conditions.
- **Crime Prevention through Environmental Design (CPTED)** is often used to manage crimes including graffiti and vandalism.
- Some issues may be addressed by the **New Zealand Police**, for example vandalism, disorderly behaviour, or wilful damage. However, not all issues in public places are police issues and a bylaw will provide Council the powers to take action against events or persons risking public safety, causing nuisance and inflicting damage.

Nuisance from Fire and Smoke

Alternative mechanisms or approaches to manage Nuisance from Fire and Smoke could be:

- Reliance on the **Fire and Emergency New Zealand Act 2017** - Fire and Emergency New Zealand (FENZ) must prepare and issue a fire plan for each local area. The Act provides the powers to set prohibited or restricted fire seasons. FENZ also hold responsibility regarding regulating or controlling the lighting of fires in open air; and the prevention of the spread of fires involving vegetation. These powers primarily relate to fire safety risk and do not extent to prevention of nuisance.
- Reliance on powers under the **Health Act 1956**. Section 29 of the Health Act 1956 defines nuisances and includes:

- s29 (m) where any chimney, including the funnel of any ship and the chimney of a private dwellinghouse, sends out smoke in such quantity, or of such nature, or in such manner, as to be offensive or likely to be injurious to health, or in any manner contrary to any regulation or Act of Parliament; and
- s29 (n) where the burning of any waste material, rubbish, or refuse in connection with any trade, business, manufacture, or other undertaking produces smoke in such quantity, or of such nature, or in such manner, as to be offensive or likely to be injurious to health.

Without a bylaw, under the Health Act 1956, an Environmental Health Officer has powers under section 34 to enter premises and abate the nuisance. Any expenses incurred are recoverable.

- **Greater Wellington Regional Council** have a role in air pollution. GWRC respond to issues regarding dust, odours, smoke from outdoor fires where hazardous materials like plastic, treated timber and metal are being burned.
- **Public education** – Council could provide education and guidelines on their websites about responsible lighting of fires. FENZ have a number of resources that can be linked to educate the public.

Keeping of Animals (excluding dogs)

- **Reliance on existing legislation**, such as the **Animal Welfare Act 1999** covers the obligation of owners and persons in charge of animals including the ill treatment of animals. **Animal Welfare (Care and procedures) Regulations 2018** covers the care and procedure in regard to animal welfare.
- **The Proposed Wairarapa Combined District Plan** covers some activities relevant to the keeping of animals regarding noxious or offensive industries including slaughtering of animals and the keeping of goats.
- **Public education** – Councils could provide education and guidelines on their websites about responsible keeping of animal practices (e.g. cat control). This could include making use of information already available through codes of welfare, and other organisations, local clubs and associations.

Perceived Problem 2: Road safety or environmental issues caused or made worse by an unregulated roading network

Alternative mechanisms or legislation to address traffic may include:

- **Reliance on legislation and regulation**, such as:
 - **Section 319 of the Local Government Act 1974** covers Council's general powers in respect of roads.
 - **The Land Transport (Road User) Rule 2004 and Land Transport Rule: Traffic Control Devices 2004** includes traffic restrictions that are generally covered in a bylaw however, neither of these provide Council with the ability to authorise these kinds of traffic restrictions.

- **The Government Roading Powers Act 1989** provides for management of State Highways by Waka Kotahi New Zealand Transport Agency. Under section 62, NZTA has the ability to delegate control of state highways to Council however, this legislation does not provide any power or resource to enforce any rules for Council regarding traffic management.
- **The Proposed Wairarapa Combined District Plan** contains a transport chapter which seeks to ensure activities generate a type or level of traffic that is compatible with the roads they are located on. The proposed WCDP contains policies on multi-modal transport system, good design outcome, role of transport corridors, on-site facilities, transport network connections, managing effects of the transport network, and high traffic generating activities.
- **Policies** may be an option to address some issues in the region however do not provide Council with an adequate enforcement tool. Guidance and rules can be set but the ability to set and issue appropriate fines for infringements is not available.
- **Public education** is an option however, this option relies on the public voluntarily following guidance and also removes Councils ability for appropriate enforcement.

Perceived Problem 3: Public safety concerns, nuisance, damage or misuse caused or made worse by the unrestricted use of cemeteries

Alternative mechanisms or approaches to manage Cemeteries and Crematoria may include:

- **Burial and Cremation Act 1964 and associated regulations** - provides national requirements regarding some management of cemeteries and processes for putting deceased to rest. Reliance on these powers would not enable Council to create more specific rules appropriate for our local circumstances.
- **Cemeteries Handbook or Administrative Manual** some Councils have developed a handbook or manual to set out the operational requirements of cemeteries and to assist in the smooth running and provision of information to the public. The type of information included varies but covers aspects such as operating hours, memorial specifications, links to forms etc. In most cases, these work alongside rather than in place of a bylaw and are akin to the information that the Wairarapa District Councils publish on their websites.
- **Other Strategies or Plans** have been investigated. Masterton District Council's Parks and Open Spaces Strategy touches on the management and objectives of Cemeteries in the district. It recognises these spaces are important as places of remembrance and reflection, as well as being a record of social history. The Strategy states cemetery management must ensure enough space is available for burials, and provide for maintenance of older cemeteries and protection of heritage items. Carterton District Council manages Clareville Cemetery under its Reserves Management Plan (RMP). The RMP focuses on the maintenance of the grounds for example the mowing of grass and pruning of shrubbery.

- **Public education** is an option however, this option relies on the public voluntarily following guidance and also removes Councils ability for appropriate enforcement.

Perceived Problem 4: Public health risks, including injury, infection and communicable diseases, caused by beauty related practices

Alternative mechanisms or approaches to manage Beauty Therapy, Tattooing and Skin Piercing may include;

- **Public education** is an option however, this option relies on the public voluntarily following guidance and also removes Councils ability for appropriate enforcement. Other Councils along with a bylaw have released a Code of Practice, Auckland Council provides a code for each field of beauty practice. Wairarapa District Councils could consider a code provide clear advice and guidance. However, to appropriately enforce, any code would need to work alongside a bylaw.
- **Health Act 1956** provides some provisions regarding offences in respect of infections or communicable diseases and Council powers in sections 80, 81 and 83. Section 64 of the Act give local authorities the ability to create bylaws to protect public health and provides the power to issue fines. The Act is a good tool to understand provide guidance to Council however, a bylaw is required for Council to enforce.
- The Wairarapa District Council's do not have any **Policies, Strategies or Plans** that relate to or may manage Beauty Therapy, Tattooing and Skin Piercing. These would not be appropriate mechanisms to manage the problem as they will not allow Council to appropriately enforce the rules.

Perceived Problem 5: Interference with, damage to and misuse of the waters network (water supply, wastewater (including trade waste), as well as public health risks

Alternative mechanisms or legislation to address water supply, wastewater and trade waste may include:

- **Reliance on legislation**, such as:
 - The **Water Services Act 2021** - the Act contains obligations for a water supplier to provide drinking water and contains a number of regulations around water supply. A bylaw ensures water services infrastructure is sufficiently protected to enable the Councils to meet their legislative requirements.
 - Any persons discharging Trade Waste must also comply with the **Hazardous Substances and New Organisms Act (HSNO) 1996** and the **Health Act 1956**.
 - The **Health and Safety at Work Act 2015** protects the health and safety of workers, including those who work with hazardous substances and dangerous goods.

- Wairarapa District Councils have an **Infrastructure Strategy** that outlines a need to protect public health in regard to water and wastewater. These strategies inform the LTP and capital expenditure in each district.
- Wairarapa District Councils have **Asset Management Plans** for the management of Water Supply and Wastewater. These plans manage Council's maintenance and care for the infrastructure and funding of the system. An AMP will not adequately manage water supply or wastewater to protect the health and safety of the public.
- **Codes and Standards** are available in relation to water supply, these standards are what the bylaw give effect to, and Council will be unable to enforce them without a bylaw in place.
- **The Proposed Wairarapa Combined District Plan** does not provide for the appropriate rules required to maintain public health and safety or protect from nuisance in relation to water supply or wastewater. The District Plan can determine consent conditions that will assist in on going monitoring of water supply and may provide assistance in managing wastewater connections in regard to new developments but does not regulate the full extent of activities. A bylaw can consider activities outside of the development process.
- **Policies**
 - The **South Wairarapa Town Water Supply Policy** contains guidelines that speak to the WCDP and the Bylaw but does not provide a regulatory response.
 - **Masterton District Council has a Backflow Prevention Policy**, this policy sets out brief guidelines, levels of risk and property owners' responsibilities. The policy works alongside the existing bylaw rather than in place of it.
 - **South Wairarapa District Council has a Wastewater Disposal Policy**; the purpose of this policy is to set out conditions and cost responsibilities relating to Council owned Sewer Reticulation Schemes in the District. Whilst this policy manages some aspects of wastewater due to the significance of the problem and the importance of ensuring safe sanitary practises, a bylaw is needed to work alongside it.
 - Carterton and Masterton do not have any policies to manage wastewater.
 - The Wairarapa District Councils do not have any policies relating to Trade Waste.
- **Public education** relies on the public voluntarily following guidance and also removes Councils ability to recover costs of for appropriate enforcement. This option may mean more staff are required to manage the legislative gaps by refocusing the approach to education and voluntary compliance.

7 Is a Bylaw the most appropriate way of addressing the perceived problems?

Section 155 of the Local Government Act 2002 requires councils to determine whether a bylaw is the most appropriate way of addressing the perceived problem(s). The advantages and disadvantages of a bylaw over alternative strategies identified are outlined below.

Overall, we consider a bylaw is the most appropriate way of addressing the perceived problems because:

- A bylaw provides Council a regulatory tool and the ability to take appropriate action which is not offered by alternative strategies.
- Enables Council to put in appropriate controls to protect the public from nuisance, protect public health and safety and minimise the potential for offensive behaviour in public places.
- Enables Council to protect its critical infrastructure, including the water supply and wastewater networks.
- It is consistent with the current approach which is familiar to staff and the community. It also supports a consistent approach throughout Wairarapa.

In most cases a bylaw is anticipated as a mechanism for managing the perceived problems identified under the LGA, Health Act 1956, Land Transport Act 1998 and Burial and Cremations Act 1964.

In many cases, a bylaw works alongside the alternative strategies identified.

Perceived Problem 1: Nuisance or public health and safety concerns relating to use and activities in public places and on private property

The current approach to addressing this broadly defined perceived problem is under four bylaw parts:

- Sale of Goods and Services in Public Places
- Public Places (including Parks and Reserves)
- Prevention of Nuisance from Fire and Smoke
- Keeping of Animals, Poultry and Bees.

These bylaw parts are made under section 145 of the LGA which enables councils to make a bylaw for the purposes of protecting the public from nuisance, promoting and maintaining public health and safety, and minimising the potential of offensive behaviour in public places.

The following parts are also made under the following Acts:

- The Public Places (including Parks and Reserves) Part is also made under section 106 of the Reserves Act 1977 which enables administering bodies to make bylaws for the control of reserves.
- The Prevention of Nuisance from Fire and Smoke Part is also made under section 64 of the Health Act 1956 which enables councils to make bylaws for improving, promoting, or protecting public health, and preventing or abating nuisances.

- The Keeping of Animals, Poultry and Bees Part is also made under section 146 of the LGA which enables councils to make bylaws to regulate the keeping of animals, bees and poultry; and section 64 of the Health Act 1956 which enables councils to make bylaws for the purposes of regulating, licensing, or prohibiting the keeping of any animals in the district.

Sale of Goods and Services in Public Places

Public places are open to everyone to enjoy. This means that competing interests can create obstructions, health and safety concerns, or a negative environmental impact.

Alternative approaches identified includes existing legislation (e.g. Food Act 2014, Health Act 1956, Reserves Act 1977), controls for temporary activities in the Wairarapa Combined District Plan, new or existing policies (e.g. Masterton Town Square Policy), individual agreements, and/or public education. The advantages and disadvantages of a bylaw over these alternatives are outlined below.

Advantages of a Bylaw	Disadvantages of a Bylaw
• A bylaw provides Councils the ability to regulate, control, prohibit an action, and to licence the sale of goods or services in public places which is not possible with alternative strategies. • A bylaw gives Councils the ability to limit areas where goods and services may be sold in public spaces to protect the public from nuisance and to protect public health and safety. • A bylaw assists Councils to understand the numbers and areas of trading in public places. This maintains transparency over what is being sold in public places and may help Councils to manage future demand. • A bylaw is consistent with the current approach which is familiar to staff and the community. It also supports a consistent approach throughout Wairarapa. • The review has provided an opportunity for permitted areas to be reviewed to ensure they are fit for purpose and align with community feedback. There will	• Small costs for operators who are required to apply for a licence. • Administrative and enforcement workload for Council staff. However, Councils have existing application processes in place to support implementation. • Council resources required to undertake further bylaw reviews.

Advantages of a Bylaw	Disadvantages of a Bylaw
be an opportunity for the wider community to provide feedback during formal consultation.	

Public Places (including Parks and Reserves)

As noted above, public places are open to everyone to enjoy. This means that competing interests can create obstructions, health and safety concerns, or a negative environmental impact.

Alternative approaches to addressing problems that may arise in public places (including parks and reserves) include relying on existing legislation (e.g. Reserves Act 1977), public education, or Crime Prevention through environmental design (CPTED). The advantages and disadvantages of a bylaw over these alternatives are outlined below.

Advantages of a Bylaw	Disadvantages of a Bylaw
• Enables Council to regulate a broader range of activities than that available through other mechanisms. • A bylaw helps minimise the risk of damage, nuisance and obstructions in public places. • A bylaw is consistent with the current approach which is familiar to staff and the community. It also supports a consistent approach throughout Wairarapa. • Review has provided an opportunity to address new perceived problems (e.g. obstruction of footpaths by sandwich boards and outdoor dining).	• Administrative and enforcement workload for Council staff. However, Councils have existing processes in place to continue to support implementation. • Small costs for business owners who wish to utilise public places for outdoor dining. • Council resources required to undertake further bylaw reviews.

Prevention of Nuisance from Fire and Smoke

Fire and smoke can cause a nuisance or health risk to the community. This Part provides the necessary regulatory support to manage the nuisance and health risk caused from fire and smoke.

Alternative approaches to manage nuisance and health risk from fire and smoke include reliance on the powers of Fire and Emergency New Zealand (FENZ) under

the Fire and Emergency Act 2017 or Greater Wellington Regional Council (GWRC) under the Regional Plan.

Environmental Health Officers (EHOs) also have powers available under the Health Act 1956 without a bylaw in relation to nuisance (refer section 29 for definition of nuisance under the Health Act 1956). This enables EHOs to respond to smoke which is offensive or likely to be injurious to health from the following:

- Chimney of a private dwelling house or ship; and
- Burning of waste, rubbish, or refuse in connection with any trade, business, manufacture or other undertaking procedures.

The review team note enforcement staff across the Wairarapa District Councils have requested revoking this Part as part of the review, with a preference to rely on powers under the Health Act 1956. However, legal advice has indicated this may limit Council's ability to respond to other incidents that may create a nuisance or health risk (e.g. smoke from a burn off by a private person burning rubbish in backyard).

The advantages and disadvantages of a bylaw are outlined below.

Advantages of a Bylaw	Disadvantages of a Bylaw
• A bylaw enables Council to regulate instances of nuisance and health risk arising from fire and smoke that cannot already be managed without a bylaw under the Health Act 1956. • Key stakeholders (e.g. GWRC) support Council maintaining its existing role in relation to nuisance from fire and smoke. • Is consistent with the approach of other councils.	• Council enforcement staff support revoking this Bylaw part and relying on powers under the Health Act 1956. The draft Bylaw includes an explanatory note to state that where applicable, the Council will use its powers under the Health Act 1956 before acting under this Part of the Bylaw. • Council staff have noted a Bylaw can be difficult to enforce due to lack of presence of the person(s) who started the fire, and 'neighbours at war' situations being common. Including specific conditions to proactively minimise nuisance or health risk and support improved enforceability (e.g. by setting minimum boundary distances for the location of outdoor fires or the requirement for outdoor fires to be supervised) may overlap with FENZ controls and create confusion for the community. • May increase Council's regulatory role and enforcement

Advantages of a Bylaw	Disadvantages of a Bylaw
	burden than if a Bylaw was not in place.

Keeping of Animals, Poultry and Bees

Keeping animals can cause a nuisance or health and safety risk to the community. Alternative approaches to managing the perceived problems identified include reliance on existing legislation (e.g. Animal Welfare Act 1999), controls in the Wairarapa Combined District Plan (e.g. provisions on the keeping of goats) and/or public education. The advantages and disadvantages of a bylaw over these alternatives are outlined below.

Advantages of a Bylaw	Disadvantages of a Bylaw
- Provides Council with a regulatory tool to control the keeping of animals (including pigs, poultry, bees, livestock and cats) within the region to ensure they do not create a nuisance or endanger health. - Provides Council with the ability to regulate new and emerging issues that are offensive such as the slaughtering of animals. - Review of the Bylaw provides an opportunity for the community to provide feedback on the keeping of animals.	- Proposed amendments may increase Council's regulatory role and enforcement burden (e.g. new provisions on slaughter of stock). - Council resources required to undertake further bylaw reviews.

Perceived Problem 2: Public safety concerns, nuisance, damage or misuse resulting from the unregulated use of cemeteries and crematoria

Cemeteries and Crematorium are important to our community and a balance is needed between pragmatic management and meeting the needs of the community. Section 146 of the LGA enables councils to make bylaws for the purposes of managing, regulating against, or protecting cemeteries from damage, misuse or loss, or for preventing the use of the land, structures or infrastructure associated with cemeteries. The Burials and Cremation Act 1964 (sections 16 and 40) enables councils to make bylaws for cemeteries and crematorium under its control.

Alternative approaches to managing the perceived problems identified include relying on existing legislation and regulations (e.g. Burial and Cremation Act 1964), public education, development of an administration manual or handbook, or reliance on existing strategies or plans. The advantages and disadvantages of a bylaw over these alternatives are outlined below.

Advantages of a Bylaw	Disadvantages of a Bylaw
• Ensures a robust framework to protect the health and safety of the community and enables staff to proactively control activities. • Cemeteries are inherently sensitive and have a high level of significance across the community. A bylaw enables the use of enforcement powers and penalties under the LGA and Burial and Cremations Act 1964 for breaches of the bylaw, including removal of memorials without permission. • Ensures continuation of a joined-up approach across Wairarapa. • A bylaw is consistent with the Council's current approach which is understood by staff and the community. • Consistent with Council's previous decision on the most appropriate way to manage cemeteries and crematoria. • Consistent with Council's community outcomes and aim to promote the wellbeing of communities now and into the future. Review of the Bylaw provides an opportunity to ensure the bylaw meets current drafting practice and for the community to provide feedback on the management and use of service of cemeteries.	• Bylaws are less flexible than alternative approaches such as a Cemeteries Handbook and it is more difficult to address new circumstances because the bylaw must be updated using the special consultative procedure. • Alternative strategies have the advantage of providing a non-adversarial approach and reduce Council's regulatory role and enforcement burden. • Staff resources required to undertake further reviews.

Perceived Problem 3: Road safety or environmental issues caused or made worse by an unregulated roading network

An unregulated roading network can create safety risks for road users. Section 145 of the LGA enables councils to make a bylaw for the purposes of protecting the public from nuisance, promoting and maintaining public health and safety, and minimising the potential of offensive behaviour in public places. Section 22AB of the Land Transport Act 1998 also enables road controlling authorities to make bylaws for road-related matters.

Alternative approaches to managing traffic and parking includes reliance on existing legislation and regulation (e.g. Local Government Act 1974, Land Transport Rules, Government Roading Powers Act 1989), the Transport Chapter of the Wairarapa Combined District Plan, or other policies and public education. The advantages and disadvantages of a bylaw over these alternatives are outlined below.

Advantages of a Bylaw	Disadvantages of a Bylaw
• A bylaw provides Council with a regulatory tool to manage the roading network, including the ability to regulate vehicles, road use and parking. It enables the use of enforcement powers under the Local Government Act 2002 and Land Transport Act 1998. • Enables Council to dedicate parking zones and issue parking infringements to encourage compliance. • A bylaw is consistent with the Council's current approach which is understood by staff and the community. • Review of the Bylaw provides an opportunity to ensure the bylaw meets current drafting practice, respond to key stakeholder concerns and enables the community to provide feedback.	• Council's regulatory role and enforcement burden and workload for staff (e.g. parking wardens) • Council resources required to undertake further reviews.

Perceived Problem 4: Public health risks, including injury, infection and communicable diseases, caused by beauty related practices

Beauty therapy practices (including skin piercing and tattooing) can pose health risks as they can either pierce, break or burn the skin or tissue. Section 145 of the LGA enables councils to make a bylaw to promote and maintaining public health and safety and section 64 of the Health Act 1956 enables councils to make bylaws to improve, promote, or protect public health.

Alternative approaches to managing health risks include reliance on the limited available provisions of the Health Act 1956 or public education (e.g. developing a Code of Practice).

The advantages of and disadvantages of a Bylaw over the alternative strategies identified are outlined below.

Advantages of a Bylaw	Disadvantages of a Bylaw
• A bylaw provides a regulatory tool to manage risks associated with the beauty therapy, tattooing and skin piercing industry where there is currently no national regulation. • Commercial services such as tattooing, body piercing, hair removal, and nail services have some associated health and hygiene risks for consumers. The bylaw offers protection to customers from health and hygiene risks. • A bylaw helps provide consistent standards and local guidance for all operators throughout Wairarapa. • Consistent with Council's previous approach which is understood by staff, operators and the community. • Supported by key stakeholders including Te Whatu Ora Health New Zealand and industry associations. • Review of the Bylaw provides an opportunity for the community to provide feedback that can be taken into consideration. This includes the ability to future proof for new and emerging beauty practices, and to ensure the Bylaw responds appropriately to cultural practices (e.g. tā moko).	• Some compliance costs for operators. • May increase Council's regulatory role and enforcement burden. • Council resources required to undertake further reviews.

Perceived Problem 5: Interference with, damage to and misuse of the waters network (water supply, wastewater (including trade waste), as well as public health risks

The water and wastewater networks can be adversely impacted by customer activity, causing potential damage to infrastructure or creating health and safety risks. Section 146 of the LGA enables councils to make bylaws for the purposes of regulating trade waste and on-site wastewater disposal systems. It also enables councils to make bylaws for managing, regulating against, or protecting water supply and wastewater

infrastructure from damage, misuse, or loss, or for preventing the use of water supply and wastewater infrastructure.

Alternative approaches to managing the water and wastewater networks include reliance on legislation (e.g. Water Services Act 2021), Council Infrastructure Strategies and Assessment Management Plans, relevant codes and standards, the proposed Wairarapa Combined District Plan or policies.

The advantages of and disadvantages of a Bylaw over the alternative strategies identified are outlined below.

Advantages of a Bylaw	Disadvantages of a Bylaw
- Provides Council with a regulatory tool and addresses the problem by protecting the water supply and wastewater network from damage, misuse and interference (e.g. illegal connections). Council can take enforcement action which allows for breaches to be addressed. - Provides transparency and less risk of inconsistency or conflict. Clarifies the responsibility and ownership of the public vs private network. - Provides ability for Council to control the quality of trade waste discharges into the network through classifying trade waste according to its discharge characteristics. - Processes required to implement the bylaw are already in place. - A bylaw provides a well-recognised mechanism for monitoring and investigating activities and behaviours that can result in harm to the water supply and wastewater networks. A bylaw is anticipated as a mechanism under s146 of the LGA. - Compliance with bylaw requirements reduces risk of Council breaching regional council consent limits. - Enables Council to recover reasonable costs. - Review provides Council with an opportunity to strengthen the bylaw by addressing gaps such as	- Financial costs associated with enforcement. - Costs for trade waste monitoring and education (e.g. issuing permits, inspections). - The community may perceive it unnecessary to consult on a new bylaw with changes to water services under the Government's Local Water Done Well programme. Messaging will address this by reiterating Council's requirement to be able to continue to regulate until the new entity is operational.

Advantages of a Bylaw	Disadvantages of a Bylaw
tightening definitions or including solutions for emerging problems. Review will provide opportunity for the community to provide feedback.	

8 Could the Bylaw be improved?

Council staff, including departments that administer and enforce the Bylaw, broadly support its framework. Staff support a consistent approach across Wairarapa and consider the ability to amend Schedules for each district via Council resolution an advantage of the existing Bylaw.

New concerns raised are discussed throughout section 6.2. Staff have also identified further opportunities to improve the form of the existing bylaw parts. This includes ensuring the bylaws reflect current legislation, regulation, codes and standards and modern drafting practices, and improving the flow and readability.

9 Implementation of the Bylaw

The Wairarapa Consolidated Bylaw is administered by several departments, with each Council responsible for administering and enforcing the Bylaw individually.

8.1 Powers and penalties to enforce the bylaw

The Bylaw identifies a range of powers and penalties that may be used to enforce the Bylaw. Council may also take other action under the Bylaw to encourage compliance, such as the ability to revoke or suspend a licence.

Legislation	Enforcement powers and penalties
Local Government Act 2002	s242 – court fine on successful prosecution not exceeding \$20,000 (excludes trade waste which is not exceeding \$200,000) s162 – ability to apply to the District Court for an injunction to restrain a person from committing a breach s163 – ability to remove or alter works or a thing constructed in breach of a bylaw and to recover the costs from the person who committed the breach s164, 165, 167, 168 – seizure and impounding of property s171, 172, 173 and 182 – Powers of entry onto private property s187 – Power to recover costs incurred

Legislation	Enforcement powers and penalties
	s175 – Power to recover costs for damage by wilful or negligent behaviour s176 - Cost recovery for remedying damage arising from breach of bylaw
Land Transport Act 1998	s22AB – prescribing fines
Land Transport (Offences and Penalties) Regulations 1999	Schedule 1B – Infringement fees for certain breaches of parking, speeding and overloading
Health Act 1956	s66 - Court fine on successful prosecution not exceeding \$500 for Bylaw breach, and further fine not exceeding \$50 per day for continuing offence.

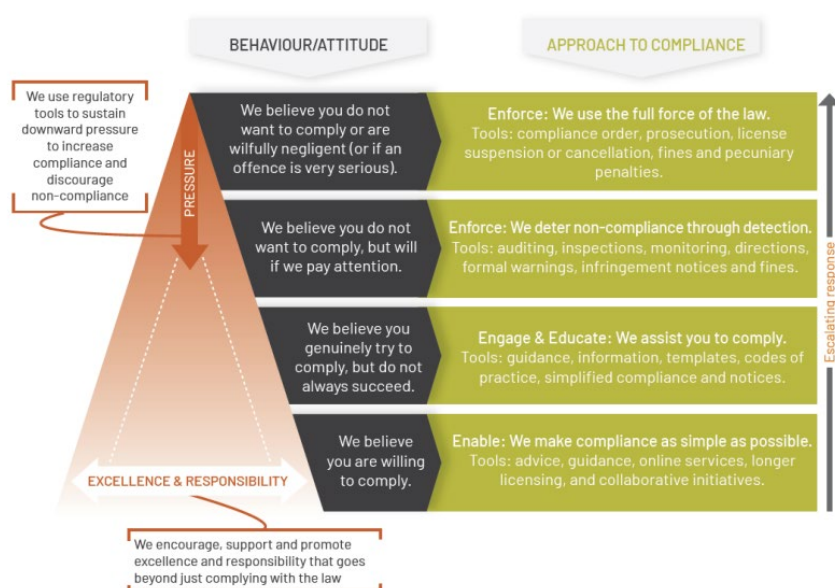
8.2 Compliance approach

Each of the Wairarapa District Councils are responsible for enforcement of the bylaw within their own district.

The Masterton District Council Enforcement Policy outlines that MDC takes a broad-spectrum approach to encourage the highest levels of compliance, targeting interventions according to the individual's or group's willingness to comply, and the seriousness of the offence.

This approach is illustrated in the compliance pyramid on the following page. At the bottom of the pyramid are those who are willing to comply, and at the top are those who resist compliance. The pyramid is designed to create downward pressure i.e. to move those who are non-compliant down the pyramid to full compliance, where lower level and less costly interventions can be utilised.

Applying the available enforcement options outlined in the model provides clear direction to our community on the expectations and likely response from MDC to those failing to comply.



South Wairarapa and Carterton District Councils follow a similar graduated compliance approach.

We understand that by using this approach, councils often do not need to use the full range of provided by the bylaw.

8.3 Setting of fees and charges

Fees and Charges for activities included in the Bylaw are set individually by each of the Wairarapa District Councils. These are reviewed annually, as part of each councils Long Term or Annual Plan processes.

Links to the 2024/25 Fees and Charges are included below.

- [Masterton District Council 2024/25 Fees and Charges](#)
- [Carterton District Council 2024/25 Fees and Charges](#)
- [South Wairarapa District Council 2024/25 Fees and Charges](#)

Reference List

1. Carterton District Council Annual Report 2022/23, retrieved from www.cdc.govt.nz/your-council/publications/annual-reports
2. Masterton District Council Annual Report 2022/23, retrieved from www.mstn.govt.nz/council/annual-report
3. South Wairarapa District Council Annual Report 2022/23, retrieved from www.swdc.govt.nz/governance/reports
4. Carterton District Council Residents' Opinion Monitor 2022, retrieved from https://carterton.infocouncil.biz/Open/2022/06/CO_20220629_ATT_2180_EXCLUDED.HTM#PDF3_Attachment_13605_1
5. Masterton District Council Residents' Survey 2023, retrieved from <https://www.mstn.govt.nz/repository/libraries/id:2jr77ddvv17q9sn6a3db/hierarchy/Documents/Residents%20Survey/2023%20Masterton%20DC%20Residents%27%20Survey%20FINAL%20Report%2025072023.pdf>
6. South Wairarapa District Council 2023 Residents' Survey Results, retrieved from www.swdc.govt.nz/wp-content/uploads/Appendix-1-SWDC-Residents-Survey.pdf

Information was also obtained via personal communication with staff from organisations. These include:

- Carterton District Council
- Masterton District Council
- South Wairarapa District Council
- Accident Compensation Corporation (ACC).

Attachment 1: Wairarapa Consolidated Bylaw 2019



CARTERTON
DISTRICT COUNCIL



SOUTH WAIRARAPA
DISTRICT COUNCIL
Kia Reretahi Tātau

Wairarapa Consolidated Bylaw 2019

Part One Introductory

Commencement

The Wairarapa Consolidated Bylaw 2019 came into force throughout the Masterton, Carterton and South Wairarapa districts on 8 July 2019.

Adoption

Council	Bylaw/Amendments	Adoption Date
Masterton District Council	Consolidated Bylaw 2012: Parts One to Eighteen	14 August 2013
South Wairarapa District Council	Consolidated Bylaw 2012: Parts One to Six, Parts 8 and 9, Parts Eleven to Sixteen	31 July 2013
Masterton District Council Carterton District Council South Wairarapa District Council	Wairarapa Consolidated Bylaw 2019: Part One – Introductory	26 June 2019
Masterton District Council Carterton District Council South Wairarapa District Council	Wairarapa Consolidated Bylaw 2019: Parts One and Eleven. Revocation of Part 11: Speed. Amendments to Part 1: Introductory to reflect revoking of Part 11: Speed.	20 February 2023 (Masterton and South Wairarapa District Councils) 25 October 2023 (Carterton District Council)

Wairarapa Consolidated Bylaw 2019

Part 1 – Introductory

Contents

Foreword	3
1. Title and Commencement	3
2. Repeal	3
3. Scope.....	4
4. Definitions	4
5. Interpretation.....	13
6. Officers to Continue in Office.....	13
7. Serving of Orders and Notices.....	13
8. Powers of Entry	14
9. Licences	14
10. Suspension and Revocation of Licences	14
11. Dispensing Power.....	15
12. Forms	15
13. Fees and Charges	15
14. Removal of Works	15
15. Offences and Penalties.....	16

Referenced Documents

Reference is made in this Part to the following New Zealand legislation:

- Dog Control Act 1996
- Health Act 1956
- Land Transfer Act 2017
- Land Transport Act 1998
- Local Government Act 2002
- Reserves Act 1977
- Reserves and Domains Act 1953

Foreword

The Masterton, Carterton and South Wairarapa District Councils hereby make the following bylaw, pursuant to the Local Government Act 2002 (LGA) and all other legislation, powers and authorities enabling the Council to make bylaws.

This Part of the bylaw draws on the New Zealand Standard Introductory Model Bylaw from the New Zealand Standard 9201 series (NZS 9201). The NZS 9201 series are model bylaws covering various matters under local authority jurisdiction.

This Part contains definitions and provisions of a general nature which apply to all Parts of the Wairarapa Consolidated Bylaw 2019.

1. Title and Commencement

1.1. The title of this bylaw is the Wairarapa Consolidated Bylaw 2019.

1.2. The bylaw is divided into parts as follows:

Part	Title
1	Introductory
2	Public Places (including Parks and Reserves)
3	Selling of Goods or Services in Public Places
4	Prevention of Nuisance from Fire and Smoke
5	Water Supply
6	Keeping of Animals, Poultry and Bees
7	Cemeteries and Crematoria
8	Wastewater
9	Trade Waste
10	Traffic
	<i>Part 11: Speed revoked on 25 October 2023</i>
12	Beauty Therapy, Tattooing, and Skin Piercing

1.3. Except as otherwise provided in this bylaw, the bylaw including Parts 1 to 12 shall come into force throughout the Masterton, Carterton and South Wairarapa districts on 8 July 2019.

2. Repeal

2.1. The Masterton and South Wairarapa Consolidated Bylaw 2012 is revoked at the time of the Wairarapa Consolidated Bylaw 2019 coming into force.

2.2. All bylaws hereby revoked shall remain in full force and effect so far as relates to any application made, consent given, anything done or any offence committed, penalty incurred, prosecution or proceeding commenced, right or liability accrued, licence used, notice given, or order made, under or against any of the provisions thereof before the coming into force of this bylaw. All licences issued under any revoked bylaw shall, after the coming into operation of this bylaw, be deemed to have been issued under this bylaw and are subject to the provisions thereof.

- 2.3. All inspectors and other officers appointed by Council under, or for the purpose of, any revoked bylaw, and holding office at the time of this bylaw coming into force, shall be deemed to have been appointed under this bylaw.
- 2.4. All fees and charges fixed by resolution of Council in regard to any goods, services, inspections or licences provided for in any revoked bylaw, shall apply under the corresponding provisions of this bylaw until altered by further resolution of Council.

3. Scope

- 3.1. The purpose of Part 1 is to identify and clearly interpret those terms and expressions that are used throughout all Parts of this bylaw.
- 3.2. This Part outlines serving of orders and notices, powers of delegation and entry, suspension and revocation of licences, removal of works executed contrary to the bylaw dispensing powers, fees and charges, offences and breaches, and penalties for breach of bylaws.

4. Definitions

- 4.1. The definitions below apply to all Parts of this bylaw, unless otherwise stated. Definitions specific to, or different in the context of, a particular Part of this bylaw, are provided in the relevant Part.

Agent: A person or business authorised to act on another's behalf.

Animal: Fish, bird, stock, poultry and any other vertebrate animal of any age or sex that is kept in a state of captivity or is dependent upon human beings for its care and sustenance but does not include humans or dogs.

Approval or Approved: Means approval or approved in writing by the Council, either by resolution of the Council or by an authorised officer of the Council for that purpose.

Authorised Agent: Any person who is not an employee of the Council but is authorised in writing by the Chief Executive or by the Council to act on its behalf.

Authorised Officer: Any officer or agent appointed by Council working within their delegations, including any officer for the time being appointed by the Council, as an enforcement officer under the LGA or the Land Transport Act 1998, or an Environmental Health Officer under the Health Act 1956, and includes a member of the police. Authorised Officers have powers of entry as prescribed by sections 171-174 of the LGA.

Building: A temporary or permanent, movable or immovable, structure (including a structure intended for occupation by people, animals, machinery, or chattels).

Carriageway: That portion of the road, (including any shoulder, edging, kerbing or channelling) devoted particularly to the use of travelling vehicles.

Cemetery: Any cemetery vested in or under the control of the Council from time to time but excludes any closed cemetery.

Cemeteries and Crematoria: Any crematorium maintained by the Council.

Certificate of Title: A certificate registering the freehold ownership of land available to any owner(s) under the Land Transfer Act 2017.

Chief Executive: The principal administrative officer of the Council, irrespective of the designation given to the officer, and includes any person for the time being appointed by the Council to perform the duties or a particular duty of the Chief Executive.

Combustible Material: Material capable of catching fire and burning.

Council: The Masterton, Carterton or South Wairarapa District Council and includes any officer authorised to exercise the authority of the Council.

Custodian: Any person for the time being appointed by the Council to control or manage or to assist in the control and management of any land, or premises belonging to, or under the jurisdiction of, the Council.

Debris: A collection of loose material derived from rocks or an accumulation of animal or vegetable matter, scattered items, or pieces of rubbish.

District: The district of the territorial authority established under the LGA, which has adopted this bylaw.

Dog: Includes any bitch, speyed bitch or puppy.

Dog Control Officer: A person appointed as a dog control officer pursuant to section 11 of the Dog Control Act 1996.

Dog Ranger: A person appointed as a dog ranger by the territorial authority pursuant to section 12 of the Dog Control Act 1996 and includes an honorary ranger.

Dwelling or Dwelling-house: Any house, vehicle or other structure, whether permanent or temporary, and whether attached to the soil or not, used in whole or in part for human habitation.

Emergency Vehicle: A vehicle used for attendance at emergencies and operated:

- by an enforcement officer:
- by an ambulance service:
- as a fire service vehicle:
- as a civil defence emergency vehicle:
- as a defence force emergency vehicle.

Enactment: The whole or part of an Act or regulation.

Enforcement Officer: Means:

- a person appointed by a local authority under section 177 of the LGA, to exercise the powers of an enforcement officer in relation to offences against, and infringement offences under the LGA, including enforcement of the bylaws of the local authority; or
- a constable; or
- a Police employee who is not a constable who is authorised for the purpose by the Commissioner of Police; or
- a person who is appointed to that office by warrant under section 208 of the Land Transport Act 1998 or who holds that office by virtue of that Act.

Environmental Health Officer: An Environmental Health Officer appointed by the Council in accordance with section 28 of the Health Act 1956.

Fees and Charges: The list of items, terms, and prices for services associated with providing Council services, adopted by the Council in accordance with the LGA 2002 and the Local Government (Rating) Act 2002.

Footpath: So much of any road as is laid out or constructed by authority of the Council primarily for pedestrian use, and includes the edging, kerbing, and channelling thereof.

Freight Container: An article of transport equipment that is:

- of a permanent character and strong enough to be suitable for repeated use;
- specifically designed to facilitate the transport of goods, by one or more modes of transport, without intermediate loading; and
- designed to be secured and readily handled having fittings for these purposes.

Goods: Any product or service.

Heavy Motor Vehicle: A motor vehicle that has a gross vehicle mass exceeding 3,500kg.

Household Refuse and Litter: Sweepings, dust, paper, bottles, bones and waste food, cans, cartons, or other food containers (non-recyclable), or any other refuse arising or resulting from domestic housekeeping operations.

Infringement Fee: The amount prescribed by regulations under section 259 of the LGA, for committing an infringement offence.

Infringement Offence: An offence for which any person can be punished on conviction, by summary process, or by an infringement process. Infringement offences are specified by regulation made under section 259 of the LGA.

Kennel: Any building or structure intended or occupied for use or, used solely or principally as a shelter for a dog or dogs, and includes any enclosed space for a dog run attached or adjacent to such building or structure.

Licence: A licence or approval issued under this bylaw.

Litter: Any refuse, rubbish, animal remains, glass, metal, garbage, material, debris, dirt, filth, rubble, ballast, stones, earth, or waste matter or any other thing of a like nature.

Local Authority: A regional council or territorial authority.

Long-Term Plan: A long-term plan adopted under Section 93 of the LGA.

Memorandum of Encumbrance: An agreement for the payment by any person or persons, by yearly or periodical payments or otherwise of any annuity, rent, charge, or sum of money other than a debt where land owned by the person or persons is legally defined and used as security should failure to pay occur.

Metered Area: Any road or portion of a road or any area of land or any building owned or controlled by the Council, which is authorised by resolution of Council to be used as a parking place, and at which parking meters or multiple space parking meters are installed and maintained.

Metered Parking Space: Any part of a road, or a space, within a metered area or multiple space parking meter area, indicated by and lying within, markings made by the Council for parking of vehicles.

Minor Earthworks: Any alteration to the contours of the land and includes the excavation, backfilling or recompaction of metal backfill, topsoil or vegetation.

Mobility Parking Permit: A permit or concession card, issued by the New Zealand Crippled Children Society (CCS) Incorporated, to persons with physical disabilities for the purpose of its operation mobility programme.

Mobility Parking Space: A parking space set aside for use by people who hold a mobility parking permit.

Motor Vehicle: A vehicle drawn or propelled by mechanical power, and includes a trailer, but does not include:

- a vehicle running on rails;
- a trailer (other than a trailer designed solely for the carriage of goods) that is designed and used exclusively as part of the armament of the New Zealand Defence Force;
- a trailer running on one wheel and designed exclusively as a speed measuring device or for testing the wear of vehicle tyres;
- a vehicle designed for amusement purposes and used exclusively within a place of recreation, amusement, or entertainment to which the public does not have access with motor vehicles;
- a pedestrian-controlled machine;
- a vehicle that the Agency has declared under section 168A of the Land Transport Act 1998 is not a motor vehicle; or
- a mobility device.

Nuisance: Includes actual and potential nuisance. Without limiting the meaning of the term nuisance, a nuisance shall be deemed to be created in any of the following cases, in accordance with section 29 of the Health Act 1956:

- where any pool, ditch, gutter, watercourse, sanitary convenience, cesspool, drain, or vent pipe is in such a state or is so situated as to be offensive or likely to be injurious to health;
- where any accumulation or deposit is in such a state or is so situated as to be offensive or likely to be injurious to health;
- where any premises, including any accumulation or deposit thereon, are in such a state as to harbour or to be likely to harbour rats or other vermin;
- where any premises are so situated, or are in such a state, as to be offensive or likely to be injurious to health;
- where any building or part of a building is so overcrowded as to be likely to be injurious to the health of the occupants, or does not, as regards air space, floor space, lighting, or ventilation, conform with the requirements of this or any other Act, or of any regulation or bylaw under Health Act 1956 or any other legislation;
- where any factory, workroom, shop, office, warehouse, or other place of trade or business is not kept in a clean state, and free from any smell or leakage from any drain or sanitary convenience;
- where any factory, workroom, shop, office, warehouse, or other place of trade or business is not provided with appliances so as to carry off in a harmless and inoffensive manner any fumes, gases, vapours, dust, or impurities generated therein;
- where any factory, workroom, shop, office, warehouse, or other place of trade or business is so overcrowded while work is carried on therein, or is so badly lighted or ventilated, as to be likely to be injurious to the health of the persons employed therein;
- where any buildings or premises used for the keeping of animals are so constructed, situated, used, or kept, or are in such a condition, as to be offensive or likely to be injurious to health;

- where any animal, or any carcass or part of a carcass, is so kept or allowed to remain as to be offensive or likely to be injurious to health;
- where any noise or vibration occurs in or is emitted from any building, premises, or land to a degree that is likely to be injurious to health;
- where any trade, business, manufacture, or other undertaking is so carried on as to be unnecessarily offensive or likely to be injurious to health;
- where any chimney, including the funnel of any ship and the chimney of a private dwelling-house, sends out smoke in such quantity, or of such nature, or in such manner, as to be offensive or likely to be injurious to health, or in any manner contrary to any regulation or Act of Parliament;
- where the burning of any waste material, rubbish, or refuse in connection with any trade, business, manufacture, or other undertaking produces smoke in such quantity, or of such nature, or in such manner, as to be offensive or likely to be injurious to health;
- where any street, road, right of way, passage, yard, premises, or land is in such a state as to be offensive or likely to be injurious to health;
- where any well or other source of water supply, or any cistern or other receptacle for water which is used or is likely to be used for domestic purposes or in the preparation of food, is so placed or constructed, or is in such a condition, as to render the water therein offensive, or liable to contamination, or likely to be injurious to health; or
- where there exists on any land or premises any condition giving rise or capable of giving rise to the breeding of flies or mosquitoes or suitable for the breeding of other insects, or of mites or ticks, which are capable of causing or transmitting disease.

Occupier: The inhabitant occupier of any property and, in any case where any building, house, tenement, or premises is or are unoccupied includes the owner.

Offence: Any act or omission in relation to this bylaw for which any person can be punished either on conviction or by summary process.

Owner: As applied to any land, building, or premises, means any person for the time being entitled to receive the rent for such property, or who would be so entitled if it were let to a tenant at a rack rent, and where any such person is absent from New Zealand, includes their attorney or agent.

Parking Meter: A single space parking meter or a multiple space parking meter or a pay and display parking meter (including the stand to which the parking meter is attached) installed under this bylaw being an instrument designed for the purpose of:

- measuring and showing the period of time paid for or which remains to be used; or
- issuing a receipt showing the period of time paid for and accordingly which remains to be used.

Parking Place: A place (including a building) where any class of vehicle, may wait, and includes:

- all necessary approaches and means of entrance to, and exit from, any such place;
- all such buildings, ticket offices, waiting rooms, cloak rooms, structures, appliances; and
- any other facilities as the Council considers necessary or desirable for the efficient use of that place for the purpose for which it is provided and the collection of charges in relation to that use.

Parking Warden: A parking warden appointed under section 128D of the Land Transport Act 1998.

Passenger Service Vehicle: A vehicle used or available for use in a passenger service for the carriage of passengers; but does not include:

- a vehicle designed or adapted to carry 12 or fewer persons (including the driver) provided by one of the passengers being carried; or
- a vehicle specified as an exempt passenger service vehicle in the regulations and rules.

Person: A natural person, corporation sole or a body of persons whether corporate or otherwise.

Potable: In relation to drinking water, means water that does not contain or exhibit any determinants to any extent that exceeds the maximum acceptable values (other than aesthetic guideline values) specified in the drinking-water standards issued or adopted under section 69O of the Health Act 1956.

Poultry: Any live domesticated or farmed bird including but not limited to: fowl, goose, duck, pigeon, turkey, parrot, budgerigar, pheasant, canary, ostrich, guinea fowl, or emu.

Premises: Any land, dwelling, storehouse, warehouse, shop, cellar, yard, building, or part of the same, or enclosed space separately occupied, and all lands and associated additions, buildings, and places adjoining each other and occupied together are deemed to be the same premises.

Private Road: Any roadway, place, or arcade laid out or formed within a district on private land, by the owner thereof, but intended for the use of the public generally.

Privateway: Any way or passage whatsoever over private land within a district, the right to use which is confined or intended to be confined to certain persons or classes of persons, and which is not thrown open or intended to be open to the use of the public generally.

Public Notice: In relation to a notice given by a local authority, means

- a notice published in:
 - 1 or more daily newspapers circulating in the region or district of the local authority; or
 - 1 or more other newspapers that have at least an equivalent circulation in that region or district to the daily newspapers circulating in that region or district; and
- includes any other public notice that the local authority thinks desirable in the circumstances.

Public Place: A place that:

- is within the territorial authority's district; and
- is open to, or being used by, the public, whether or not there is a charge for admission; and
- includes:
 - a road, whether or not the road is under the control of a territorial authority;
 - any part of a public place; and
 - any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward. (Dog Control Act 1996).

Reserve or Public Reserve: Has the same meaning as the Reserves Act 1977, being any land set apart for any public purpose, and includes:

- any land which immediately before the commencement of the Reserves Act 1977 was a public reserve within the meaning of the Reserves and Domains Act 1953;
- any land vested in the Crown which after the commencement of the Reserves Act 1977 is reserved or set apart under Part 12 of the Land Act 1948 or other lawful authority as a reserve, or alienated from the Crown for the purpose of a reserve;
- any land which after the commencement of the Reserves Act 1977 is vested in the Crown by or under the authority of any Act as a reserve;

- d) any land which after the commencement of the Reserves Act 1977 is taken, purchased, or otherwise acquired in any manner whatever by the Crown as a reserve or in trust for any particular purpose;
- e) any land acquired after the commencement of the Reserves Act 1977 in any manner by an administering body as a reserve within the meaning of the Reserves Act 1977, and any land vested in any local authority which, not theretofore being a public reserve, is by resolution of the local authority pursuant to section 14 declared to be set apart as a reserve;
- f) any private land set apart as a reserve in accordance with the provisions of any Act;
- g) any land which immediately before the commencement of the Reserves Act 1977 was a domain or public domain within the meaning of the Reserves and Domains Act 1953;
- h) any land, other than a national park within the meaning of the National Parks Act 1980, administered under the Tourist and Health Resorts Control Act 1908;
- i) any land taken or otherwise acquired or set apart by the Crown under the Public Works Act 1981 or any corresponding former Act, whether before or after the commencement of this Act, for the purposes of a reserve, a recreation ground, a pleasure ground, an agricultural showground, or a tourist and health resort;

but does not include:

- j) any land taken or otherwise acquired or set apart under the Public Works Act 1981 or any corresponding former Act, whether before or after the commencement of this Act, for any purpose not specified in paragraph (i);
- k) any land to which section 167(4) of the Land Act 1948 applies;
- l) any land taken, purchased, or otherwise in any manner acquired, whether before or after the commencement of the Reserves Act 1977, by a local authority, unless the land is acquired subject to a trust or a condition that it shall be held by the local authority as a reserve; or
- m) any Māori reservation.

Road: Includes:

- a) a street;
- b) a motorway;
- c) a beach;
- d) a place to which the public have access, whether as of right or not;
- e) all bridges, culverts, ferries, and fords forming part of a road or street or motorway, or a place referred to in paragraph (d); and
- f) all sites at which vehicles may be weighed for the purposes of the Land Transport Act 1998 or any other enactment.

Roading Authority: A territorial authority or New Zealand Transport Agency.

Roadway: That portion of the road used or able to be used for the time being for vehicular traffic in general.

Rural Area: Any area zoned rural in the Wairarapa Combined District Plan, unless otherwise stated.

Service Delivery Vehicle: Any vehicle being used for the purpose of delivering goods to the premises of any business or organisation and does not involve the sale of the goods to the general public in any public place.

Solarium: A commercial establishment containing one, or more, sun-tanning units. A sun-tanning device emits ultra violet radiation to produce a cosmetic tan.

Territorial Authority (TA): A city council or district council. Includes South Wairarapa District Council, Carterton District Council and Masterton District Council.

Traffic Control Device: A device used on a road for the purpose of traffic control; and includes any:

- sign, signal, or notice;
- traffic calming device; or
- marking or road surface treatment.

Urban Area: Any area zoned residential, commercial or industrial in the Wairarapa Combined District Plan, unless otherwise stated.

Vehicle: Has the same meaning as in the Land Transport Act 1998 being:

- a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and
- includes a hovercraft, a skateboard, in-line skates, and roller skates;
- but does not include:
 - a perambulator or pushchair;
 - a shopping or sporting trundler not propelled by mechanical power;
 - a wheelbarrow or hand-trolley;
 - a pedestrian-controlled lawnmower;
 - a pedestrian-controlled agricultural machine not propelled by mechanical power;
 - an article of furniture;
 - a wheelchair not propelled by mechanical power;
 - any other contrivance specified by the rules not to be a vehicle for the purposes of this definition; or
 - any rail vehicle.

Wastewater Authority (WWA): The Masterton District Council, Carterton District Council or South Wairarapa District Council, including their authorised agents, responsible for the collection, treatment and disposal of sewage.

Water Supply Authority (WSA): The Masterton District Council, Carterton District Council or the South Wairarapa District Council, or their authorised agents.

Working Day: Any day of the week other than:

- A Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, ANZAC Day, Matariki, the Sovereign's birthday, Labour Day; and day in the period commencing with the 25th day of December in a year and ending with the 2nd day of January in the following year.

Working Dog: Has the same meaning as in the Dog Control Act 1996, being:

- any disability assist dog; and
- any dog:
 - kept by the Police or any constable, the Customs Department, the Ministry of Agriculture, the Ministry of Fisheries or the Ministry of Defence, or any officer or employee of any such Department of State solely or principally for the purposes of carrying out the functions, powers, and duties of the Police or the Department of State or that constable, officer, or employee;
 - kept solely or principally for the purposes of herding or driving stock;
 - kept by the Department of Conservation or any officer or employee of that Department solely or principally for the purposes of carrying out the functions, duties, and powers of that Department;
 - kept solely or principally for the purposes of destroying pests or pest agents under any pest management [plan] under the Biosecurity Act 1993;
 - kept by the Department of Corrections or any officer or employee of that Department solely or principally for the purposes of carrying out the functions, duties, and powers of that Department;
 - kept by the Aviation Security Service established under section 72B(2)(ca) of the Civil Aviation Act 1990, or any officer or employee of that Service solely or principally for the purposes of carrying out the functions, duties, and powers of that Service;
 - certified for use by the Director of Civil Defence Emergency Management for the purposes of carrying out the functions, duties, and powers conferred by the Civil Defence Emergency Management Act 2002;
 - owned by a property guard as defined in section 9 of the Private Security Personnel and Private Investigators Act 2010 or a property guard employee as defined in section 17 of that Act, and kept solely or principally for the purpose of doing the things specified in section 9(1)(a) to (c) of that Act; or
 - declared by resolution of the territorial authority to be a working dog for the purposes of this Act, or any dog of a class so declared by the authority, being a dog owned by any class of persons specified in the resolution and kept solely or principally for the purposes specified in the resolution.

Writing, Written or Similar Term: Words, written, printed, painted, engraved; lithographed, or otherwise traced or copied.

5. Interpretation

- 5.1. In this bylaw the singular includes the plural and the plural includes the singular.
- 5.2. Words referring to any district, locality, place, person, office, officer, functionary, party or thing means each district, locality, place, person, office, officer, functionary, party, thing, to whom or to which the provision applies.
- 5.3. Every schedule to this bylaw forms part of this bylaw.
- 5.4. For the purposes of the bylaw, the word 'shall' refers to practices that are mandatory for compliance with this bylaw, while the word 'should' refers to practices which are advised or recommended.
- 5.5. If any Part of this bylaw includes a reference to a repealed enactment, it shall be read as a reference to its replacement.

6. Officers to Continue in Office

- 6.1. All officers appointed by the Council at the time this bylaw takes effect, are deemed to have been appointed under this bylaw.

7. Serving of Orders and Notices

- 7.1. Except as otherwise provided for in any other enactment, where any notice, order, or other document is required to be served on any person for the purposes of this bylaw, service may be affected by delivering it personally to the person or by sending it by registered post to that person's last known residential or business address.
- 7.2. If the person is absent from New Zealand, the order, notice, or other document may be served on the person's agent in the manner referred to in clause 7.1.
- 7.3. If the order, notice, or other document relates to land or buildings, then the order, notice, or other document should be served on the person who owns that land or buildings. However, if that person is not known, or is absent from New Zealand, or has no known agent in New Zealand, the order or notice may be:
 - a) served on the person who is occupying the land or buildings; or
 - b) if there is no person in occupation, put up on some conspicuous part of the land or buildings.
- 7.4. If a notice is issued under clause 7.3, it is not necessary in that notice to name the occupier or the owner of that land or buildings.
- 7.5. Where an order or notice is sent by registered post, the order or notice shall be sent so as to arrive no later than the latest time on which such order or notice is required to be served.
- 7.6. Any order or notice issued shall state the time within which the remedial action is to be carried out, and may be extended from time to time by written authority of an authorised officer.

8. Powers of Entry

- 8.1. Except where provided for under any other enactment, sections 171, 172, 173, and 182 of the LGA apply in relation to any power of entry under this bylaw.

9. Licences

- 9.1. Any person doing, or proposing to do, anything or to cause any condition to exist for which a licence from the Council is required under this bylaw, shall first obtain a licence from the Council or any authorised officer.
- 9.2. Every application for a licence shall be accompanied by the relevant fee. If the application for the licence is declined, the fee shall be refunded less any reasonable processing costs.
- 9.3. No application for a licence, and no payment of, or receipt for, any fee paid in connection with such application, confers any right, authority or immunity on the person making that application or payment.
- 9.4. Any licence is deemed to be issued in compliance with this bylaw if it is issued by an authorised officer, and every licence is subject to such conditions as may be imposed.
- 9.5. Unless this bylaw provides otherwise, every licence and every application for a licence shall be in such form as may be prescribed from time to time by the Council.
- 9.6. Unless this bylaw provides otherwise, a licence is not transferable, and no such licence authorises any person other than the licence holder to act in any way under its terms or conditions.
- 9.7. If, following a request for payment, any licence fee due remains unpaid, the licence shall immediately cease to have effect.

10. Suspension and Revocation of Licences

- 10.1. Unless this bylaw provides otherwise, should the licence holder be convicted of any offence relating to the holder's suitability as a licensee, the Council may immediately revoke or suspend the licence for any specified time.
- 10.2. The Council may by notice in writing call upon the licence holder to appear before the Council and give reasons why the licence should not be revoked or suspended, if any of the following are brought to the notice of the Council:
- a) that the licence holder:
 - (i) has acted or is acting in a manner contrary to the true intent and meaning of this bylaw;
 - (ii) has failed to comply with any of the conditions of the licence;
 - (iii) is in any way unfit to hold the licence;
 - b) that the premises for which the licence was issued is being used for any purpose other than that stated in the licence, or is in a state of disrepair contrary to the terms of the licence; or
 - c) that the bylaw is not being properly observed.

- 10.3. The Council may, if it considers the allegations correct or if there is no appearance by the licence holder, revoke or suspend the licence for any specified time.
- 10.4. A person whose licence has been suspended under this clause, and any premises for which that licence has been so suspended is, during the period of that suspension, deemed to be unlicensed.

11. Dispensing Power

- 11.1. Where in the opinion of the Council, full compliance with any of the provisions of this bylaw would needlessly or injuriously affect any person, or the course or operation of the business of, or bring loss or inconvenience to any person without any corresponding benefit to the community, the Council may, at its discretion, dispense with the full compliance with the provisions of this bylaw, provided that any other terms or conditions (if any) that Council may deem fit to impose shall be complied with by that person.

12. Forms

- 12.1. Wherever forms are prescribed in bylaws, slight deviations, but to the same effect and not calculated to mislead, do not invalidate those forms.

13. Fees and Charges

- 13.1. The Council may, by resolution publicly notified, prescribe fees to be charged for any certificate, authority, approval, permit, or consent from, or inspection by, the Council.
- 13.2. The setting of any fees or charges shall be in accordance with section 150 of the LGA.
- 13.3. Where a fee has been paid for a service that has not been given, the Council may provide a refund, a remission, or waiver of any such fee, or portion of it as the Council may determine.

14. Removal of Works

- 14.1. Where a notice served under section 7 of this Part of the bylaw has not been complied with, the Council, or any authorised officer or agent of the Council, may:
- a) remove or alter any work or thing constructed in breach of this bylaw (refer section 163 of the LGA); and/or
 - b) seize and impound property (refer sections 164, 165, 167 and 168 of the LGA).
- 14.2. The Council may recover from any person responsible for a breach of this bylaw, all expenses incurred by it in connection with such removal or alteration (refer section 163 of the LGA). This includes the cost of debt collecting and legal fees.
- 14.3. The exercise of this authority does not relieve any such person from liability for any penalty for erecting or permitting the continued existence of any such work, material or thing.

- 14.4. If, however the breach is such that public health, or safety considerations, or risk of consequential damage to Council assets is such that delay would create unacceptable results, the Council may take immediate action to rectify the defect, and recover all reasonable costs, as set out in clause 15.2.
- 14.5. On payment of all Council's costs, including storage where applicable, the lawful owner may claim any object, material or thing removed under clause 14.1.
- 14.6. If not claimed within a reasonable time, the Council may dispose of any object, material or thing as it sees fit and apply the proceeds to meet any outstanding costs. The lawful owner shall be entitled to claim any residual sum.

15. Offences and Penalties

- 15.1. Any person who breaches this bylaw commits an offence and may be liable for a penalty, as set out in section 242 of the LGA or under another enactment where a penalty for a particular breach of bylaw is specified.
- 15.2. Any person commits a breach of this bylaw who:
- a) does, or causes to be done, or knowingly permits or suffers to be done anything whatsoever contrary to or otherwise than as provided by this bylaw;
 - b) omits or neglects to do, or knowingly permits or suffers to remain undone, anything which ought to be done under this bylaw by that person at the time and in the manner provided by this bylaw;
 - c) knowingly permits or suffers any condition of or things to exist contrary to any provision contained in this bylaw;
 - d) obstructs or hinders any authorised officer of Council in the performance of any duty to be discharged by that officer under or in the exercise of any power conferred upon that officer by this bylaw; or
 - e) fails to comply with any notice or direction given under this bylaw.
- 15.3. Where it is suspected that any person has committed a breach of this bylaw, that person shall, on the direction of an authorised officer, provide their full name and address.
- 15.4. The Council may apply to the District Court for an injunction to restrain a person from committing a breach of this bylaw (refer section 162 of the LGA).



Wairarapa Consolidated Bylaw 2019

Part Two

Public Places (including Parks and Reserves)

Commencement

The Wairarapa Consolidated Bylaw 2019 came into force throughout the Masterton, Carterton and South Wairarapa districts on 8 July 2019.

Adoption

Council	Bylaw/Amendments	Adoption Date
Masterton District Council	Consolidated Bylaw 2012: Parts One to Eighteen	14 August 2013
South Wairarapa District Council	Consolidated Bylaw 2012: Parts One to Six, Parts 8 and 9, Parts Eleven to Sixteen	31 July 2013
Masterton District Council Carterton District Council South Wairarapa District Council	Wairarapa Consolidated Bylaw 2019: Part Two - Public Places (including Parks and Reserves)	26 June 2019

Wairarapa Consolidated Bylaw 2019

Part 2 – Public Places (including Parks and Reserves)

Contents

Foreword	3
1. Scope	3
2. Definitions.....	3
3. Public Safety and Nuisances	4
4. Fireworks	5
5. Obstructing Public Places	5
6. Damage to Public Places.....	6
7. Placing of Articles on Public Places.....	6
8. Control of Wheeled Recreational Devices.....	6
9. Exposing Articles for Sale.....	7
10. Vehicular Crossings.....	7
11. Trenching and Minor Earthworks.....	7
12. Assembly.....	8
13. Awnings and Blinds.....	8
14. Projections on Public Places not Permitted.....	8
15. Restrictions on Use of Barbed Wire and Electrified Fences	8
16. Road and Building Identification	9
17. Animals in Public Places.....	9
18. Overhanging Vegetation Liable to Obstruct	10
19. Additional Requirements for Reserves.....	10
20. Power to Set Fees	11
21. Offences and Penalties	11
22. Power to Amend by Resolution	11
First Schedule	12

Referenced Documents

Reference is made in this document to the following New Zealand legislation:

- Health Act 1956
- Litter Act 1979
- Local Government Act 2002
- Reserves Act 1977
- Sale and Supply of Alcohol Act 2012

Foreword

This Part of the bylaw is made under section 145 of the Local Government Act 2002 (LGA).

In addition, the Reserves Act 1977, Health Act 1956, Litter Act 1979 outline some of the powers and requirements of the Council in regard to streets, public places and reserves. Areas of control prescribed by this legislation are not necessarily repeated within this bylaw, and therefore the relevant sections of the LGA and other legislation should be read in conjunction with this Part.

This Part of the bylaw draws on New Zealand Standards 9201 series Public Places Bylaw.

Reference should be made to Wairarapa Consolidated Bylaw 2019: Part 1 - Introductory for any definitions not included in this Part.

If any provision of this Part is inconsistent with Part 1 – Introductory, then the provisions of this Part prevail.

1. Scope

- 1.1. This Part of the bylaw controls a diverse range of activities to ensure that acceptable standards of convenience, safety, visual amenity and civic values are maintained for the wellbeing and enjoyment of citizens, visitors and businesses within the district.
- 1.2. In particular, this Part addresses damage to public facilities such as roads, grass verges, garden areas and reserves. It also addresses activities within public places and reserves which may have an adverse effect on other users of these facilities.

2. Definitions

Aircraft: Means:

- any man-made device capable of flight including, but not limited to, aeroplanes, helicopters, gliders, hang-gliders, unmanned aerial vehicles (e.g. drones), hot air balloons and radio-controlled model aircraft; but
- does not include kites and balloons which are controlled from the ground via strings.

Berm: The edge of a road reserve between the kerb or surface water channel and property boundary.

Camp: To camp using one or more of the following:

- a tent or other temporary structure;
- a caravan; and/or
- a car, campervan house truck or other motor vehicle.

Does not include the temporary and short-term parking of a motor vehicle; recreational activities commonly known as day-trip excursions or resting or sleeping at the roadside in a caravan or motor vehicle to avoid driver fatigue.

Mind-Altering Substance: A substance, whether synthetic or naturally occurring, which may alter consciousness, mood or emotions, or which might intoxicate or impair or diminish mental capacity. It includes what is commonly known as solvent abuse, but does not include:

- medically prescribed substances ingested by the person for whom they were prescribed;
- substances purchased from a pharmacy without a medical prescription;
- nicotine; or
- alcohol as defined in the Sale and Supply of Alcohol Act 2012.

Mobility Device: Has the same meaning as in the Land Transport Act 1998, being a vehicle that:

- is designed and constructed (not merely adapted) for use by persons who require mobility assistance due to a physical or neurological impairment; and
- is powered solely by a motor that has a maximum power output not exceeding 1 500W; or
- a vehicle that the New Zealand Transport Agency has declared to be a mobility device under section 168A(1) of the Land Transport Act.

Ride a Wheeled Recreational Device: Having either one or both feet, or any other part of the body of any person, on the wheeled recreational device when it is moving.

Trenching: Includes any excavation including any auguring or thrusting carried out within or under a road or public place for the purpose of maintaining, locating or installing services.

Verandah: A portico, porch, shed, shade, awning, blind, covering, or like structure, and their supports, projecting into or over any part of a public place.

Wheeled Recreational Device: Means:

- a vehicle that is a wheeled conveyance (other than a cycle that has a wheel diameter exceeding 355mm) and that is propelled by human power or gravity; and
- includes a conveyance to which are attached one or more auxiliary propulsion motors that have a combined maximum power output not exceeding 300W.

3. Public Safety and Nuisances

3.1. Except with the prior permission of Council or an authorised officer, and then only in accordance with such conditions as may be imposed, a person shall not on any public place:

- a) place or leave litter or any material, good, thing, or substance that is likely to be hazardous or injurious to any person, or likely to create a nuisance;
- b) deposit in or around a public litter receptacle any household or trade refuse;
- c) interfere with any refuse which is awaiting collection by an authorised collector;
- d) drive any vehicle (excluding wheeled recreational devices and mobility devices) except on a formed road;
- e) drive any vehicle in a manner that is dangerous or inconsiderate to pedestrians or other vehicles;
- f) cause or allow any material, good, or thing to be deposited;
- g) leave any work, hole or excavation in a manner that could be a danger to anyone entering or using that public place;

- h) solicit any subscription, collection or donation, preach, lecture, perform, use a loud speaker , amplifier or similar device, or undertake any busking;
- i) distribute any printed or written material advertising any product, service or entertainment;
- j) fly from or land any aircraft, parachute or similar, except in an emergency;
- k) consume, inject or inhale any mind-altering substances or offer or sell such substances to any person;
- l) play any game or use any object including wheeled recreational devices, roller blades, roller skates, bicycles or motorised scooters, recklessly or in a manner which may intimidate, be dangerous or injurious or cause a nuisance to persons in the public place, or damage the public place;
- m) erect or place any structure on, over or under the public place except in compliance with any other Part of this bylaw;
- n) light any fire except at fireplaces specially provided, or in an appliance designed for outdoor cooking, subject to any restriction imposed by Fire and Emergency New Zealand on the lighting of fires; or
- o) camp in an area where a prohibition or restriction is set out in any Council bylaw.

NOTE: See South Wairarapa District Council's bylaw for Camping in Coastal Areas 2009.

- 3.2. Where any fence, wall, retaining wall or land adjacent to a public place is in a condition or state of disrepair which, in the opinion of an authorised officer could cause damage or injury to persons passing, the authorised officer may give notice requiring the owner or occupier to repair or remove the fence, wall or retaining wall, or make the land safe at the expense of the landowner.

4. Fireworks

- 4.1. Without the prior approval of Council, and then only in accordance with such conditions as may be imposed, no person shall set off fireworks or explosive material:
- a) in or on a public place; or
 - b) near a public place in a way that does, or is likely to, create a nuisance.

5. Obstructing Public Places

- 5.1. Except with the permission of the Council or an authorised officer, and then only in accordance with such conditions as may be imposed, a person shall not on any public place:
- a) obstruct the entrances to, or exits from, a public place;
 - b) place or leave any material, good, or thing, including signage, on a public place that could obstruct the public right of passage;
 - c) allow any gate or door on property abutting a public place, to swing over or across the public place or any part thereof; or
 - d) carry out any work on any motor vehicle in a public place, except in the case of any accident or emergency when repairs are necessary to allow the vehicle to be removed.

6. Damage to Public Places

- 6.1. Except with the permission of the Council or an authorised officer, and then only in accordance with such conditions as may be imposed, a person shall not in any public place:
- a) damage, interfere with, destroy or remove any grass plot, flower bed, tree, shrub or plant or any inscription or label relating to it;
 - b) sow or scatter the seed of any plant of any kind;
 - c) pollute, damage, deface or disfigure, apply graffiti, posters or advertising devices to, or interfere with any ornament, statue, building, structure, or facilities;
- NOTE: Nothing in this sub-clause shall prevent the Council from supplying or approving the installation of display boards in any public place for the purpose of allowing posters to be displayed announcing forthcoming functions or events,*
- d) cause or permit to be done any act whatsoever by which damage is caused to any public place, or any work or thing in, on, over or under the public place;
 - e) damage or interfere with any natural feature, animal or plant;
 - f) use any vehicle or be in control of an animal in any manner so that it damages any part of a public place;
 - g) drive or park any vehicle in a public place except in an area set aside for the driving or parking of vehicles;
 - h) remove any soil or other naturally occurring material found in a public place; or
 - i) open any drain or sewer on, or disturb or remove the surface of, any public place.
- 6.2. Any person carrying out authorised works on a public place shall provide reinstatement of the works to a standard approved by an authorised officer.
- 6.3. Any person wishing to gain access to a beach shall use a designated access where this is available.

7. Placing of Articles on Public Places

- 7.1. No signage shall be placed on any public place unless it meets the requirements for signage under the Wairarapa Combined District Plan.
- 7.2. All seating in public places must have prior Council approval.
- 7.3. A person shall not do, or permit or allow to be done:
- a) internment of cremation ashes on any reserve or other public place other than a designated cemetery upon presentation to the sexton of a burial warrant; or
 - b) scattering of cremation ashes at any reserve and only at other public places with permission of an authorised officer.

8. Control of Wheeled Recreational Devices

- 8.1. No person shall ride a wheeled recreational device in any area defined in the First Schedule attached to this Part of the bylaw.

- 8.2. A person may ride a wheeled recreational device on any footpath outside the areas defined in the First Schedule, providing the rider exercises reasonable care to ensure no damage is caused to any property and that reasonable consideration is made for other persons using the footpath.
- 8.3. Every person who commits an offence against this clause is liable to have the wheeled recreational device used impounded by an authorised officer.

9. Exposing Articles for Sale

- 9.1. Except as provided for by any other Part of this bylaw, no person shall expose for sale any article whatsoever on any footpath, or outside of any shop, shop window, or doorway abutting on any public place, so as to encroach on or over that public place, without the prior permission of Council, and then only in accordance with such conditions as may be imposed by Council.

10. Vehicular Crossings

- 10.1. Any person wishing to construct, repair, remove or widen any vehicular crossing shall first obtain approval from the Council, or resource consent if required.
- 10.2. An approval or resource consent provided by the Council under clause 10.1 shall be subject to such conditions concerning dimensions and materials as the Council may consider reasonably necessary to protect the road (including any footpath or berm) adjacent to the vehicular crossing, and to ensure safe and convenient use of the road by pedestrians and vehicles, and may include the payment of a bond to Council.
- 10.3. No person shall drive, ride, propel, or wheel any motor vehicle across any footpath or water channel in any public place otherwise than upon a crossing properly constructed under the provisions allowed under any Part of this bylaw.
- 10.4. If, in the opinion of the Council, any crossing is in a bad or unsafe state of repair, Council may by notice in writing, require the owner of the land which the crossing provides access to, to repair, reconstruct, or renew such crossing to the satisfaction of Council.

11. Trenching and Minor Earthworks

- 11.1. Any person wishing to undertake any trenching or minor earthworks within or under any road or public place, shall first apply for and obtain a road opening notice from the Council. The application shall contain detailed information on all aspects of the works proposed to be undertaken.
- 11.2. A road opening notice issued by the Council under clause 11.1 may be subject to such conditions as the Council may consider reasonable and shall also ensure safe and convenient use of the road or public place by pedestrians and vehicles.

12. Assembly

- 12.1. No person shall, except with permission from the Council, and then only in accordance with such conditions as may be imposed:
- a) participate in any assembly or associate with other persons in a public place in such a way as to impede pedestrian or vehicular traffic or to prevent or hinder ready access to shops or premises facing onto the public place; or
 - b) organise or conduct any meeting, gathering, demonstration, parade, procession or competition in a public place.

13. Awnings and Blinds

- 13.1. No person, except with the permission of an authorised officer, shall
- a) erect or maintain, or cause to be erected or maintained, any awning over any public place; or
 - b) hang any awning, blind, or screen from any portico on any public place.
- 13.2. In granting permission under clause 13.1, an authorised officer may set such conditions as deemed appropriate. Any such permission may be revoked at any time by an authorised officer.

14. Projections on Public Places not Permitted

- 14.1. Except where permitted by any other Part of this bylaw or by Council consent, no person shall put any portico, projecting window, balcony, wall, lamp, door step, cellar door, lamp post, signboard, window shutter, gate post, or other obstruction or projection of any kind whatsoever in, on, over or under a public place or in such a position as to interfere with or obstruct in any way the free passage of pedestrians or traffic upon any public place.
- 14.2. Clause 14.1 shall not apply to any verandah or awning erected pursuant to a requirement of the District Plan.
- 14.3. If any such projection or obstruction as described in clause 14.1 has been placed against, or in front of, any building before the coming into operation of this bylaw, and which is contrary to any bylaw in force, Council may give notice to the owner or occupier of such building to remove, or to alter such projection or obstruction, and such owner or occupier shall, within the time stated in such notice, remove, or alter such projection or obstruction.
- 14.4. No person shall stand on any verandah erected over a public place except for the purpose of inspection, maintenance or exiting in the case of fire.

15. Restrictions on Use of Barbed Wire and Electrified Fences

- 15.1. Except with the permission of an authorised officer, no person shall erect, or permit to be erected, any electrified fencing or barbed wire along, or within one metre of, any boundary line between any land or building on the one side, and any public place on the other side.

- 15.2. Clause 15.1 shall not prohibit the placing of such barbed wire at a height of not less than two metres, or electrified fencing not less than three metres from the level of the ground, of any such public place.
- 15.3. Clause 15.1 shall not apply within any land zoned rural under the Wairarapa Combined District Plan except when the fence abuts or adjoins a footpath, provided that Council may from time to time by resolution, specify conditions that will apply to temporary electric fences.

16. Road and Building Identification

- 16.1. The Council shall have the exclusive right to cause to be painted or affixed on a conspicuous part of a building, the name of the road, private road or public place to which it has frontage.
- 16.2. Notwithstanding that a building or property is identified by other means, the owner or occupier of every building or group of buildings forming part of a complex or of the property shall mark such building or complex with numbers no less than 50mm in height for residential buildings and not less than 150mm in height for all other buildings. Numbers shall be as allocated or approved by an authorised officer and displayed in a position so as to be readily visible from the road to which it has frontage.
- 16.3. Numbers required by clause 16.2 shall be maintained by the owner or occupier in such a manner as to readily identify the property at all times.
- 16.4. Council shall have power at any time to alter the number of any building where in the Council's opinion it may be necessary or advisable to do so.

17. Animals in Public Places

- 17.1. No person shall take or allow any animal under their care or control onto any public place if the Council has, by bylaw, resolution or public notice, prohibited entry of that type of animal to that public place.

NOTE: See also the Dog Control Bylaw.

- 17.2. No person shall:
- a) permit any animal to be on a reserve, unless:
 - i. a Council bylaw allows the animal on the reserve;
 - ii. prior permission has been granted by an authorised officer; or
 - iii. the reserve has been booked for an event allowing the presence of animals.
 - b) graze animals in any public place except in accordance with clause 17.7 below.
- 17.3. Any person having control of an animal on any public place shall ensure that the animal is kept under proper control:
- a) so as not to create a danger or nuisance for other persons using the public place; and
 - b) to ensure that no damage is caused to the public place, any part thereof or to any object or other animal thereon.
- 17.4. Any person being the owner of, or having control of, any animal in a public place shall immediately remove any faeces deposited by that animal and dispose of in a sanitary manner.

- 17.5. Every person being the owner or having the care, custody or control of any animal, shall keep and prevent the same from wandering or being at large without proper control on any public place. The occupier shall maintain sufficient animal proof fencing the road boundary of the property.
- 17.6. The Council may seize and confine any loose animal found in a public place, in breach of this Part or any other Council bylaw, resolution or notice. The owner of the animal is responsible for fees and costs incurred by Council in securing the animal.
- 17.7. During daylight hours, with the prior approval of an authorised officer, animals may be grazed on a rural road verge adjoining land owned or occupied by the owner of the animal, or on a road verge adjoining land owned by another person with the prior consent of that person, if:
- a) the animals are confined within a temporary fence considered by an authorised officer to be sufficient to prevent that animal from accessing or damaging such a place; or
 - b) the animals are controlled by a sufficient number of adult drovers to prevent the animal from obstructing the carriageway and from wandering beyond the control points.

18. Overhanging Vegetation Liable to Obstruct

- 18.1. No person shall permit or allow vegetation to encroach on to or over any public place so as to obstruct or interfere with the free and safe movement of persons using that public place. The Council or authorised officer may, by notice, require the owner or occupier to cut back and remove the encroaching vegetation within 14 days from the date of the notice.
- 18.2. Should the owner or occupier fail to comply with the notice, then the Council may arrange the removal of the vegetation and recover the cost of removal from the owner or occupier.
- 18.3. Unless otherwise approved by an authorised officer, overhanging vegetation shall be cut back to a minimum height of 2.7 metres.

19. Additional Requirements for Reserves

- 19.1. Subject to the provisions of this Part of this bylaw, every reserve shall be open to the public at all times, except during such hours as the Council or an authorised officer may determine that any reserve shall be closed to the public.
- 19.2. An authorised officer may from time to time and for such periods as deemed necessary, set aside areas of a reserve, for the exclusive use of particular groups or for particular kinds of recreational activities thereon. Council may charge for the right to have exclusive use of a reserve.
- 19.3. The Council may fix charges for the entry to a reserve (refer section 106 of the Reserves Act 1977), and it shall be an offence against this Part of the bylaw to enter a reserve without having paid the proper charge for entry, if a charge is payable.
- 19.4. An authorised officer may close or restrict entry to all of, or any portion of, a reserve at such times as are considered necessary to prevent damage to, or allow maintenance of the reserve. Such closure shall be advertised by signs at the entrances to the reserve. It shall be an offence against this Part of the bylaw to be found on a reserve at any time when the reserve is closed to public entry.

- 19.5. Every person committing a breach of the provisions of this Part of the bylaw shall, upon request by an authorised officer, immediately leave the reserve, and shall be prohibited from re-entering on the reserve for such period as the authorised officer deems necessary. Any person so ordered to leave shall still be liable to be prosecuted for the breach of the bylaw, and any person failing to leave with reasonable speed, to comply with a request to leave, shall commit a further offence.

20. Power to Set Fees

- 20.1. The Council may, by resolution publicly notified, set fees for the issue of any permit, licence or property number, or to claim any impounded animal or item, which may be required under this Part of the bylaw.

21. Offences and Penalties

- 21.1. Any person who breaches this Part of the bylaw commits an offence and may be liable to a penalty set out in section 242 of the LGA. Refer to Wairarapa Consolidated Bylaw 2019: Part 1 – Introductory (Section 15) for details of what broadly constitutes a breach of this Part.

22. Power to Amend by Resolution

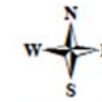
- 22.1. The Council may, by resolution publicly notified:
- a) add schedules;
 - b) make additions or deletions from the schedules; or
 - c) substitute new schedules.
- 22.2. Where Council intends to make a resolution under clause 22.1, consultation will be undertaken as required, in accordance with the requirements of section 156 of the LGA.

Masterton District

Areas where riding of wheeled recreational devices is prohibited on footpaths and other public places are as follows:

- Length of Queen Street from Renall Street to Bruce Street
- Bruce Street
- Church Street from Queen Street to Dixon Street
- Bannister Street from Queen Street to Dixon Street
- King Street
- Lincoln Road from Queen Street to Chapel Street
- Perry Street from Queen Street to Chapel Street
- Jackson Street from Queen Street to Chapel Street
- Northeast side of Renall Street from Queen Street to Chapel Street
- The north-eastern side of Chapel Street from Renall Street to Lincoln Road.
- Kuripuni Village (the full length of Crayne Street and Queen Street from Crayne Street to Dixon Street)
- The Town Square, bounded by Chapel Street, Cole Street, Perry Street and the Masterton District Council Municipal Building.

Prohibited Wheeled Recreation Devices – Central Business District



FIRST SCHEDULE

PROHIBITED SKATEBOARD AREAS - KURIPUNI SHOPPING DISTRICT





CARTERTON
DISTRICT COUNCIL



SOUTH WAIRARAPA
DISTRICT COUNCIL
Kia Reretahi Tātau

Wairarapa Consolidated Bylaw 2019

Part Three

Sale of Goods or Services in Public Places

Commencement

The Wairarapa Consolidated Bylaw 2019 came into force throughout the Masterton, Carterton and South Wairarapa districts on 8 July 2019.

Adoption

Council	Bylaw/Amendments	Adoption Date
Masterton District Council	Consolidated Bylaw 2012: Parts One to Eighteen	14 August 2013
South Wairarapa District Council	Consolidated Bylaw 2012: Parts One to Six, Parts 8 and 9, Parts Eleven to Sixteen	31 July 2013
Masterton District Council Carterton District Council South Wairarapa District Council	Wairarapa Consolidated Bylaw 2019: Part Three - Sale of Goods or Services in Public Places	26 June 2019

Wairarapa Consolidated Bylaw 2019

Part 3 – Sale of Goods or Services in Public Places

Contents

Foreword	2
1. Scope	2
2. Licence Required	2
3. Application.....	2
4. Conditions of Licence.....	3
5. Production of Licence	3
6. Licence not Transferable	3
7. Exemptions	4
8. Power to Set Fees	4
9. Offences and Penalties	4
10. Power to Amend by Resolution	4
First Schedule	5

Referenced Documents

Reference is made in this document to the following New Zealand legislation:

- Local Government Act 2002
- Fisheries Act 1996

Foreword

This Part of the bylaw is made under section 145 of the Local Government Act 2002 (LGA). This Part draws on New Zealand Standards 9201 series Trading in Public Places Bylaw.

Reference should be made to the Wairarapa Consolidated Bylaw 2019: Part 1 Introductory for any definitions not included in this Part.

If any provision of this Part is inconsistent with Part 1 – Introductory, then the provisions of this Part prevail.

1. Scope

- 1.1. The purpose of this Part of the bylaw is to regulate the conduct of persons:
- a) selling goods or services on streets, roads, footpaths and other public places; or
 - b) using vehicles to sell goods or services to the general public.

2. Licence Required

- 2.1. No person, in any public place, shall engage in the sale of goods or services of any description whatsoever (except as provided in section 7), without having first obtained a licence or permission from Council.

3. Application

- 3.1. Every person who wishes to sell goods or services in a public place shall make written application to obtain a licence to the authorised officer of Council. The information to be supplied by the applicant may include, but are not restricted to, any of the following:
- a) name and address of the applicant;
 - b) name and address of the person(s) selling the goods or services;
 - c) the location/site;
 - d) the telephone number of the applicant;
 - e) the type of goods or services for sale;
 - f) the time sought for selling;
 - g) the type of vehicle(s) and registration numbers if applicable;
 - h) evidence of good character;
 - i) copy of any other licence which the applicant may be required to obtain under provision of any Act, regulation or bylaw; and
 - j) proposed signage.

4. Conditions of Licence

- 4.1. The authorised officer in granting any licence may impose conditions. The conditions imposed may include, but are not restricted to, any of the following:
- a) time and location;
 - b) duration of the licence;
 - c) types of goods or services for sale;
 - d) area available for sale;
 - e) persons entitled to sell;
 - f) safety and hygiene requirements;
 - g) signage additional to that allowed in the Wairarapa Combined District Plan;
 - h) use of musical chimes or other audible devices for attracting customers;
 - i) litter and cleanliness;
 - j) avoidance of nuisances, annoyance or danger to any person;
 - k) name and address to be conspicuously displayed;
 - l) site rental;
 - m) payment of a bond; and
 - n) liability insurance.
- 4.2. Within a public place in the Masterton and Carterton districts, no person may sell goods or services within the areas defined in the First Schedule.
- 4.3. Within the South Wairarapa district, the sale of goods or services in a public place may only be authorised to occur at the specific sites described in the first schedule.

5. Production of Licence

- 5.1. Every licence holder shall at all times when engaged in the sale of goods or services, carry a licence and show the licence to any authorised officer on demand.
- 5.2. Every licence holder shall upon request by an authorised officer, notwithstanding the conditions of the licence, alter their position for sales to any other position as indicated by the authorised officer.

6. Licence not Transferable

- 6.1. No licence issued under this part of the bylaw shall be transferable to any other person.

7. Exemptions

- 7.1. The exemptions allowed under this Part of this bylaw are as follows:
- a) selling or disposal by commercial fishermen of limited quantity of fish in the vicinity of a fishing vessel, as specified in section 191 of the Fisheries Act 1996;
 - b) service delivery vehicles including milk vendors; and
 - c) any event, market, stall or stand which has current approval under any bylaw, legislation, resource consent or specific resolution of Council.

8. Power to Set Fees

- 8.1. Council may, by resolution publicly notified, prescribe fees for licences and/or site rentals. Fees may differ for any class of licence as prescribed.

9. Offences and Penalties

- 9.1. Any person who breaches this Part of the bylaw commits an offence and may be liable to a penalty under section 242 of the LGA. Refer to Wairarapa Consolidated Bylaw 2019 Part 1: Introductory (refer Section 15) for details of what broadly constitutes a breach of this Part.
- 9.2. To avoid any doubt, a person breaches this bylaw and commits an offence who:
- a) sells goods or services in a public place without a licence (except where exempted under clause 7); or
 - b) sells goods or services in a public place in a way that is outside any condition stated in their licence.

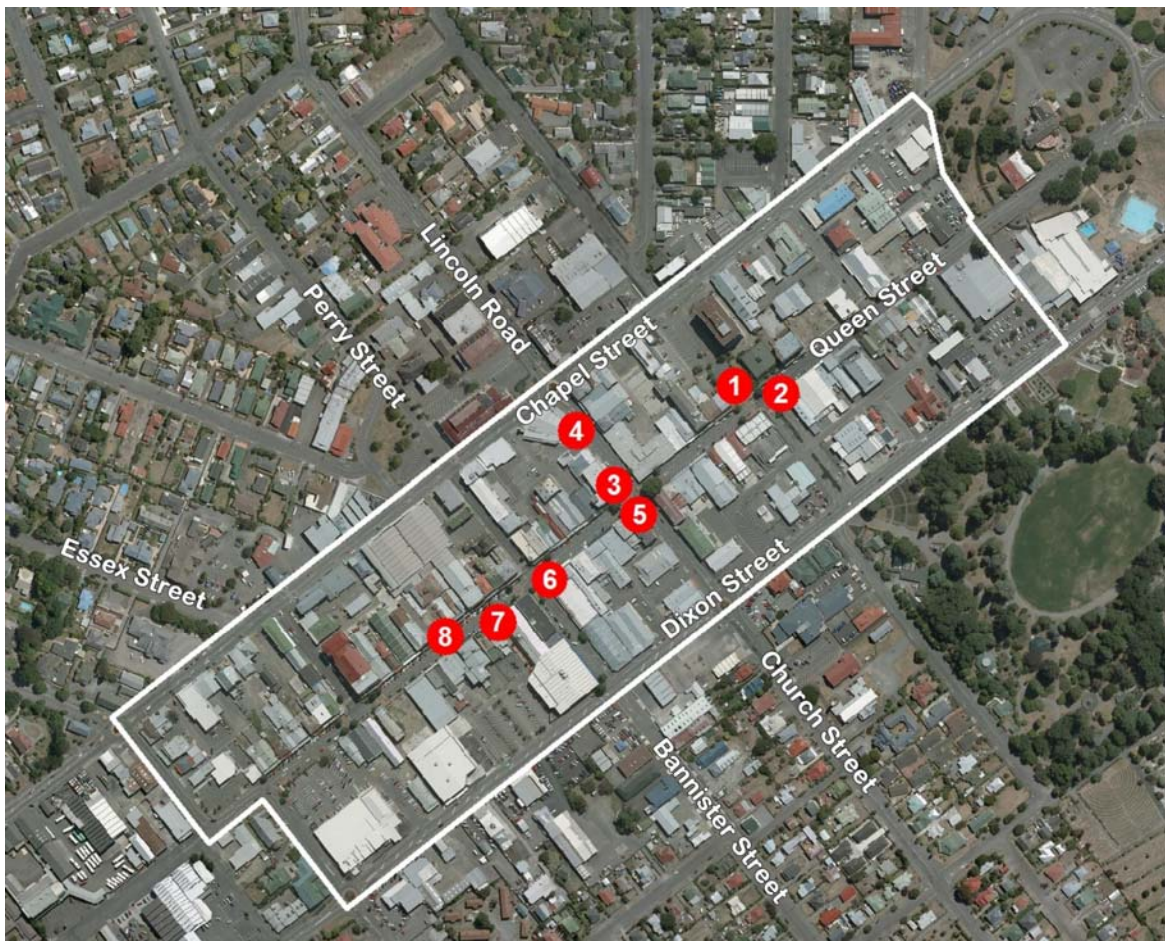
10. Power to Amend by Resolution

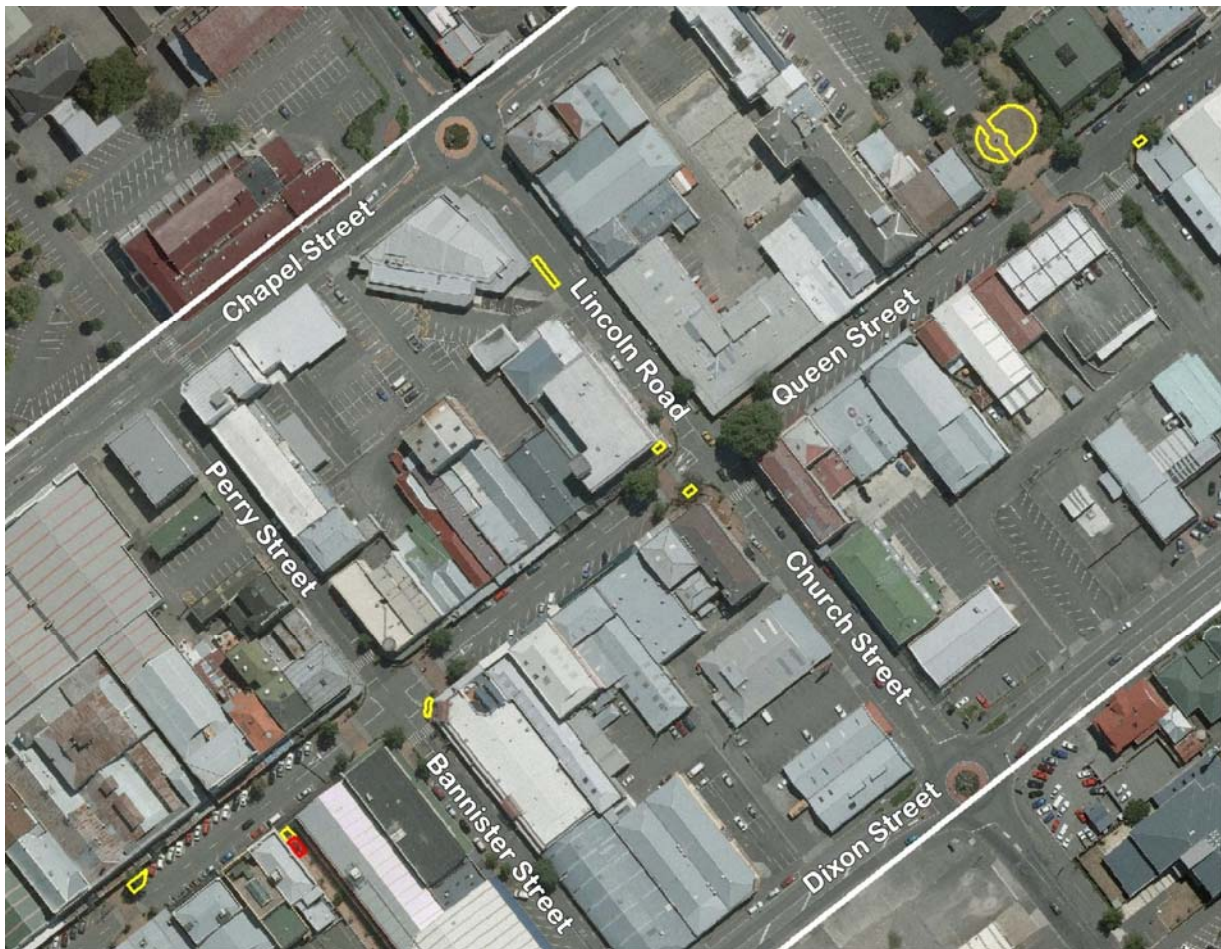
- 10.1. The Council may, by resolution publicly notified:
- a) add schedules;
 - b) make additions or deletions from the schedules; or
 - c) substitute new schedules.
- 10.2. Where Council intends to make a resolution under clause 10.1, consultation will be undertaken as required, in accordance with the requirements of section 156 of the LGA.

First Schedule

Exempted stall sites within Masterton CBD

- Site 1: Library Square on Queen Street, not obstructing paths
- Site 2: Corner of Queen St and Park Avenue outside 53 Queen St
- Site 3: Corner of Lincoln Road and Queen Street, under awning of 122 Queen St
- Site 4: Pie cart stand at National Bank, Lincoln Road
- Site 5: Corner of Church Street and Queen Street – outside AA
- Site 6: Corner of Bannister Street and Queen St, outside ANZ
- Site 7: Paper plus Alleyway, red pavers, avoiding seating area of Flat White Fiction
- Site 8: Paving area, approx 200 Queen Street

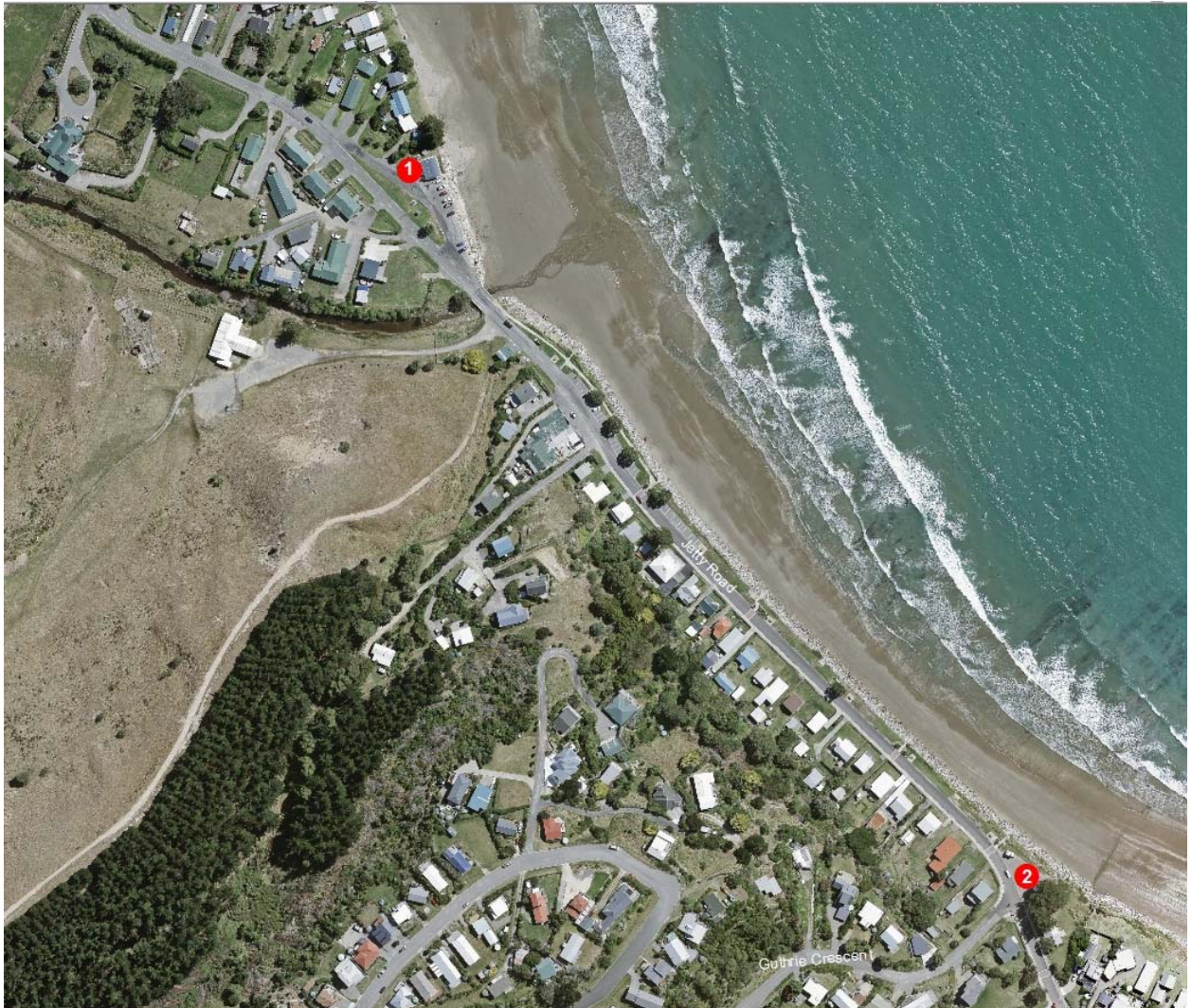






Castlepoint Designated Mobile Trading Areas

- Site 1: site at the toilets.
- Site 2: Guthrie Crescent carpark.



Exempted Stall Sites – South Wairarapa District Council

Martinborough

Exempted stall sites within Martinborough CBD

4 licenses are available for trading in four car parking spaces around (and adjacent to) the central square (dashed lines indicate area). Approved traders may choose the first available space when they arrive for the day.

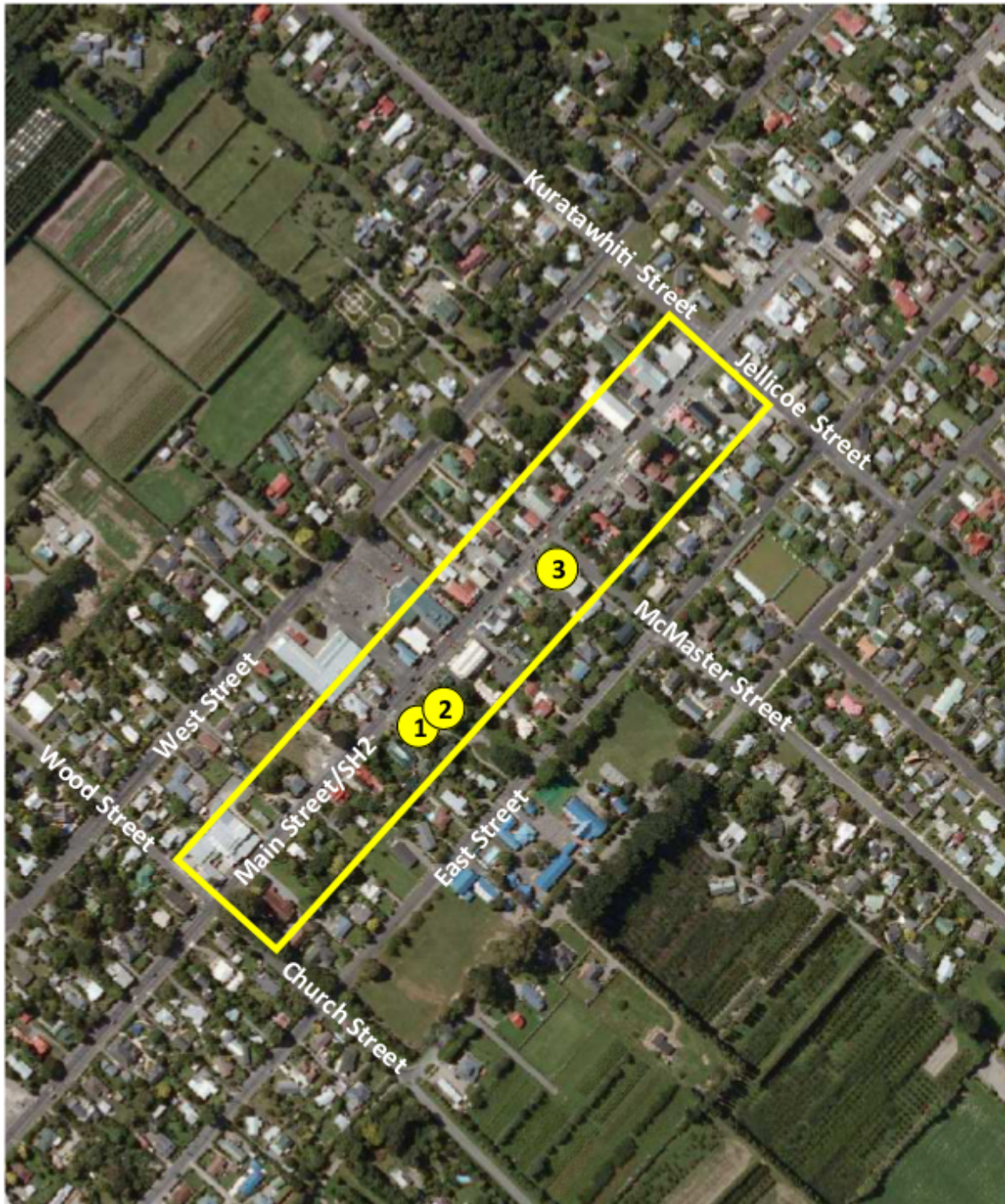


Greytown

Exempted stall sites within Greytown CBD

Site 1 & 2: Main Street entrance to Stella Bull Park, north of Old Library building and not obstructing footpath.

Site 3: Greytown Town Centre courtyard (some special conditions apply) .

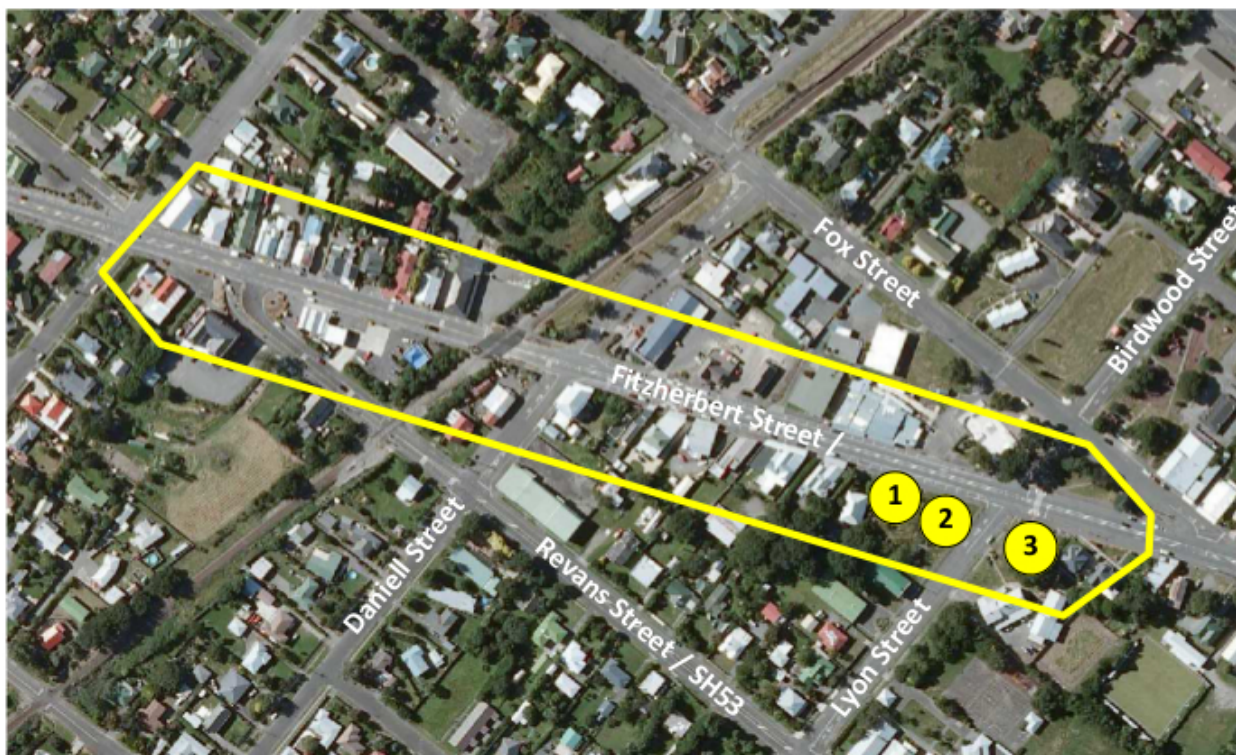


Featherston

Exempted stall sites within Featherston CBD

Site 1 and 2: Cherry Tree Garden facing Fitzherbert Street, not obstructing footpath.

Site 3: Grassy area in front of Fell Museum and Information Centre, near pedestrian crossing and not obstructing footpath.





Wairarapa Consolidated Bylaw 2019

Part Four

Prevention of Nuisance from Fire and Smoke

Commencement

The Wairarapa Consolidated Bylaw 2019 came into force throughout the Masterton, Carterton and South Wairarapa districts on 8 July 2019.

Adoption

Council	Bylaw/Amendments	Adoption Date
Masterton District Council	Consolidated Bylaw 2012: Parts One to Eighteen	14 August 2013
South Wairarapa District Council	Consolidated Bylaw 2012: Parts One to Six, Parts 8 and 9, Parts Eleven to Sixteen	31 July 2013
Masterton District Council Carterton District Council South Wairarapa District Council	Wairarapa Consolidated Bylaw 2019: Part Four - Prevention of Nuisance from Fire and Smoke	26 June 2019

Wairarapa Consolidated Bylaw 2019

Part 4 – Prevention of Nuisance from Fire and Smoke

Contents

Foreword	2
1. Scope	2
2. Definitions.....	2
3. Nuisance or Health and Safety Risk from Fires or Smoke	2
4. Offences and Cost Recovery	3

Referenced Documents

Reference is made in this Part to the following New Zealand legislation:

- Local Government Act 2002
- Heath Act 1956
- Fire and Emergency New Zealand Act 2017

Foreword

This Part of the bylaw is made under section 145 of the Local Government Act 2002 and section 64(1)(a) of the Health Act 1956.

Nothing in this bylaw derogates from the Fire and Emergency Act 2017 or regulations made under the Act. To the extent that it is covered by that Act, nothing in this bylaw:

- relates to the removal of fire hazards;
- declares prohibited or restricted fire seasons;
- prohibits or otherwise regulates or controls the lighting of fires in open air; or
- relates to the prevention of the spread of fires involving vegetation.

Reference should be made to the Wairarapa Consolidated Bylaw 2019: Part 1 Introductory for any definitions not included in this Part.

1. Scope

- 1.1. The purpose of this Part of the bylaw is to protect the public from nuisance arising from fire and smoke, in regard to aspects other than fire safety.

2. Definitions

Nuisance or risk: Includes potential nuisance or risk.

Reasonable steps: Includes, but is not limited to, issuing a direction to extinguish the fire and/or extinguishing the fire.

3. Nuisance or Health Risk from Fires or Smoke

- 3.1. No person may light, or allow to remain lit, a fire that creates a nuisance, or health risk to any person or property.
- 3.2. No person may permit smoke, noxious fumes, or any other matter to be emitted in such a way as to create a nuisance, or health risk, to any person or property.
- 3.3. If an authorised officer is of the opinion that clauses 3.1 or 3.2 of this Part of the bylaw are being breached, or have the potential to be breached, they may take reasonable steps to abate, or cause to be abated, the nuisance or risk.
- 3.4. For the avoidance of doubt, nothing in section 3 of this Part of the bylaw applies to fire safety risk governed by the Fire and Emergency Act 2017 or regulations made under that Act.

4. Offences and Cost Recovery

- 4.1. Any person who breaches this Part of the bylaw commits an offence and may be liable to a penalty under section 242 of the LGA. Refer to Wairarapa Consolidated Bylaw 2019 Part 1: Introductory (refer Section 15) for details of what constitutes a breach of this Part.
- 4.2. Council may recover any costs it incurs as a result of acting under this Part of the bylaw (refer section 187 of the LGA).



CARTERTON
DISTRICT COUNCIL



SOUTH WAIRARAPA
DISTRICT COUNCIL
Kia Reretahi Tātau

Wairarapa Consolidated Bylaw 2019

Part Five Water Supply

Commencement

The Wairarapa Consolidated Bylaw 2019 came into force throughout the Masterton, Carterton and South Wairarapa districts on 8 July 2019.

Adoption

Council	Bylaw/Amendments	Adoption Date
Masterton District Council	Consolidated Bylaw 2012: Parts One to Eighteen	14 August 2013
South Wairarapa District Council	Consolidated Bylaw 2012: Parts One to Six, Parts 8 and 9, Parts Eleven to Sixteen	31 July 2013
Masterton District Council Carterton District Council South Wairarapa District Council	Wairarapa Consolidated Bylaw 2019: Part Five - Water Supply	26 June 2019

Wairarapa Consolidated Bylaw 2019

Part 5 – Water Supply

Contents

Foreword	3
1. Scope	3
2. Definitions.....	3
3. Protection of Water Supply	5
3.1 Water supply system	5
3.2 Protection of source water	6
4. Conditions of Supply	8
4.1 Application for supply.....	8
4.2 Point of supply	9
4.3 Access to, and about point of supply	10
4.4 Types of supply	11
4.5 Water metering	12
4.7 Continuity of supply.....	12
4.9 Fire protection connection	13
4.10 Backflow prevention	14
4.11 WSA equipment and inspection	15
4.13 Plumbing system	16
4.14 Prevention of waste	17
4.15 Payment	17
4.16 Transfer of rights and responsibilities	17
4.17 Change of ownership.....	17
4.18 Disconnection at the customer's request	17
5. Offences and Penalties	17

Referenced Documents

Reference is made in this document to the following:

New Zealand Standards

- NZS 9201: Model general bylaws Part 7 Water Supply

New Zealand Legislation

- Building Act 2004
- Building Regulations 1992 Schedule 1 (New Zealand Building Code)
- Fire and Emergency New Zealand Act 2017
- Health Act 1956
- Local Government Act 2002
- Local Government (Rating) Act 2002
- Resource Management Act 1991
- Wildlife Act 1953

Other Publications

- Wairarapa Combined District Plan

Foreword

This Part of the bylaw is made under section 146 of the Local Government Act 2002 (LGA). This Part draws from the New Zealand Standards 9201 series Water Supply Bylaw.

Reference should be made to Wairarapa Consolidated Bylaw 2019: Part 1 Introductory for definitions not included in this Part.

If any provision of this Part is inconsistent with Part 1 – Introductory, the provisions of this Part prevail.

1. Scope

- 1.1. The purpose of this Part of the bylaw is to enable the Council to manage and provide public water supply services and to protect the public water supply network from damage, misuse or interference.
- 1.2. The supply and sale of water by a Water Supply Authority (WSA) is subject to:
 - a) Statutory Acts and Regulations:
 - (i) Building Act 2004
 - (ii) Fire and Emergency New Zealand 2017
 - (iii) Health Act 1956
 - (iv) Local Government Act 2002
 - (v) Local Government (Rating) Act 2002
 - (vi) Resource Management Act 1991
 - (vii) Water Supplies Protection Regulations 1961; and
 - b) Relevant Codes and Standards
 - (i) Drinking Water Standards for New Zealand 2005 (revised 2008).
 - (ii) BS EN 14154-3:2005 Water meters. Test methods and equipment.
 - (iii) SNZ PAS 4509:2003 New Zealand Fire Service firefighting water supplies code of practice
 - (iv) NZWWA Backflow Code of Practice 2006
 - (v) NZWWA Water Meter Code of Practice 2003

2. Definitions

Backflow: The unplanned reversal of flow of water or mixtures of water and contaminants into the water supply system.

Customer: A person who uses, or has obtained the right to use or direct the manner of use of, water supplied by the WSA.

Detector Check Valve: A check (non-return) valve which has a positive closing pressure and a metered bypass to measure flows typically associated with leakage or unauthorised use on a dedicated fire supply.

Extraordinary Supply: A category of on demand supply including all purposes for which water is supplied other than ordinary supply and which may be subject to specific conditions and limitations.

Level of Service: The measurable performance standards on which the WSA undertakes to supply water to its customers.

On-Demand Supply: A supply which is available on demand directly from the point of supply subject to the agreed level of service.

Ordinary Supply: A category of on demand supply used solely for domestic purposes.

Point of Supply: The point on the water pipe leading from the water main to the premises, which marks the boundary of responsibility between the customer and the WSA, irrespective of property boundaries. Generally referred to as the Toby.

Potable: Has the meaning given by section 69(G) of the Health Act 1956.

Premises: Include the following:

- a property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued and in respect to which a building consent has been or may be issued;
- a building or part of a building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a certificate of title is available; or
- land held in public ownership (e.g. reserve) for a particular purpose.

Ranger: A person responsible for the management of a WSA controlled catchment area or water reserve.

Restricted Flow Supply: A type of water supply connection where a small flow is supplied through a flow control device, and storage is provided by the customer to cater for the customer's demand fluctuations.

Restrictor: A flow control device fitted to the service pipe to limit the flow rate of water to a customer's premises.

Roading Authority: A territorial authority or the NZ Transport Agency (NZTA).

Rural Water Supply Area: An area formally designated by a WSA as an area serviced by a reticulated water supply system that is intended to supply water for specified purposes via restricted flow supplies and/or on demand supplies but not necessarily with a fire fighting capability. All areas defined as rural in the Wairarapa Combined District Plan are a rural water supply area.

Service Pipe: The section of water pipe between a water main and the point of supply.

Service Valve (Toby): The valve at the customer end of the service pipe.

Storage Tank: Any container having a free or enclosed water surface.

Supply Pipe: The section of pipe between the point of supply and the customer's premises through which water is conveyed to the premises.

Urban Water Supply Area: An area formally designated by a WSA as an area serviced by a reticulated water supply system with a fire fighting capability, that is intended to supply water to customers via on demand supplies. All areas defined as residential, commercial or industrial in the Wairarapa Combined District Plan are an urban water supply area.

Water Supply Authority (WSA): The operational unit of the Council responsible for the supply of water, including its authorised agents.

Water Supply System: All those components of the network between the point of abstraction from the natural environment and the point of supply. This includes but is not limited to: wells, infiltration galleries, intake structures, open raw water storage ponds/lakes, falling mains, treatment plants, treated water reservoirs, trunk mains, service mains, rider mains, pump stations and pumps, valves, hydrants, scour lines, service pipes, boundary assemblies, meters, backflow prevention devices and tobies.

Water Unit: The basis of measurement for a restricted flow supply and equal to a volume of 365m³ delivered at the rate of 1m³ per day.

Waterworks: In relation to the provision of water supply, includes:

- rivers, streams, lakes, waters, and underground waters, and rights relating to these;
- land, watershed, catchment, and water collection areas; and
- if vested in a local government organisation, or acquired, constructed, or operated by, or under the control of, a local government organisation:
 - o reservoirs, dams, bores, tanks, and pipes; and
 - o buildings, machinery, and appliances.

3. Protection of Water Supply

3.1 Water supply system

3.1.1 Access to system

No person, other than the WSA and its authorised agents, shall have access to any part of the water supply system, except to connect to the point of supply, subject to clause 4.1, and to operate the service valve.

3.1.2 No person to connect to, or interfere with a water supply system

Except as set out in clauses 3.1.1, 3.1.3 and 3.1.4, no person shall make any connection to, or otherwise interfere with, any part of the water supply system.

3.1.3 Fire hydrants

Only the attending Fire Service/s shall gain access to, and draw water from, fire hydrants for the purpose of fighting fires, training, and testing.

NOTE: Use of the fire hydrants by untrained personnel can result in damage to the water supply system.

3.1.4 Other uses

The right to gain access to, and draw water from, the water supply for uses other than firefighting (e.g. flow testing or pipe flushing) shall be restricted to:

- a) the WSA or its agents;
- b) permit holders, being those persons who after having submitted an application to the WSA are subsequently approved to draw water from fire hydrants or tanker filling points. Such permits shall be valid only so long as the permit holder complies with the conditions endorsed on the permit. Without prejudice to other remedies available, the WSA may remove and hold any equipment used by an offender to gain access to, or draw water from

a fire hydrant, and assess and recover the value of water drawn without authorisation and any other associated costs.

3.1.5 Working around buried services

- a) The WSA shall keep accurate permanent records ('as-builts') of the location of its buried services. This information shall be available for inspection at no cost to users. Charges may be levied to cover the costs of providing copies of this information.
- b) Any person proposing to carry out excavation work shall view the as-built information to establish whether or not WSA services are located in the vicinity. At least five working days' notice in writing shall be given to the WSA of an intention to excavate in the vicinity of its services. Where appropriate, the WSA shall mark out to within ± 0.5 metres on the ground the location of its services, and nominate in writing any restrictions on the work it considers necessary to protect its services. The WSA may charge for this service.
- c) When excavating and working around buried services, due care shall be taken to ensure the services are not damaged, and that bedding and backfill are reinstated in accordance with the appropriate WSA specification.
- d) Any damage which occurs to a WSA service shall be reported to the WSA immediately. The person causing the damage shall reimburse the WSA with all costs associated with repairing the damaged service, and any other costs the WSA incurs as a result of the incident.

NOTE: Excavation within roadways is also subject to the permit process of the appropriate roading authority.

3.2 Protection of source water

3.2.1 Catchment classes

Surface water and groundwater catchment areas from which untreated water is drawn for the purposes of water supply, may be designated as:

- a) controlled;
- b) restricted; or
- c) open.

3.2.2 Controlled catchments

The following conditions apply:

a) Entry

Catchment areas which are designated as controlled, or any area held by the WSA as a water reserve, shall not be entered by any person except those specifically authorised or permitted in writing by the WSA. Within such areas unless provided for by the WSA no person shall:

- (i) camp;
- (ii) take or allow to stray any livestock;
- (iii) bathe or wash anything;
- (iv) deposit any dirt, rubbish, or foul material of any kind; or
- (v) defecate.

b) Permits

Entry permits shall forbid, regulate or control the following activities:

- (i) hunting, trapping, shooting, or fishing;
- (ii) lighting or maintaining any fire;
- (iii) taking of any dog or other animal;
- (iv) damaging or destroying any trees, shrubs, or other existing cover, or interference with any property;
- (v) carrying of any firearm or weapon of any kind, any trap or any fishing gear which may be used for the hunting or catching of birds, fish or animals; or
- (vi) use of any pesticide or toxic substance for any purpose whatsoever.

A person may be required to present a medical clearance before an entry permit will be issued.

c) Permits to be presented

Unless the WSA permits:

- (i) no person to whom any permit has been issued shall enter or leave any controlled catchment area or land held by the WSA as a water reserve without presenting such a permit for inspection by the WSA ranger and notifying the ranger of their intention of entering or leaving such an area as the case may be;
- (ii) every person on any controlled catchment area or land held by the local authority as a water reserve shall upon demand produce any such permit for inspection by the ranger;
- (iii) no permit issued shall be capable of being transferred; and
- (iv) the WSA may at any time, by notice in writing delivered to the holder, revoke or suspend any such permit for such time as shall be stated in such a notice.

d) Interference and obstruction

In any controlled catchment area or any land held by the WSA as a water reserve:

- (i) every person shall upon the request of the ranger or other officer of the WSA immediately leave the controlled catchment area or land held by the WSA as a water reserve, but shall nevertheless be liable also to be prosecuted for the breach of any of the provisions of this bylaw, and the failure so to leave shall constitute a further offence; and
- (ii) no person shall obstruct or hinder any duly appointed officer of the WSA in the exercise of any powers vested in that officer under the provisions of this Part of the bylaw.

3.2.3 Restricted catchments

Catchment areas which are designated as restricted shall allow for certain activities but shall be as for controlled catchments for other activities. Those activities may include unrestricted entry for:

- a) tramping;
- b) hunting;
- c) trapping;

- d) shooting; or
- e) fishing.

3.2.4 Open catchments

In open catchment areas, whether designated or not, there will generally be no restriction on activities other than any provisions of the Wairarapa Combined District Plan and National Environmental Standards issued under section 43 of the Resource Management Act 1991.

3.2.5 Spillages and adverse events

In the event of a spillage, or any event which may compromise the water supply, the person responsible for the event shall advise the WSA with due urgency. This requirement shall be in addition to those other notification procedures which are required for other authorities.

4. Conditions of Supply

4.1 Application for supply

4.1.1 Initial application

- a) Every application for a supply of water shall be made in writing on the appropriate form available from the Council and be accompanied by the prescribed charges. The applicant shall provide all the details required by the WSA.
- b) On receipt of an application the WSA shall, after consideration of the matters in clauses 4.4 and 4.5, either:
 - (i) approve the application and inform the applicant of the type of supply, the level of service, the size of the connection and any particular conditions applicable; or
 - (ii) refuse the application and notify the applicant of the decision giving the reasons for refusal.
- c) For the agreed level of service to the applicant, the WSA should determine the sizes of all pipes, fittings and any other equipment, up to the point of supply. The WSA shall supply and install the service pipe up to the point of supply at the applicant's cost, or may allow the supply and installation of the service pipe to be carried out by approved contractors in the case of new subdivision servicing.
- d) The applicant shall have the authority to act on behalf of the owner of the premises for which the supply is sought and shall produce written evidence of this if required.
- e) An approved application for supply which has not been actioned within six months of the date of approval will lapse unless a time extension has been approved. Any refund of fees and charges shall be at the discretion of the WSA.

4.1.2 Change of use

Where a customer seeks a change in the level of service or end use of water supplied to premises, and/or the supply changes from an ordinary to an extraordinary type (see clause 4.4) or vice versa, a new application for supply shall be submitted by the customer.

4.1.3 Prescribed charges

Charges applicable at the time of connection may include:

- a) payment to the WSA for the cost of the physical works required to provide the connection;
- b) a development contribution charge determined in accordance with the LGA; or
- c) a financial contribution charge determined in accordance with the Resource Management Act 1991.

4.2 Point of supply

4.2.1 Responsibility for maintenance

The WSA shall own and maintain the service pipe and fittings up to the point of supply. The customer shall own and maintain the supply pipe beyond the point of supply (Toby).

4.2.2 Single ownership

- a) For individual customers the point of supply shall be located as shown in figure 1 or as close as possible where fences, walls, or other permanent structures make it difficult to locate it at the required position. Other positions shall require specific approval.
- b) For each individual customer there shall be only one point of supply, unless otherwise approved.
- c) The typical layout at a point of supply is shown in figure 2.
- d) The WSA gives no guarantee of the serviceability of the valve located on the service pipe. Where there is no customer stopcock, or where maintenance is required between the service valve and the customer stopcock, the customer may use the service valve to isolate the supply. However, the WSA reserves the right to charge for maintenance of this valve if damaged by such customer use.

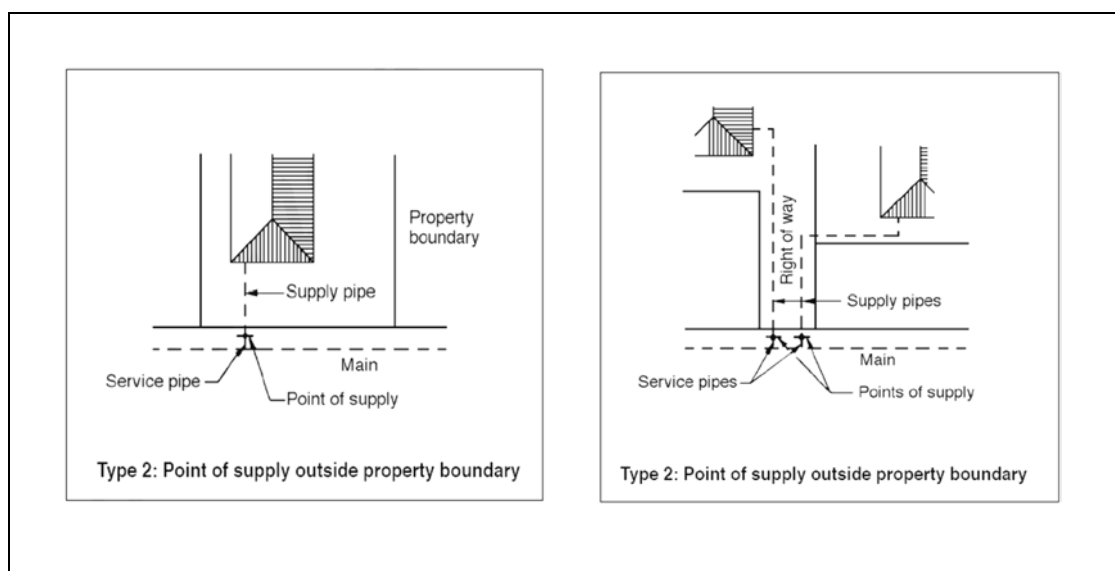


Figure 1 – Point of supply location – Individual customers

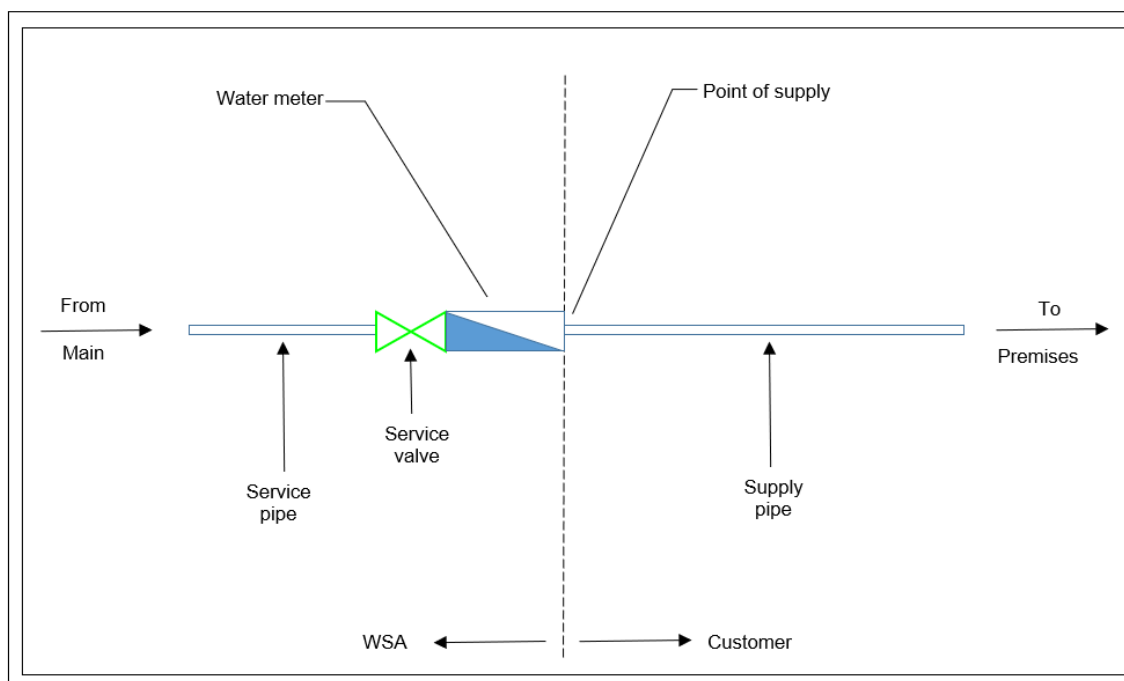


Figure 2 – Typical layout at point of supply

4.2.3 Multiple ownership

The point of supply for the different forms of multiple ownership of premises and/or land shall be:

- a) for Company Share/Block Scheme (Body Corporate) – as for single ownership;
- b) for Leasehold/Tenancy in Common Scheme (Cross Lease), Strata Title, Unit Title (Body Corporate) and any other form of multiple ownership – each customer shall have an individual supply with the point of supply determined by agreement with the WSA. In specific cases other arrangements may be acceptable, subject to individual approval.

For a multiple ownership supply which was in existence prior to the coming into effect of this Bylaw, the point of supply shall be the arrangement existing at that time, or as determined by agreement with the WSA for any individual case.

4.3 Access to, and about point of supply

4.3.1 Rights of access

- a) Where the point of supply is on private property the customer shall allow the WSA access to, and about the point of supply between 7.30am and 6pm on any day for:
 - (i) meter reading without notice; or
 - (ii) checking, testing and maintenance work with notice being given whenever possible.
- b) Outside these hours (such as for night time leak detection) the WSA shall give notice to the customer.
- c) Where access is not made available for any of the above times and a return visit is required by the WSA, a rate may be charged as for 'meter reading by appointment'.
- d) Under emergency conditions the customer shall allow the WSA free access to, and about the point of supply at any hour.

4.3.2 Maintenance of access

The customer shall maintain the area in and around the point of supply keeping it free of soil, growth, or other matter or obstruction which prevents, or is likely to prevent convenient access.

4.4 Types of supply

4.4.1 General

- a) Supplies shall be classified as either 'on demand' or 'restricted flow' and the use of water from the supply shall be either 'ordinary' or 'extraordinary'.
- b) Rural properties are not eligible for connection to the urban water supply unless specifically approved by the Council.
- c) Should Council approve a new rural property connection application, a "restricted flow" supply for a domestic only service will be provided.

4.4.2 On-demand supply

- a) Every premises shall be entitled to an ordinary supply of water subject to the following conditions:
 - (i) the premises lying within an urban water supply area;
 - (ii) the exclusion of its use for garden watering under any restrictions made by the WSA under clause 4.7.3;
 - (iii) payment of the appropriate charges in respect of that property;
 - (iv) any other charges or costs associated with subdivision development; and
 - (v) any other relevant conditions in Section 4 of this Part.
- b) The WSA shall be under no obligation to provide an extraordinary supply of water (see also the provisions of clauses 4.7 and 4.9.2).

4.4.3 Restricted flow supply

- a) Restricted flow supply shall be available to premises within a designated area or areas only, or under special conditions set by the WSA.
- b) The water supply shall be restricted so as to deliver the agreed number of water units at a steady flow rate.
- c) The WSA shall charge for the restricted flow supply by either:
 - (i) the volume passing through a meter; or
 - (ii) the agreed number of water units.

4.4.4 Ordinary use

Ordinary use is for domestic purposes (which may include use in a fire sprinkler system to NZS 4517) and shall include:

- a) washing down a car, boat, or similar;
- b) garden watering by hand; and
- c) garden watering by a portable sprinkler (subject to the provisions of clause 4.7.3).

NOTE: For use from a fire protection system to NZS 4517 to be classified as an ordinary use, the customer should comply with the conditions set under clause 49.1.

4.4.5 Extraordinary use

Extraordinary use includes:

- a) domestic – spa or swimming pool in excess of 10m³ capacity, fixed garden or lawn irrigation systems;
- b) commercial and business;
- c) industrial;
- d) agricultural;
- e) horticultural;
- f) viticultural;
- g) lifestyle blocks (peri-urban or small rural residential);
- h) fire protection systems other than sprinkler systems installed to comply with NZS4517;
- i) out of district (supply to, or within another local authority); and
- j) temporary supply.

4.5 Water metering

- a) Ordinary use of water supplied by the WSA shall be metered and the cost of such use (allocated and extra over and above) shall be as prescribed in sections 9, 15-19, 101-103 of the Local Government (Rating) Act 2002, and as set through Council's annually reviewed fees and charges
- b) An extraordinary use shall normally be metered and charged for in accordance as above. Where the extraordinary use is for fire protection only, this supply shall not normally be metered.

4.6 Level of service

The WSA shall provide water in accordance with the level of service contained in the Council's Long-Term Plan. For those periods where the level of service allows non-compliance with the specified value(s), the WSA should make every reasonable attempt to achieve the specified value(s).

4.7 Continuity of supply

4.7.1 Supply

- a) Due to practical and physical limitations, the WSA cannot guarantee an uninterrupted or constant supply of water in all circumstances, or the continuous maintenance of any particular pressure, but shall do its best to meet the continuity of supply levels of clause 4.6, subject to the exemptions contained in clauses 4.7.3 and 4.7.4.
- b) Where works of a permanent or temporary nature are planned which will affect an existing supply, the WSA shall consult with, or inform or give notice to all known customers likely to be substantially affected.

4.7.2 Uninterrupted service

If a customer has a particular requirement for an uninterrupted level of service (flow, pressure, or quality), it shall be the responsibility of that customer to provide any storage, back-up facilities, or equipment necessary to provide that level of service.

4.7.3 Demand management

- a) The customer shall comply with any restriction or other conservation measures, which may be approved by the WSA to manage high seasonal or other demands. Such restrictions shall be advised by public notice.
- b) Even when such restrictions apply the WSA shall take all practicable steps to ensure that an adequate supply for domestic purposes is provided to each point of supply.

4.7.4 Emergency restrictions

During an emergency the WSA may restrict or prohibit the use of water for any specified purpose, for any specified period, and for any or all of its customers. Such restrictions shall be advised by public notice. The WSA may enact penalties over and above those contained in these conditions to enforce these restrictions. The decision to make and lift restrictions, and to enact additional penalties, shall be made by the Council, or where immediate action is required, by the manager of the WSA, subject to subsequent Council ratification.

4.7.5 Maintenance and repair

Wherever practical, the WSA shall make every reasonable attempt to notify the customer of a scheduled maintenance shutdown of the supply before the work commences. Where immediate action is required and notification is not practical, the WSA may shut down the supply without notice.

4.8 Liability

- a) The WSA shall endeavour to meet the level of service requirements of clause 4.6, but shall not be liable for any loss, damage or inconvenience which the customer (or any person using the supply) may sustain as a result of deficiencies in, or interruptions to, the water supply.
- b) The WSA may, under certain circumstances and at its sole discretion, make payments for damage caused to equipment, appliances, processes, and materials as a direct result of a variation in the water supply, provided that any such equipment or appliances have been designed to cater for reasonable variations in the flow, pressure, and quality of the water supply.

4.9 Fire protection connection

4.9.1 Connection application

Any proposed connection for fire protection shall be the subject of a specific application (on the standard WSA form) made to the WSA for approval. Any such connection shall be subject to the conditions specified by the WSA.

4.9.2 Design

It shall be the customer's responsibility to ascertain in discussion with the WSA and monitor whether the supply available is adequate for the intended purpose.

4.9.3 Fire protection connection metering

- a) Where the supply of water to any premises is metered, the WSA may allow the supply of water for the purposes of firefighting to be made in a manner which bypasses the meter, provided that:
 - (i) the drawing of water is possible only in connection with the sounding of an automatic fire alarm or the automatic notification of the fire brigade; and
 - (ii) a WSA approved detector check valve has been fitted on the meter bypass.

- b) Any unmetered connection provided to supply water to a fire protection system shall not be used for any purpose other than firefighting and testing the fire protection system unless the fire protection system is installed in accordance with NZS 4517.
- c) Where a fire connection has been installed or located so that it is likely or possible that water may be drawn from it by any person for purposes other than firefighting, the WSA may require the supply to be metered.

4.9.4 Fire hose reels

Where the supply of water to any premises is metered, fire hose reels shall be connected only to the metered supply, not to the fire protection system. The water supply to fire hose reels shall comply with the requirements of NZS 4503.

4.9.5 Charges

Water used for the purpose of extinguishing fires shall be supplied free of charge. Where the fire protection connection is metered and water has been used for firefighting purposes, the WSA shall estimate the quantity of water so used, and credit to the customer's account an amount based on such an estimate.

4.9.6 Ongoing testing and monitoring

Customers intending to test fire protection systems in a manner that requires a draw-off of water shall obtain the approval of the WSA beforehand. Water used for routine flushing and flow testing does not constitute waste but the quantity of water used may be assessed and charged for by the WSA.

4.10 Backflow prevention

4.10.1 Customer responsibility

It is the customer's responsibility (under the Health Act 1956, and the Building Act 2004) to take all necessary measures on the customer's side of the point of supply to prevent water which has been drawn from the WSA's water supply from returning to that supply. These include:

- a) backflow prevention either by providing an adequate air gap, or by the use of an appropriate backflow prevention device; and
- b) the prohibition of any cross-connection between the WSA water supply and:
 - (i) any other water supply (potable or non-potable);
 - (ii) any other water source;
 - (iii) any storage tank; or
 - (iv) any other pipe, fixture or equipment containing chemicals, liquids, gases, or other non-potable substances.

NOTE: Fire protection systems that include appropriate backflow prevention measures would generally not require additional backflow prevention, except in cases where the system is supplied by a non-potable source or a storage tank or fire pump that operates at a pressure in excess of the WSA's normal minimum operating pressure.

4.10.2 Unmanaged risk

Notwithstanding clause 4.10.1, the WSA may fit at the customer's expense a backflow prevention device on the WSA side of the point of supply where the customer cannot demonstrate that the risk of backflow is adequately managed.

4.11 WSA equipment and inspection

4.11.1 Care of water supply system

The customer shall take due care not to damage any part of the water supply system, including but not limited to pipework, valves, meters, restrictors, chambers, and backflow prevention devices.

4.11.2 Inspection

Subject to the provisions of the LGA, the customer shall allow the WSA with or without equipment, access to any area of the premises for the purposes of determining compliance with these conditions.

4.12 Meters and flow restrictors

4.12.1 Installation

Meters for on demand supplies, and restrictors for restricted flow supplies, shall be supplied, installed and maintained by the WSA, and shall remain the property of the WSA.

4.12.2 Location

Meters and restrictors shall be located in a position where they are readily accessible for reading and maintenance, and if practicable immediately on the WSA side of the point of supply, (see figure 2).

4.12.3 Accuracy

- a) Meters shall be tested as and when required by the WSA or as prescribed in OIML R49. The maximum permissible error for the upper flow rate zone ($Q_2 < Q < Q_4$) is $\pm 2\%$, for temperatures from 0.3°C to 30°C and the maximum permissible error for the lower flow rate zone ($Q_1 < Q < Q_2$) is $\pm 5\%$. This accuracy shall be applied to all water meters with $Q_3 < 100 \text{ m}^3/\text{h}$ and may be applied to water meters with values of $Q_3 > 100 \text{ m}^3/\text{h}$. The flow restrictors shall be accurate to within $\pm 10\%$ of their rated capacity.

NOTE: Where Q is the flow rate:

- *Q1 is the minimum flow rate;*
 - *Q2 is the transitional flow rate;*
 - *Q3 is the permanent flow rate; and*
 - *Q4 is the overload flow rate as defined in OIML R49-1.*
- b) Any customer who disputes the accuracy of a meter or restrictor may apply to the WSA for it to be tested provided that it is not within three months of the last test. If the test shows non-compliance with the accuracy above, the customer shall not be charged for the test. If the test shows compliance, the customer shall pay a fee in accordance with the WSA current fees and charges.
 - c) Meters shall be tested as prescribed in OIML R 49-2 and the test report shall be made available as prescribed in OIML R 49-3.
 - d) The variation in the error curve shall not exceed 3% for flow rates in the lower zone and 1.5% for flow rates in the upper zone. For the purpose of determining these requirements the mean values of the errors (of indication) at each flow rate, shall apply.
 - e) The curves shall not exceed a maximum error of $\pm 6\%$ for flow rates in the lower zones and $\pm 2.5\%$ for flow rates in the upper zones.

- f) Restrictors shall be tested by measuring the quantity that flows through the restrictor in a period of not less than one hour at the expected minimum operating pressure. A copy of independent certification of the test result shall be made available to the customer on request.

4.12.4 Adjustment

- a) If any meter, after being tested, is found to register a greater or lesser consumption than the quantity of water actually passed through such a meter, the WSA shall make an adjustment in accordance with the results shown by such tests, backdated for a period at the discretion of the WSA but not exceeding 12 months, and the customer shall pay a greater or lesser amount according to the adjustment.
- b) Where a meter is under-reading by more than 20% or has stopped, the WSA reserves the right to charge for the amount of water assessed as having been used over the past billing period, taking into account any seasonal variations in demand.
- c) Where a meter is over-reading, the WSA shall make appropriate adjustments to the customer's invoice(s), based on a period of similar use and backdated to when it is agreed the over-reading is likely to have occurred.

4.12.5 Estimating consumption

- a) Should any meter be out of repair or cease to register, or be removed, the WSA shall estimate the consumption for the period since the previous reading of such meter (based on the average of the previous four billing periods charged to the customer) and the customer shall pay according to such an estimate. Provided that when, by reason of a large variation of consumption due to seasonal or other causes, the average of the previous four billing periods would be an unreasonable estimate of the consumption, the WSA may take into consideration other evidence for the purpose of arriving at a reasonable estimate, and the customer shall pay according to such an estimate.
- b) If metering shows a significant increase in consumption for a premises, and the increase is established as being caused by a previously unknown leak, the WSA may grant a waiver of the costs associated with excessive usage, provided that the consumer produces evidence by way of an invoice that a tradesperson has investigated, located and repaired the leak in a timely manner.

4.12.6 Incorrect accounts

- a) Where a situation occurs, other than as provided for in clause 4.12.5, where the recorded consumption does not accurately represent the actual consumption on a property, the account shall be adjusted using the best information available to the WSA. Such situations include, but are not limited to, misreading of the meter, errors in data processing, meters assigned to the wrong account, and unauthorised supplies.
- b) Where an adjustment is required, in favour of the WSA or the customer, this shall not be backdated more than 12 months from the date the error was detected.

4.13 Plumbing system

- a) Quick-closing valves, pumps, or any other equipment which may cause pressure surges or fluctuations to be transmitted within the water supply system, or compromise the ability of the WSA to maintain its stated levels of service shall not be used on any piping beyond the point of supply. In special circumstances such equipment may be approved by the WSA.

- b) In accordance with the Building Regulations 1992, the plumbing system shall be compatible with the water supply.
- c) Pressure information for different locations is available from the Council.

4.14 Prevention of waste

- a) The customer shall not intentionally allow water to run to waste from any pipe, tap, or other fitting, nor allow the condition of the plumbing within the property to deteriorate to the point where leakage or wastage occurs.
- b) The WSA provides water for consumptive use not as an energy source. The customer shall not use water or water pressure directly from the supply for driving lifts, machinery, educators, generators, or any other similar device, unless specifically approved.
- c) The customer shall not use water for a single pass cooling system or to dilute trade waste prior to disposal, unless specifically approved.

4.15 Payment

- a) The customer shall be liable to pay for the supply of water and related services in accordance with the fees and charges which Council may determine from time to time by resolution, publicly notified.
- b) The WSA may recover all unpaid water charges as prescribed in sections 57 to 82 of the Local Government (Rating) Act 2002.

4.16 Transfer of rights and responsibilities

- a) The customer shall not transfer to any other party the rights and responsibilities set out in this bylaw.
- b) A supply pipe shall serve only one customer and shall not extend by hose or any other pipe beyond that customer's property.
- c) In particular and not in limitation of the above any water which the customer draws from the WSA supply shall not be provided to any other party without approval of the WSA.

4.17 Change of ownership

In the event of a premises changing ownership, the WSA shall record the new owner as being the customer at that premises. Where a premises is metered the outgoing customer shall give the WSA five working days' notice to arrange a final meter reading.

4.18 Disconnection at the customer's request

The customer shall give 20 working days' notice in writing to the WSA of the requirement for disconnection of the supply. Disconnection shall be at the customer's cost.

5. Offences and Penalties

- 5.1. Any person who breaches this Part of the bylaw commits an offence and may be liable to a penalty under section 242 of the LGA. Refer to Wairarapa Consolidated Bylaw 2019 Part 1: Introductory (Section 15) for details of what broadly constitutes a breach of this Part.

- 5.2. To avoid any doubt, the following are deemed breaches of the conditions to supply water:
- a) an incorrect application for supply which fundamentally affects the conditions of supply (Section 4);
 - b) failure by the customer to meet and comply with the conditions of supply;
 - c) failure to meet any obligation placed on the customer under all current legislation and regulations specified in clause 1.2;
 - d) frustration of the WSA's ability to adequately and effectively carry out its obligations;
 - e) an act or omission including but not limited to any of the following:
 - (i) failure to pay the appropriate charges by the due date;
 - (ii) failure to repair a leak, or in any way wilfully allowing water to run to waste, or to be misused;
 - (iii) the fitting of quick-closing valves, pumps, or any other equipment which may cause pressure surges or fluctuations to be transmitted within the water supply system, or compromise the ability of the WSA to maintain its stated levels of service (subject to clause 4.13);
 - (iv) failure to prevent backflow (see clause 4.10);
 - (v) failure to comply with water use restrictions or prohibitions introduced by the WSA for any specified purpose;
 - (vi) using water or water pressure directly from the supply for driving lifts, machinery, educators, generators, or any other similar device, unless specifically approved by the WSA;
 - (vii) using water for a single pass cooling or heating system, or to dilute trade waste prior to disposal, unless specifically approved;
 - (viii) extending by hose or any other pipe a private water supply beyond that customer's property; or
 - (ix) providing water drawn from the WSA supply to any other party without approval of the WSA.
- 5.3. In the event of a breach, the WSA shall serve notice on the customer advising the nature of the breach and the steps to be taken to remedy it. If, after one week, the customer persists in the breach, the WSA reserves the right to reduce the flow rate of water to the customer without notice. In such an event the full service of the supply shall be re-established only after payment of the appropriate fee and remedy of the breach to the satisfaction of the WSA.
- 5.4. In addition, if the breach is such that the WSA is required to disconnect the supply for health or safety considerations, such disconnection should be carried out forthwith.
- 5.5. Any tampering or interfering with WSA equipment, either directly or indirectly, shall constitute a breach. Without prejudice to its other rights and remedies, the WSA shall be entitled to estimate (in accordance with clause 4.12.5) and charge for the additional water consumption not recorded or allowed to pass where a meter or restrictor has been tampered with, and recover any costs incurred.



CARTERTON
DISTRICT COUNCIL



SOUTH WAIRARAPA
DISTRICT COUNCIL
Kia Reretahi Tātau

Wairarapa Consolidated Bylaw 2019

Part Six

Keeping of Animals, Poultry and Bees

Commencement

The Wairarapa Consolidated Bylaw 2019 came into force throughout the Masterton, Carterton and South Wairarapa districts on 8 July 2019.

Adoption

Council	Bylaw/Amendments	Adoption Date
Masterton District Council	Consolidated Bylaw 2012: Parts One to Eighteen	14 August 2013
South Wairarapa District Council	Consolidated Bylaw 2012: Parts One to Six, Parts 8 and 9, Parts Eleven to Sixteen	31 July 2013
Masterton District Council Carterton District Council South Wairarapa District Council	Wairarapa Consolidated Bylaw 2019: Part Six - Keeping of Animals, Poultry and Bees	26 June 2019

Wairarapa Consolidated Bylaw 2019

Part 6 – Keeping of Animals, Poultry and Bees

Contents

Foreword	2
1. Scope	2
2. Definitions.....	2
3. Keeping of Animals	2
4. Keeping of Pigs.....	3
5. Keeping of Cats	3
6. Keeping of Poultry	3
7. Keeping of Bees	3
8. Noise from Animal, Bird or Poultry.....	4
9. Dead Animals	4
10. Offences and Penalties	4

Referenced Documents

Reference is made in this document to the following New Zealand legislation:

- Health Act 1956
- Local Government Act 2002

Foreword

This Part of the bylaw is made under section 146 of the Local Government Act 2002 (LGA) and section 64 of the Health Act 1956. This Part draws on New Zealand Standards 9201 series Keeping of Animals, Poultry and Bees Bylaw.

Reference should be made to the Wairarapa Consolidated Bylaw 2019: Part 1 - Introductory for any definitions not included in this Part.

If any provision of this Part is inconsistent with Part 1 – Introductory, then the provisions of this Part prevail.

1. Scope

- 1.1. The purpose of this Part of the bylaw is to outline requirements for the keeping of animals, poultry and bees, in order to protect neighbours and property owners.

2. Definitions

Excrement: Waste matter discharged from the bowels.

Owner: Every person who:

- a. owns the animal; or
- b. is the parent or guardian of a person under the age of 17 years who:
 - (i) is the owner pursuant to paragraph (a) of this definition; and
 - (ii) is a member of the parent or guardian's household living with and dependent on the parent or guardian.

3. Keeping of Animals

- 3.1. Every person keeping an animal shall ensure that the animal is kept in a manner that:
- a) does not, or is not likely to, cause a nuisance (including, but not restricted to, noise and odour) to any person; and
 - b) the conditions in which the animal is kept are not offensive or injurious to human health.
- In the Masterton district this shall apply to urban areas only.
- 3.2. If an authorised officer is of the opinion that clauses 3.1(a) or 3.1(b) of this Part of the bylaw are being breached, taking into account amenity value and local conditions in the particular situation, they may issue a notice requiring the person keeping the animal, or the owner or occupier of the private land, to take such action as is considered necessary within any reasonable time specified to abate the nuisance or conditions. The person issued with such a notice shall comply with the notice.
- In the Masterton district this shall apply to urban areas only.
- 3.3. No person keeping animals shall allow animal excrement to collect to the extent that it causes a nuisance, and shall dispose of it in a manner that does not cause a nuisance.

- 3.4. Every person keeping an animal, other than cats, pigeons, and doves, shall be responsible for ensuring that the animal is caged or otherwise restrained within the boundaries of the private land on which it is kept.

4. Keeping of Pigs

- 4.1. No pigs shall be kept in any urban area.

5. Keeping of Cats

- 5.1. No person shall keep, on any residential property in the district, more than three cats of age three months or more, for a period exceeding 14 days, without the permission of an authorised officer.

6. Keeping of Poultry

- 6.1. No person shall keep poultry that by noise, odour, flies, insects, or vermin causes or is likely to cause a nuisance or create a danger to public health.
- 6.2. In the Masterton and Carterton Districts, no person shall keep, or allow to be kept or to remain on any premises within an urban area, any poultry except in a poultry house or otherwise confined within the owner's or occupier's property.
- 6.3. In the South Wairarapa District, no person shall keep, or allow to be kept or to remain on any premises within an urban area, any poultry except in a poultry house, mobile poultry cage, poultry run, aviary or coop.
- 6.4. Written approval of Council is required if a person in an urban area wants to keep more than 12 poultry.
- 6.5. All poultry kept within an urban area must have access to a properly constructed poultry house, aviary or coop covered with a rainproof roof and provided with a floor of concrete, wood or earth.
- 6.6. No poultry house, aviary, coop or poultry run shall be erected or maintained within 10 metres of any neighbour's principal building or within two metres of the boundary of adjoining premises.
- 6.7. No person shall keep a rooster or allow a rooster to be kept in an urban area.

7. Keeping of Bees

- 7.1. No person shall keep bees if, in the opinion of an authorised officer, the keeping of bees has become a nuisance or annoyance to any person or potentially dangerous or injurious to health.
- 7.2. An authorised officer may prescribe conditions relating to the location and number of hives able to be kept on any premises or place within an urban area.

8. Noise from Animal, Bird or Poultry

- 8.1. No person shall keep on any premises in an urban area, any noisy animal which causes a nuisance to residents in the neighbourhood.

9. Dead Animals

- 9.1. No person shall permit, or allow to remain, any dead animal or vermin on any private property, land, premises or public place. For the purposes of clauses 9.1 and 9.2, the term animal includes dogs.
- 9.2. When buried in the ground, every part of the animal is to be at least 0.5 metres below the existing ground level and covered with not less than 0.5 metres of compacted fill material.

10. Offences and Penalties

- 10.1. Any person who breaches this Part of the bylaw commits an offence and may be liable to a penalty under section 242 of the LGA. Refer to Wairarapa Consolidated Bylaw 2019 Part 1: Introductory (Section 15) for details of what constitutes a breach of this Part.



CARTERTON
DISTRICT COUNCIL



SOUTH WAIRARAPA
DISTRICT COUNCIL
Kia Reretahi Tātau

Wairarapa Consolidated Bylaw 2019

Part Seven Cemeteries and Crematoria

Commencement

The Wairarapa Consolidated Bylaw 2019 came into force throughout the Masterton, Carterton and South Wairarapa districts on 26 June 2019.

Adoption

Council	Bylaw/Amendments	Adoption Date
Masterton District Council	Consolidated Bylaw 2012: Parts One to Eighteen	14 August 2013
South Wairarapa District Council	Consolidated Bylaw 2012: Parts One to Six, Parts 8 and 9, Parts Eleven to Sixteen	31 July 2013
Masterton District Council Carterton District Council South Wairarapa District Council	Wairarapa Consolidated Bylaw 2019: Part Seven - Cemeteries and Crematoria	26 June 2019

Wairarapa Consolidated Bylaw 2019

Part 7 – Cemeteries and Crematoria

Contents

Foreword	3
1. Scope	3
2. Definitions and Interpretation.....	3
3. Burials and Sale of Plots.....	4
4. Natural Burials	4
5. Power to Set Fees	5
6. Hours of Operation	5
7. Erection and Maintenance of Monuments, Headstones and Structures.....	5
8. Shrubs and Trees	6
9. Vehicles.....	7
10. Soliciting of Orders	7
11. Burial or Cremation of Poor Persons	7
12. Deceased Servicemen.....	7
13. Disinterment	7
14. Cremation	8
15. Safety	8
16. Offences and Penalties	8

Referenced Documents

Standards

NZS 4242: 1995 Headstones and Cemetery Monuments

New Zealand legislation

- Burial and Cremation Act 1964
- Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967
- Cremation Regulations 1973
- Health (Burial) Regulations 1946
- Local Government Act 2002

Foreword

This Part of the bylaw is made under section 16 of the Burials and Cremations Act 1964 and section 146 of the Local Government Act 2002 (LGA). This Part of the bylaw draws from NZS 9201 standard Cemeteries and Crematoria. The NZS 9201 series are model bylaws covering various matters under local authority jurisdiction.

Reference should be made to the Wairarapa Consolidated Bylaw 2019: Part 1 Introductory for any definitions not included in this Part.

If any provision of this Part is inconsistent with Part 1 – Introductory, the provisions of this Part prevail.

1. Scope

- 1.1. The purpose of this Part of the bylaw is to enable Council to control and set standards for the operation of cemeteries and crematoria within the boundaries covered by Council's responsibility or ownership.
- 1.2. Nothing in this Part of the bylaw shall derogate from any provision of, or the necessity for, compliance with, the:
 - a) Burial and Cremation Act 1964;
 - b) Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967;
 - c) Cremation Regulations 1973; and
 - d) Health (Burial) Regulations 1946.

2. Definitions and Interpretation

Beam: The concrete area of a plot where a headstone or plaque is placed.

Cemetery: Any cemetery vested in or under the control of the Council from time to time but excludes any closed cemetery.

Crematoria: Any crematorium maintained by the Council.

Disinterment: The removal of any body, or the remains of any body, or ashes interred in any cemetery.

Exclusive Right of Burial: A right that may be purchased from the Council which grants the purchaser, or the person holding the purchaser's power of attorney, the exclusive right to determine who may be buried in a designated plot for a period designated by Council and:

- does not create an ownership interest over the designated plot; and
- lapses in accordance with section 10 of the Burial and Cremation Act 1964.

Manager: Any person appointed by the Council to control or manage, or to assist in the control and management of, any cemetery or crematorium under the jurisdiction of the Council and to carry out burials and cremations as provided in this Part of the bylaw.

Natural Burial: A burial that has a low environmental impact, including the body not being treated with chemical or oils that prevent or slow down the decay of the body.

Plot: Includes a burial, ashes or memorial plot.

Sexton: Any person appointed by the Council to manage the day to day activities of any cemetery and crematorium under its jurisdiction, including arranging for the provision of plots for burials.

3. Burials and Sale of Plots

- 3.1. Burial plots sold by the Council, shall be sold upon the terms and conditions as decided by the Council and the exclusive right of burial may be granted for such period as the Council decides.
- 3.2. No burial shall be made in any cemetery without a burial warrant for that purpose. A burial warrant may be obtained from the Council upon payment of the appropriate fee. The person having the management or control of the burial shall present the burial warrant to the Sexton as authority for burial.
- 3.3. Burials shall take place in such plots as the Manager shall determine and no headstone, full grave cover or surround shall be erected on the plot unless the exclusive right of burial has been purchased.
- 3.4. No person other than the Sexton or assistants of the Sexton or any other person duly authorised by the Council, shall dig any grave in, or open the ground for burial in, any part of the cemetery. The minimum depth of cover for any casket shall be no less than one metre.
- 3.5. Upon application and payment of the appropriate fees, the urn containing the ashes of any deceased person may be buried in the appropriate portion of the cemetery set aside for that purpose or in any plot subject to an exclusive right of burial.
- 3.6. Council will not sell the exclusive right of burial in respect of any plot in those portions of a cemetery reserved exclusively for natural interments.

4. Natural Burials

- 4.1. Council may set aside, by resolution publicly notified, areas within a cemetery where natural burials may be undertaken.
- 4.2. A natural burial must:
 - a) be single depth, with a minimum depth cover of one metre;
 - b) use only caskets or coffins made of biodegradable materials;
 - c) use shrouds made of natural materials;
 - d) use no chemical or embalming treatment of the body;
 - e) contain only biodegradable accessories, including clothing;
 - f) use only temporary, untreated wooden above-ground markers, placed at the time or within the first week of burial, centrally located at the head of the plot; and
 - g) be marked more permanently by a native tree or shrub chosen by Council, and planted at its discretion.
- 4.3. No memorials or adornments may be placed on or near the burial plot.
- 4.4. Council may, at its discretion, use markers below-ground that are of a material it considers appropriate, to ensure the location of the deceased can be identified.

5. Power to Set Fees

- 5.1. The Council may by resolution publicly notified, set fees for the purchase of plots and all other services provided for the repairs, operation and maintenance of cemeteries and crematoria.
- 5.2. "Out of district" fees may be payable in the case of a burial of a deceased person not residing in or not a ratepayer of the district for a predetermined time as fixed by Council. The Manager appointed by the Council shall determine in each case whether an "out of district" fee is applicable.

6. Hours of Operation

- 6.1. Funerals may be held on such days and at such times as the Council shall determine.

7. Erection and Maintenance of Monuments, Headstones and Structures

- 7.1. The installation of memorial headstones, grave surrounds or overtop construction or repairs and installation of concrete ground beams or bases shall be carried out to the satisfaction of the Council.
- 7.2. All above ground grave structures, enclosures, memorial headstones and other monuments shall be installed to NZS 4242. Purchasers of plots with headstones shall pay fees as fixed by the Council for the purpose of maintaining and repairing in perpetuity the headstone, beams and associated fixtures.
- 7.3. An application to erect a memorial must include written permission from the owner (or the person holding the owner's power of attorney) of the exclusive right of burial for that plot.
- 7.4. Plans and specifications for the construction of above ground vaults in cemeteries must be submitted to the Council for approval prior to any work commencing. Construction of the vault shall be to standards acceptable to the Council.
- 7.5. The Council may carry out regular audits of memorial headstones and other monuments to ensure their safety.
- 7.6. No person shall, without the written permission of the Manager, remove from any cemetery or grave any headstone, monument or plaque.
- 7.7. No monuments other than approved headstones shall be erected within the precincts of a memorial park cemetery. No memorial or headstone shall exceed a height of 1.2 metres except with the written permission of the Manager.
- 7.8. All vases and containers for flowers in memorial park cemeteries shall be placed in such a manner as approved by the Manager.
- 7.9. No person shall construct any structure or plaque in a plaque lawn cemetery in such a manner that any part therefore shall project above the ground immediately adjoining it.
- 7.10. Any memorial plaque in a plaque lawn cemetery must consist of permanent material, be of an approved size and set in an approved position with all inscriptions relating to the persons buried in each plot to be on the one plaque.

- 7.11. No person shall, without the authority of the Sexton, remove or take from any grave in any cemetery, any vase, wreath, plant, flower or other object, except that the Council may cause to be removed any neglected or broken material of this nature.

8. Adornments

- 8.1. Adornments may be placed on a plot for up to one month following an interment.
- 8.2. After one month following the interment, adornments must be placed in approved receptacles and be within the confines of the beam.
- 8.3. Adornments may not inhibit the proper maintenance of the cemetery or other graves.
- 8.4. Glass, pottery, metal or other breakable items or items that may pose a danger must not be used or placed on the memorial, plaque, beam or the grassed area of the plot.
- 8.5. Council may remove the adornments described in clause 8.4 or any other adornment that may pose a danger at any time. Council will either place these adornments on the memorial or within the confines of the beam, or in a designated place for collection by the owner. Council will retain the adornment for a reasonable period of time, after which the adornment may be disposed of without compensation to the owner of the adornment.

9. Plot Maintenance

- 9.1. The holder of the exclusive right of burial, the owner of a plot or their successors must ensure:
- a) the plot is maintained;
 - b) any memorials associated with the plot are safe and secure;
 - c) any kerbs, enclosures, tombstones, headstones, other monuments and their base structures, are kept in good order; and
 - d) memorials do not inhibit regular maintenance of the cemetery.
- 9.2. Council may cut or remove any vegetation planted in the cemetery, at its discretion.
- 9.3. Any person undertaking any work or otherwise present in a cemetery must withdraw for the duration of a nearby interment or service or at the direction of a person authorised by Council.
- 9.4. Services cemeteries will be maintained by Council in accordance with the Standard of Care set by NZ Veterans' Affairs.

10. Shrubs and Trees

- 10.1. No tree or shrub shall be planted in any part of any cemetery by any person without the permission of the Manager being first obtained.

11. Vehicles

- 11.1. Every person driving or in charge of any vehicle in any cemetery shall stop or move such vehicle as directed by the Sexton or assistants of the Sexton.
- 11.2. No vehicle shall be driven at a greater speed than 20km/h or as indicated on any road within the cemetery, and in any other direction other than indicated by traffic notices.
- 11.3. All vehicles (other than hearses) shall yield unconditional right of way to any funeral procession.
- 11.4. Any person installing or attending a memorial in a cemetery shall withdraw for the duration of an adjoining funeral service.

12. Soliciting Trade

- 12.1. With the exception of the transactions of Council staff undertaken in the course of management of the cemetery and crematorium, no person may solicit trade, advertise goods or services, or accept orders for goods or services, within any cemetery.

13. Burial or Cremation of Poor Persons

- 13.1. Where application is made to the Council for the interment or cremation of any deceased poor person, the applicant shall provide to the Council a duly signed certificate certifying that:
 - a) the deceased person has not left sufficient means to pay the ordinary charge of interment or cremation fixed by this Part of the bylaw;
 - b) the cost of burial is not covered by any Accident Compensation or Work and Income New Zealand entitlement; and
 - c) the deceased person's relatives and friends are unable to pay the same.

14. Deceased Servicemen

- 14.1. The fee payable to the Council for the disinterment of any deceased servicemen and the re-interment in the war graves section of the cemetery, if application is made by the War Graves Branch of the Department of Internal Affairs, shall be as agreed upon between the parties at the time.

15. Disinterment

- 15.1. Where a request for a disinterment and/or a re-interment is received by the Council or other cemetery owner, the disinterment shall be conducted pursuant to sections 51 and 55 of the Burial and Cremation Act 1964 and subject to the payment of such fees as the Council decides.

16. Cremation

- 16.1. An approved urn containing the ashes of the deceased person may be left in the crematorium for 14 days from the date of the cremation free of charge. At the expiry of this period such fees as the Council may set shall be paid. The Council will not hold ashes beyond three months from the date of such cremation, and at the expiry of that period may dispose of the ashes in accordance with regulations made under the Burial and Cremation Act 1964.
- 16.2. The casket containing any deceased person intended for cremation shall be made of an approved combustible material.
- 16.3. No casket shall be opened after admission to the crematorium without the consent of the Sexton.
- 16.4. The Council shall determine the hours of operation of its crematorium.
- 16.5. Every application for cremation, together with all the necessary documentation, shall be deposited with the Sexton prior to cremation.

17. Safety

- 17.1. No person other than the Sexton, or assistants of the Sexton, or any other person duly authorised by the Sexton, shall fill in a grave.

18. Offences and Penalties

- 18.1. Any person who breaches this Part of the bylaw commits an offence and may be liable to a penalty under section 242 of the LGA. Refer to Wairarapa Consolidated Bylaw 2019 Part 1: Introductory (Section 15) for details of what broadly constitutes a breach of this Part.



CARTERTON
DISTRICT COUNCIL



MASTERTON
DISTRICT COUNCIL

TE KAUNIHERA A-ROHE O WHAKAORI



SOUTH WAIRARAPA
DISTRICT COUNCIL
Kia Reretahi Tātau

Wairarapa Consolidated Bylaw 2019

Part Eight Wastewater

Commencement

The Wairarapa Consolidated Bylaw 2019 came into force throughout the Masterton, Carterton and South Wairarapa districts on 8 July 2019.

Adoption

Council	Bylaw/Amendments	Adoption Date
Masterton District Council	Consolidated Bylaws 2012: Parts One to Eighteen	14 August 2013
South Wairarapa District Council	Consolidated Bylaws 2012: Parts One to Six, Parts 8 and 9, Parts Eleven to Sixteen	31 July 2013
Masterton District Council Carterton District Council South Wairarapa District Council	Wairarapa Consolidated Bylaw 2019: Part Eight – Wastewater	26 June 2019

Wairarapa Consolidated Bylaw 2019

Part 8 – Wastewater

Contents

Foreword	3
1. Scope	3
2. Definitions.....	3
3. Access to Network	4
4. Protecting the Public Wastewater Drainage Network	4
5. Private Drainage Systems	6
6. Proposed Works	7
7. Approval to Connect.....	8
8. Point of Discharge.....	9
9. Conditions of Supply	13
10. Level of Service	15
11. Liability.....	15
12. Payment.....	15
13. Offences and Penalties	16

Referenced Documents

Reference is made in this document to the following:

New Zealand Standards

- NZS 9201: Wastewater Drainage Bylaw
- NZS 4404: 2010 Land Development and Subdivision

New Zealand Legislation

- Building Act 2004
- Building Regulations 2007 (New Zealand Building Code)
- Hazardous Substances and New Organisms Act 1996
- Hazardous Substances Regulations 2001
- Local Government Act 1974
- Local Government Act 2002
- Local Government (Rating) Act 2002
- Resource Management Act 1991

Other Publications

- New Zealand Transport Agency Bridge Manual
- Wairarapa Combined District Plan

Foreword

This Part of the bylaw is made under section 146 of the Local Government Act 2002 (LGA). This bylaw draws on New Zealand Standards 9201 series Wastewater Drainage Bylaw.

Reference should be made to the Wairarapa District Council Consolidated Bylaw 2019: Part 1 Introductory for any definitions not included in this Part.

If any provision of this Part is inconsistent with Part 1 – Introductory, the provisions of this Part prevail.

1. Scope

- 1.1. This Part of the bylaw regulates wastewater drainage from both domestic and trade premises to a wastewater authority.
- 1.2. Application for acceptance of trade wastes into the public wastewater drainage network is the subject of Part Nine: Trade Waste.

2. Definitions

Acceptable Discharge: A wastewater with physical and chemical characteristics which comply with the requirements of Council as scheduled in Part 9 - Trade Waste.

Buried Services: All public sewers, rising mains, trunk sewers and other underground utilities under the responsibility of Council.

Characteristic: Any of the physical or chemical characteristics of a trade waste referred to in the Part 9: Trade Waste.

Customer: A person who either discharges or has obtained consent to discharge or direct the manner of discharge of wastewater from any premises to Council's public sewer. The customer may be an owner or an occupier.

Deed of Covenant: An agreement whereby a party stipulates as to the truth of certain facts, or binds himself to give something to another, or to do or not to do any act.

Disconnection: The physical cutting and sealing of the drain from a premises.

Domestic Wastewater: Either that wastewater which is discharged from premises used solely for residential activities or wastes of the same character discharged from other premises, provided that the characteristics of the wastewater are an acceptable discharge and do not trigger the provisions of Part 9 - Trade Waste. Such activities shall include the draining of domestic swimming and spa pools subject to Section 5 of this Part of the bylaw.

Drain: The section of private drain between the customer's premises and the point of discharge through which wastewater is conveyed from the premises. This section of drain is owned and maintained by the customer (or group of customers).

Infiltration: Water entering a public sewer or private drain from groundwater through defects such as poor joints, cracks in pipes or manholes. It does not include inflow.

Inflow: Water discharged into a private drain from non-complying connections or other drainlaying faults. It includes stormwater entering through illegal downpipe connections or from low gully traps.

Level of Service: The measurable performance standards on which Council undertakes to receive wastewater from its customers.

Point of Discharge: The boundary between the public sewer and a private drain.

Prohibited Characteristics: A wastewater that shall not be discharged into the Council's wastewater system, as scheduled in the Part 9 - Trade Waste.

Rising Main: A sewer through which wastewater is pumped.

Schedule of Rates and Charges: The list of items, terms and prices for services associated with the discharge of wastewater as approved by Council.

Service Opening: A manhole, or similar means for gaining access for inspection, cleaning or maintenance, of a public sewer.

Sewer: The main public sewer and lateral connections that carry away wastewater from the point of discharge. The public sewer is owned and maintained by Council.

Stormwater: All surface water run-off resulting from precipitation.

Trade Premises: Any premises used or intended to be used for carrying on any trade or industry and includes any land or premises wholly or mainly used for agricultural or horticultural purposes.

Trade Waste: Any liquid, with or without matter in suspension or solution that is, or may be, discharged from a trade premises in the course of any trade or industrial process or operation, or in the course of any activity or operation of a like nature, but does not include condensing water, stormwater or domestic wastewater. Condensing or cooling waters, and stormwater which cannot practically be separated from wastewater may be included subject to specific approval.

Trunk Sewer: A sewer, generally greater than 150mm in diameter, which forms a part of the principal drainage network of Council's wastewater drainage system.

Wastewater: Sewage or stormwater.

Wastewater Drainage Network: A set of facilities and devices, either natural or man-made, which are used to collect and convey wastewater to a treatment plant. This includes but is not limited to drains, pipes and other conduits, manholes, chambers, traps, pumping stations and treatment plants.

3. Access to Network

- 3.1. No person other than the Council and its authorised agents shall have access to any part of the wastewater drainage network.

4. Protecting the Public Wastewater Drainage Network

Storage of Hazardous Materials

- 4.1. No person shall store a hazardous substance (which includes any raw material, products or wastes containing corrosive, toxic, biocidal, radioactive, flammable, or explosive materials), or any material which, when mixed with the wastewater stream, is likely to generate toxic, flammable, explosive or corrosive materials in quantities likely to be hazardous, or any other material likely to be harmful to Council's wastewater system or the health and safety of Council staff and the public, without taking all reasonable steps to prevent its entry into the Council sewer from leakage, spillage or other mishap.

- 4.2. The occupier shall comply with the requirements of the Hazardous Substances and New Organisms Act 1996 and Hazardous Substances Regulations 2001.
- 4.3. The occupier of any premises shall immediately notify Council of any hazardous material entering the public wastewater drainage network, other than for discharges which are permitted or provided for under a trade waste permit in accordance with Part Nine: Trade Waste.

Working around Buried Services

- 4.4. Council will keep accurate permanent records ('as-builts') of the location of its buried services. This information shall be available for inspection at no cost to users. Charges may be levied to cover the costs of providing copies of this information.
- 4.5. Any person proposing to carry out excavation work shall view the as-built information to establish whether or not Council services are located in the vicinity. At least five working days' notice in writing shall be given to Council of an intention to excavate in the vicinity of its services. Where appropriate Council shall mark out to within ± 0.5 m on the ground the location of its services and nominate in writing any restrictions on the work it considers necessary to protect its services. Council may charge for this service.
- 4.6. When excavating and working around buried services, due care shall be taken to ensure the services are not damaged, and that bedding and backfill are reinstated in accordance with the appropriate Council specification. Any damage which occurs to a Council service shall be reported to Council immediately. The person causing the damage shall reimburse Council with all costs associated with repairing the damaged service, and any other costs Council incurs as a result of the incident.

Note: Excavation within roadways is also subject to the permit process of the appropriate roading authority.

Building over Buried Services

Rising Mains and Trunk Sewers

- 4.7. No building shall be built over a public rising main or trunk sewer, or closer than the greater of:
 - a) 1.5 metres from the centre of any main or sewer; or
 - b) the depth of the centre line of the sewer, plus the diameter of the sewer, plus 0.2 metres from the centre of that sewer, subject to compliance with 3.1 of NZS 3604.

Other Public Sewers (150mm diameter or less)

- 4.8. No building shall be built over a public sewer, whether on public or private land.
- 4.9. No building shall be built closer than the greater of:
 - a) 1.5 metres from the centre of any public sewer; or
 - b) the depth of the centreline of the sewer, plus the diameter of the sewer, plus 0.2 metres from the centre of that sewer, subject to compliance with section 3.1 of NZS 3604.
- 4.10. Subject to approval, a building developer may meet the cost of diverting the public sewer (including any manholes) in accordance with Council's standards.
- 4.11. Where clauses 4.8, 4.9 and 4.10 are found to be impractical and the building cannot be sited elsewhere on the property or modified to conform with the above conditions, and it is essential and agreed by Council for the proposed building to be built on that part of the property, approval may be granted subject to the building developer meeting the cost of any specific requirements. These may include the provision of access manholes, pipe strengthening, ducting, additional support of the building's foundations and re-locatable construction, and may include:

- a) carrying out sufficient investigations to accurately determine the sewer's location and depth, and to prove that the sewer is in a condition where it has a remaining life of at least 50 years; or
- b) carrying out remedial work or relaying the sewer to meet the requirements of:
 - (i) bore piling the building 1.0 metre clear distance either side of the sewer to below the sewer invert to ensure that no building loads are transferred to the sewer and so that it is possible to excavate down to the sewer without threat to the building;
 - (ii) providing two additional manholes into the sewer between 2.0 and 3.0 metres from the edge of the building at the points it enters and leaves the building (unless there is an existing manhole within 10 metres), provided that the sewer lies in a straight line and that there are no other connections between these two manholes;
 - (iii) carrying out all work on and around the sewer in accordance with Council's engineering standards;
 - (iv) registering the public sewer by a Memorandum of Encumbrance and Deed of Covenant against the Certificate of Title (Schedules A and B of the Model Bylaw NZS 9201: 1999).

Loading of Material over Public Wastewater Pipes

- 4.12. No person shall cause the crushing load imposed on a public sewer to exceed that which would arise from the soil overburden plus a HN-HO-72 wheel or axle load (as defined by New Zealand Transport Agency Bridge Manual).
- 4.13. No person shall place any additional material over or near a public sewer without approval.
- 4.14. Manholes, chambers and other ancillary structures shall not be covered in any way unless approved by Council. Removal of any covering material or adjustment of the structures shall be at the property owner's expense.

Excavation near Public Sewers

- 4.15. No person shall, without approval in writing from Council, excavate, or carry out piling or similar work closer than:
 - a) five metres from the centre line of any rising main or trunk sewer; or
 - b) two metres from the centre line of any public sewer;
- 4.16. Approval given under clause 4.15 may impose conditions on the carrying out of any work near the sewer.

5. Private Drainage Systems

Customer's Drainage System

- 5.1. The customer's drainage system shall be designed, installed and maintained, both in its component parts and in its entirety, to ensure that it complies with the Building Act 2004 and the New Zealand Building Code.

Maintenance of Private Drainage System

- 5.2. It is the responsibility of the owner or occupier to properly maintain in good working order at all times, the private wastewater drainage network on the premises.

6. Proposed Works

- 6.1. No person shall carry out wastewater works without:
 - a) prior written approval from Council; and
 - b) a building consent or resource consent, if required.
- 6.2. Every application to carry out wastewater works shall include drawings and specifications for the proposed works. The drawings shall show, to the satisfaction of Council, the proposed works and their effects on the subject site and surrounding land.
- 6.3. All proposed wastewater works shall be designed, constructed and operated:
 - a) in compliance with any relevant Wastewater Management Plan or discharge consent including its recommendations or conditions for the area concerned; and
 - b) to Council's standards for corresponding public wastewater works where they serve or may serve land or buildings in different ownership; and
 - c) to Council's Wastewater Drainage policies; and
 - d) in compliance with any written conditions imposed by Council when approving the works, and with any relevant building or resource consent; and
 - e) to be consistent with foreseeable catchment-wide works (for example, extending a pipe upstream or downstream) so as to give a benefit to the catchment as a whole.
- 6.4. Such wastewater drainage works shall remain the responsibility of the owner of the land on which the works occur unless and until they are taken over and vested in Council. The cost of all work involved will be the owner's cost unless specific agreement for alternative cost sharing is approved in writing by Council.

Diverting Public Wastewater Pipes

- 6.5. Subject to specific approval in writing by Council, a developer may divert a public wastewater pipe (including any ancillary structures) in accordance with any engineering requirements specified by Council, and the developer shall meet the cost of such diversion work.

Pump Stations

- 6.6. Private wastewater pump stations will be approved only where there are no practical alternatives for a gravity flow discharge to the public sewer.

Single Ownership

- 6.7. A private wastewater pump station for a single dwelling unit represents an alternative solution in terms of the Building Act 2004. As such, the customer (owner) will be required to demonstrate that the pump station complies with the provisions of the New Zealand Building Code when seeking a consent.

Multiple Ownership

- 6.8. A private wastewater pump station serving more than one residential dwelling unit requires a compliance schedule as well as an annual building warrant of fitness in order to meet the requirements of the Building Act 2004.
- 6.9. A "Common Pump Station Agreement" shall be required between the parties, including appropriate maintenance of rising mains. It shall be registered against the Certificate of Title of each party.

6.10. The combined rate of discharge to the public sewer shall not exceed the rate specified by Council.

7. Approval to Connect

7.1. No person may make a connection to, or otherwise interfere with the public wastewater drainage network without prior approval of the Council.

Application for Connection

- 7.2. Every application for a connection to the public wastewater drainage network shall be made in writing on the standard Council form accompanied by the prescribed charges. The applicant shall provide all the details required by Council.
- 7.3. On receipt of an application Council shall, after consideration of the application and other matters relating to the application and the wastewater drainage network, either:
- a) approve the application and inform the applicant of the size of the connection and any particular conditions applicable; or
 - b) refuse the application and notify the applicant of the decision giving the reasons for refusal.
- 7.4. Failure to comply with any of the terms and conditions constitutes interference with the public wastewater drainage network without prior approval and is a breach of this Bylaw.
- 7.5. Any such connection shall be carried out by a registered drainlayer under the supervision of Council.
- 7.6. New lateral connections to the property boundary will be undertaken by Council staff or a Council approved drainage contractor.
- 7.7. Any new connection shall be dimensioned from the immediate downstream manhole to the centre of the newly installed connection, and an as-built plan showing the connection shall be provided to Council within seven days of installation and acceptance by Council.
- 7.8. Land development subdivision within the serviced area shall in all cases provide for a domestic wastewater connection to the boundary of each allotment.
- 7.9. The applicant shall have the authority to act on behalf of the owner of the premises for which the connection is sought, and shall produce written evidence of this if required.
- 7.10. An approved application which has not been actioned within six months of the date of application will lapse unless a time extension has been approved. Any refund of fees and charges shall be at the discretion of Council.

Prescribed Charges

- 7.11. Charges applicable at the time of connection may include:
- a) payment to Council or an approved contractor for the cost of the physical works required to provide the connection;
 - b) a development contribution charge determined in accordance with the LGA; or
 - c) a financial contribution charge determined in accordance with the Resource Management Act 1991 and the Wairarapa Combined District Plan in the case of completed land subdivision within the serviced area, if not previously paid to Council.

8. Point of Discharge

- 8.1. The point of discharge from a customer shall be the point on the public sewer which marks the boundary of responsibility between the customer and Council, irrespective of property boundaries.
- 8.2. Unless otherwise approved there shall be one point of discharge only for each premises, and any private drain shall not extend by pipe or any other means to serve another premises unless it is a common private drain.

Single Ownership

- 8.3. For single dwelling units the point of discharge shall be located at the boundary as shown in Figures 1, 2, 3, and 4 or as close as possible where fences, walls or other permanent structures make it difficult to locate it at the required position. The approval of other positions must be made by Council and recorded on the drainage plan. Where a private drain discharges into a public sewer on that same private property, the point of discharge shall be the upstream end of the pipe fitting which forms the junction with the public sewer.

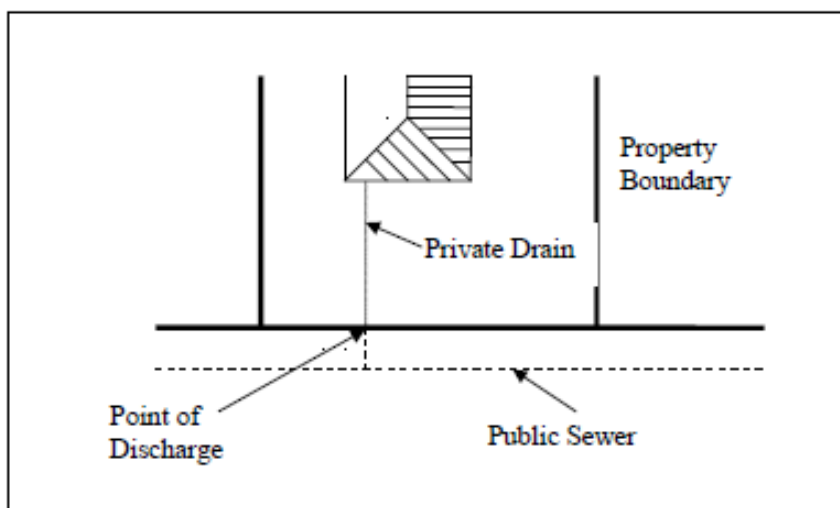


FIGURE 1 - POINT OF DISCHARGE LOCATION - WITH STREET FRONTAGE

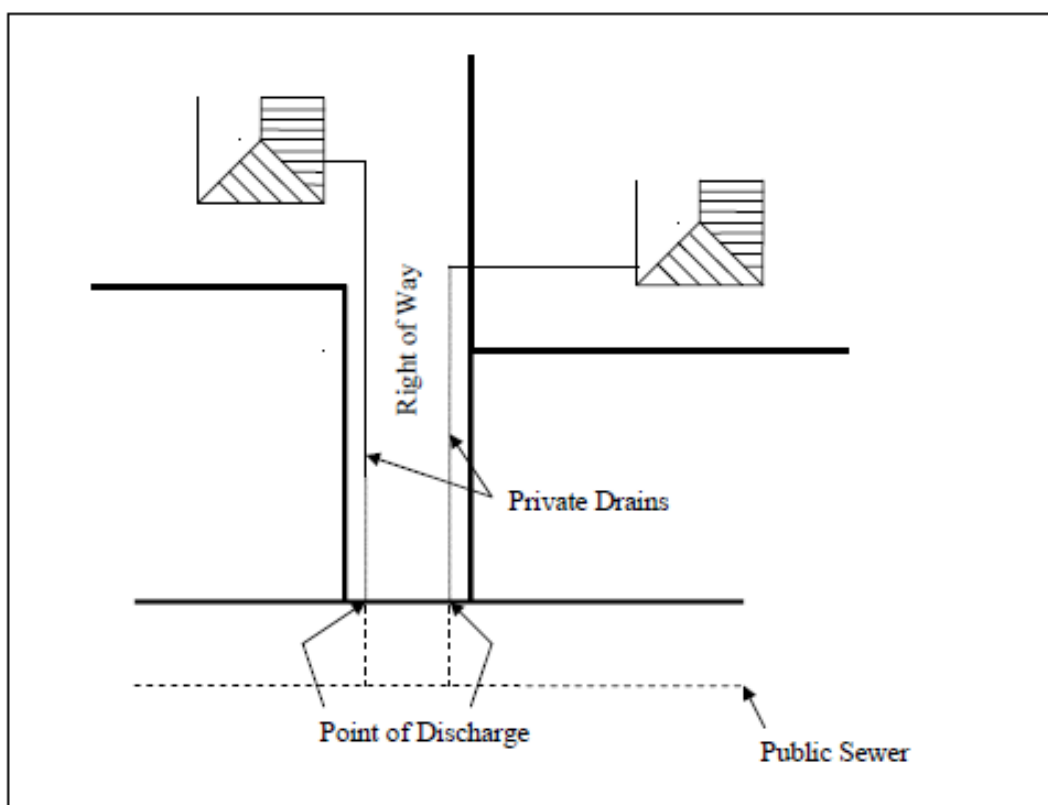


FIGURE 2 - POINT OF DISCHARGE LOCATION - REAR LOTS

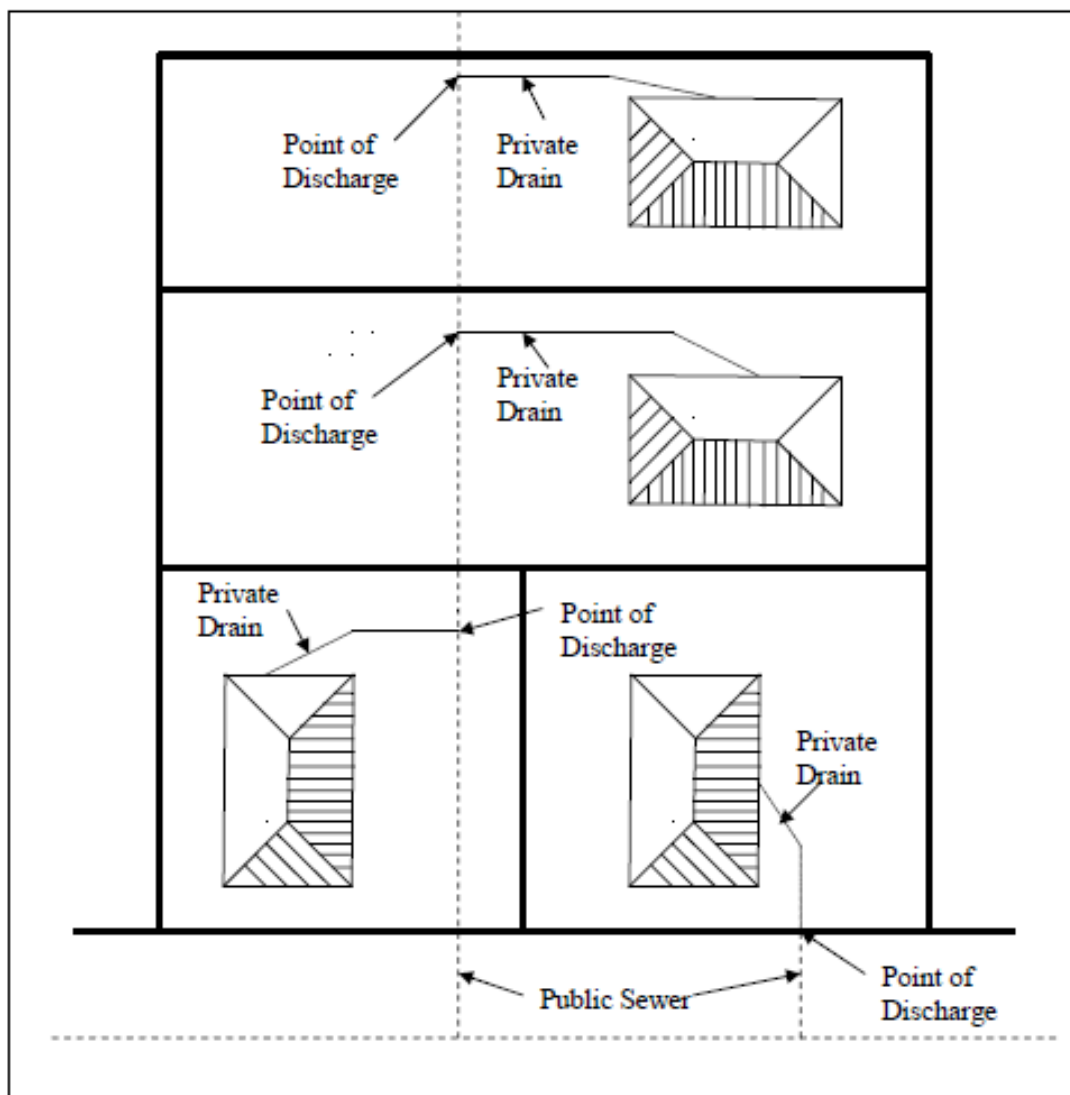


FIGURE 3 - POINT OF DISCHARGE LOCATION - PUBLIC SEWER ON PRIVATE PROPERTY

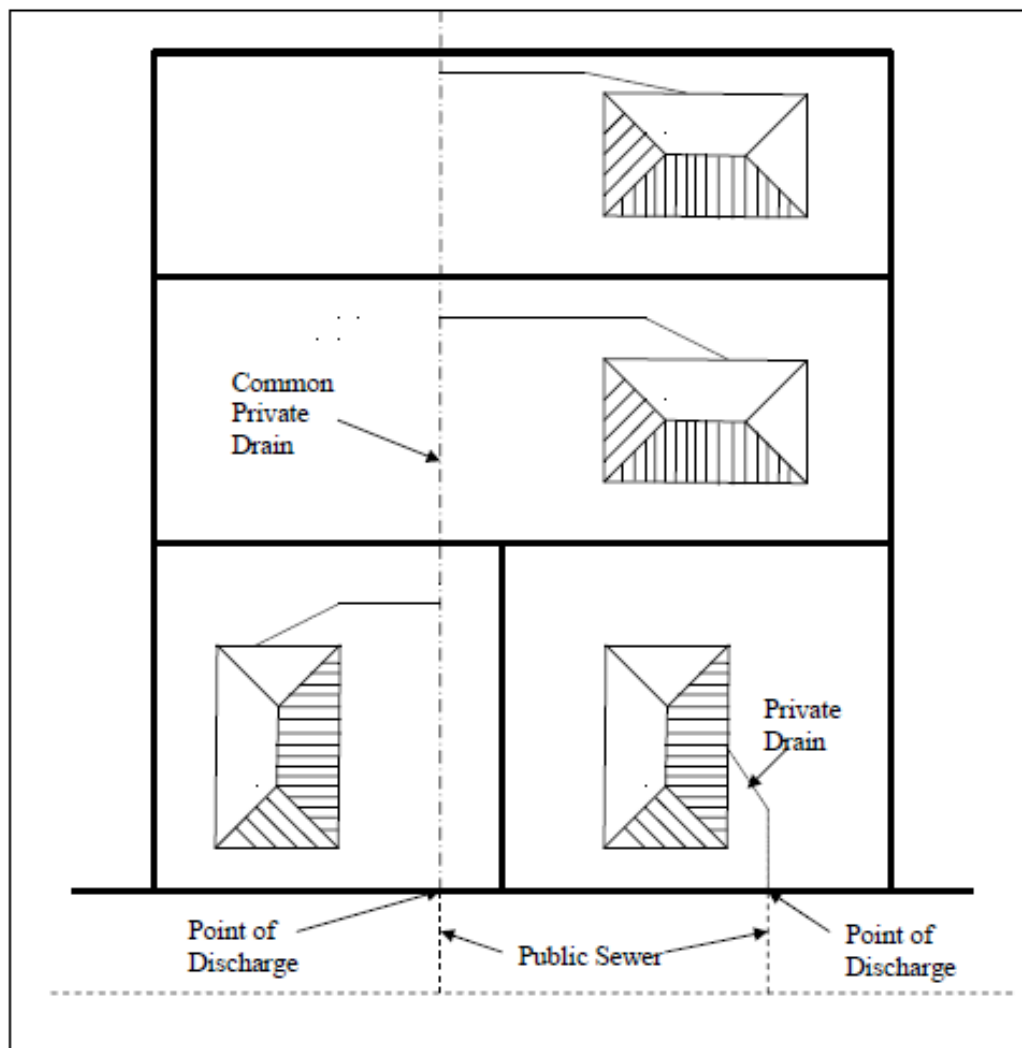


Figure 4 - Point of Discharge Location - Common Private Drain

Multiple Ownership

- 8.4. The point of discharge for the different forms of multiple ownership of premises and/or land shall be as follows:
- a) for company share/block scheme (body corporate) - as for single ownership;
 - b) for leasehold/tenancy in common scheme (cross lease), strata title, and unit title (body corporate); where practicable each owner shall have an individual drain with the point of discharge determined by agreement with Council. If not practicable there shall be a common private drain which shall be incorporated as an additional provision in the lease agreement. In specific cases other arrangements will be acceptable subject to individual approval.

Layout

- 8.5. The physical drainage layout at a point of discharge shall be as per the New Zealand Building Code, the New Zealand Standard NZS4404: Land Development and Subdivision Engineering, and as Council approves.

Common Private Drains

- 8.6. Common private drains shall serve a maximum of five (5) single dwelling units, or as determined by the WWA at subdivision/building consent stage as stated on the title, and shall have one point of discharge only (in common).
- 8.7. Common drains shall be covered by a certificate from Council recording the rights of each party, which is registered against the certificate of title.

9. Conditions of Supply

Domestic Wastewater

- 9.1. No domestic wastewaters shall:
- a) exceed the substance limits scheduled in the Part 9 - Trade Waste;
 - b) contain the substances prohibited in Part 9 - Trade Waste.
- 9.2. Where part of domestic premises is used as an office or other trade related activity from which no trade waste could be produced, and which no other persons apart from those living at those premises use, then it shall be treated as domestic premises. Any trade activity which produces or has the potential to produce a wastewater shall be treated as being from trade premises.
- 9.3. The maximum instantaneous flow rate discharged from a domestic premises shall not exceed 2.0 litres/sec and/or 5m³ per day.

Swimming Pools

- 9.4. Customers with swimming or spa pools shall be required to demonstrate that the pool drain has been fitted with a flow limiting device to ensure the discharge does not exceed the maximum instantaneous flow requirement of 2.0 litres/sec.

Prohibited Characteristics

- 9.5. No wastewater with characteristics (as scheduled in Part 9 - Trade Waste) shall be discharged into the public wastewater drainage network.

Waste Minimisation

- 9.6. In order to meet the principles of sustainable management as promoted by the Resource Management Act 1991, Council recommends that customers fit the devices contained in the table below on all new installations.

Waste Minimisation Device	Control of Usage
Dual flush toilet cistern	Flush 1 - 1.6 litres Flush 2 - 3.0 litres
Low flow shower heads	Maximum 9 litres per minute
Urinal flushing control	Timed, or On-Demand Controller

Prevention of Inflow and Infiltration

- 9.7. The customer shall prevent any stormwater or groundwater entering the wastewater drainage system. This includes roof downpipes, surface water run-off, overland flow, and sub-surface drainage. Stormwater shall be excluded from the wastewater system by ensuring that:
- a) there is no direct connection of any stormwater pipe or drain to the wastewater system;

- b) gully trap surrounds are set above stormwater ponding levels (refer New Zealand Building Code G13), or secondary overland flow path flood levels;
- c) inspection covers are in place and are appropriately sealed;
- d) private drains shall be kept and maintained in a state which is free from cracks and other defects which may allow infiltration.
- e) compliance is achieved by any other means that may be acceptable to Council.

Blockages

- 9.8. In the Masterton and South Wairarapa districts, where a customer suspects a blockage, they shall first call the Council to investigate. If the blockage is caused by the public network, Council will clear the blockage. If the blockage is caused by the private drain, Council will advise the customer to engage a plumber to clear the blockage at the customer's cost. Council will not reimburse the customer if Council was not contacted first, even if the blockage was caused by the public network.
- 9.9. In the Carterton district, where a customer suspects a blockage, they shall first call a drainlayer to clear and remove any blockage in their private drain. If the drainlayer finds that the blockage is within the public sewer, then the drainlayer shall contact Council who shall clear and remove the blockage and clean up all affected areas. Provided that the blockage has not been forced downstream into the public sewer in the act of clearing it from the private drain, or that the customer has not been negligent in discharging a non-acceptable wastewater, then Council shall reimburse the customer for actual and reasonable drainage costs. If otherwise, Council shall recover the costs of the unblocking work from the customer.
- 9.10. In the event of the roots of any tree on a customer's premises causing or being likely to cause damage, interference to the flow, or blockage to a public sewer, Council procedure shall follow that set out in section 468 of the Local Government Act 1974. No compensation shall be payable to the owner of any tree altered or removed under this procedure.

Disconnection

- 9.11. A customer shall give seven working days' notice in writing of their intention to demolish or remove a building connected to the sewer. The demolition or removal shall not commence until the property has been disconnected from the sewer by Council.
- 9.12. A customer shall give two working days' notice in writing to Council of their requirement for disconnection of the discharge connections if relaying of the private drain is required.

Change of Ownership

- 9.13. In the event of domestic premises changing ownership, the new owner shall automatically become the new customer of that premise.

No Guarantee

- 9.14. Council does not guarantee to receive wastewater without interruption; however Council will use all reasonable endeavours to ensure that any disruption is kept to a minimum.

Access for Maintenance, Repair and Inspection

- 9.15. Subject to the provisions of the LGA, the owner or occupier shall allow Council with or without equipment, access to any area of the premises for the purposes of carrying out any work on the public wastewater drainage network including inspection and survey, and for determining compliance with the requirements of this Part of the bylaw.

- 9.16. Wherever practical Council shall make every reasonable attempt to notify the owner or occupier of any scheduled work on the public wastewater drainage network before the work commences. Where immediate action is required and notification is not practical, work will be carried out without notice.

Emergency

- 9.17. Natural hazards or accidents beyond the control of the WWA which result in disruptions to the ability of the WWA to receive wastewater will be deemed an emergency and exempted from the level of service requirements of Section 10.
- 9.18. During an emergency Council may restrict or prohibit the discharge of wastewater for any specified purpose, for any specified period, and for any or all of its customers.
- 9.19. Such restrictions shall be publicly notified.

Defect Notices

- 9.20. In the event of statutory or other legal requirements, Council may serve a defect notice on the customer advising its nature and the steps to be taken within a specified period, to remedy it. If, after the specified period, the customer has not remedied the breach, Council may charge a re-inspection fee. However, if the defect is such that public health, or safety considerations, or risk of consequential damage to Council assets would create unacceptable results, Council may take immediate action to rectify the defect, and recover all reasonable costs.

Remedial Work

- 9.21. At any time after the specified period in Section 7 has elapsed, Council may carry out any remedial work required in order to make good the breach, and to recover from the person committing the breach all reasonable costs incurred in connection with the remedial work.

10. Level of Service

- 10.1. Council shall provide wastewater services in accordance with the level of service contained in the Long-Term Plan (LTP) of the Council. For those periods where the level of service allows non-compliance with the specified values, Council will make every reasonable attempt to achieve the specified values.

11. Liability

- 11.1. Council shall endeavour to meet the level of service requirements, but it shall not be liable for any loss, damage or inconvenience which the customer (or any person within the premises) may sustain as a result of deficiencies in the wastewater collection system.

12. Payment

- 12.1. The owner shall be liable to pay for the discharge of wastewater and related services in accordance with Councils fees and charges and/or rating requirements prevailing at the time.
- 12.2. Council may recover all unpaid fees and charges and rates as prescribed in sections 57 to 82 of the Local Government (Rating) Act 2002.

13. Offences and Penalties

- 13.1. Any person who breaches this Part of the bylaw commits an offence and may be liable to a penalty under section 242 of the LGA. Refer to Wairarapa Consolidated Bylaw 2019: Part 1 – Introductory (Section 15) for details of what broadly constitutes a breach of this Part.



Wairarapa Consolidated Bylaw 2019

Part Nine Trade Waste

Commencement

The Wairarapa Consolidated Bylaw 2019 came into force throughout the Masterton, Carterton and South Wairarapa districts on 8 July 2019.

Adoption

Council	Bylaw/Amendments	Adoption Date
Masterton District Council	Consolidated Bylaw 2012: Parts One to Eighteen	14 August 2013
South Wairarapa District Council	Consolidated Bylaw 2012: Parts One to Six, Parts 8 and 9, Parts Eleven to Sixteen	31 July 2013
Masterton District Council Carterton District Council South Wairarapa District Council	Wairarapa Consolidated Bylaw 2019: Part Nine – Trade Waste	26 June 2019

Wairarapa Consolidated Bylaw 2019

Part 9 – Trade Waste

Contents

1. Foreword	4
2. Scope	4
3. Definitions and Abbreviations	5
4. Control of Discharges.....	9
5. Classification of Trade Waste Discharges	10
6. Application for a Trade Waste Permit	10
7. Conditions of Trade Waste Permit	13
8. Cancellation of the Right to Discharge	16
9. Trade Waste Approval Criteria	17
10. Flow Metering.....	18
11. Estimating Discharge	18
12. Sampling, Analysis and Monitoring	19
13. Accidents and Non-compliance	21
14. Charges and Payments	21
15. Authorised Officers.....	21
16. Transfer or Termination of Rights and Responsibilities	22
17. Service of Documents	22
18. Offences and Penalties	23

Referenced Documents

Reference is made in this document to the following:

New Zealand Standards

- NZS 4304:2002: Management of Healthcare Waste
- NZS 5465:2001: Self Containment for Motor Caravans and Caravans
- NZS 9201: Model Trade Waste Bylaw
- Part 22:1999: Wastewater Drainage

Joint Australian/New Zealand Standards

- AS/NZS 5667: Water quality – Sampling
- Part 1: 1998: Guidance on the design of sampling programs, sampling techniques and the preservation and handling of samples
- Part 10: 1998: Guidance on sampling of wastewaters

British Standards

- BS 3680: Measurement of liquid flow in open channels
 - o Part 11A:1992: Free surface flow in closed conduits – Methods of measurement
 - o Part 11B:1992: Free surface flow in closed conduits – Specification for performance and installation of equipment for measurement of free surface flow in closed conduits
- BS 5728: Measurement of flow of cold potable water in closed conduits
 - o Part 3:1997: Methods for determining principal characteristics of single mechanical water meters (including test equipment)
- BS 6068: Water quality
 - o Part 6: Sampling
 - o Section 6.10:1993: Guidance on sampling of wastewaters
- BS EN 25667-1:1994: Water quality. Sampling. Guidance on the design of sampling programmes
BS 6068-6.1:1981
- BS EN 25667-2:1993: Water quality. Sampling. Guidance on sampling techniques
BS 6068-6.2:1991
- BS EN 5667-3:2003: Water quality. Sampling. Guidance on the preservation and handling of water samples
BS 6068-6.3:2003

New Zealand Legislation

- Building Act 2004
- Hazardous Substances and New Organisms Act (HSNO) 1996 and associated Regulations

- Health Act 1956
- Health and Safety at Work Act 2015
- Land Transport Rule Dangerous Goods (Rule 45001) 2005
- Local Government Act 2002
- Resource Management Act 1991 and associated regulations

Other Publications

- Agricultural and Resource Management Council of Australia and New Zealand (ARMCANZ)
- Australia New Zealand Environment and Conservation Council (ANZECC)
- Guidelines for Sewerage Systems: Acceptance of Trade Wastes (industrial waste) 12 (1994)
- Document available from Australian Water Association (AWA) www.awa.asn.au
- American Water Works Association
Standard methods for the examination of water and wastewater 20th Edition (1999)
Document available from American Water Works Association www.awwa.org
- Building Industry Authority
New Zealand Building Code (NZBC) 1992 and Approved Documents
Document available from Building Industry Authority (BIA) www.bia.govt.nz
- Ministry for the Environment (MfE)
Landfill Acceptance Criteria (2004)
The New Zealand Waste Strategy (2002)
Documents available from Ministry for the Environment New Zealand www.mfe.govt.nz
- National Radiation Laboratory (NRL)
NRL C1 Code of safe practice for the use of unsealed radioactive materials (1996).
Document available from National Radiation Laboratory www.nrl.moh.govt.nz
- New Zealand Water and Wastes Association (NZ WWA)
Guidelines for the Safe Application of Biosolids to Land in New Zealand (2003)
Liquid and Hazardous Wastes Code of Practice (2003)
Documents available from New Zealand Water & Wastes Association (NZ WWA)
www.nzwwa.org.nz
- New Zealand Water Environment Research Foundation (NZWERF)
New Zealand Municipal Wastewater Monitoring Guidelines (2002)
Document available from New Zealand Water Environment Research Foundation (NZWERF)
www.nzwerf.org
- Sydney Water Corporation
Trade Waste Policy (2004)
Document available from Sydney Water Corporation www.sydneywater.com.au
- United States Environment Protection Agency (US EPA)
Method 9095A Paint Filter Liquids Test (1996)
Document available from United States Environmental Protection Agency www.epa.gov

1. Foreword

This Part of the bylaw is made under section 146 of the Local Government Act 2002 (LGA). This bylaw draws on New Zealand Standards 9201 series Trade Waste Bylaw.

Reference should be made to the Wairarapa Consolidated Bylaw 2019: Part 1 Introductory for any definitions not included in this Part.

If any provision of this Part is inconsistent with Part 1 – Introductory, the provisions of this Part prevail.

2. Scope

- 2.1. This part of the bylaw regulates the discharge of trade waste to a sewerage system operated by a wastewater authority.
- 2.2. The bylaw provides for the:
- a) acceptance of long-term, intermittent, or temporary discharge of trade waste to the sewerage system;
 - b) establishment of three grades of trade waste (controlled, conditional and prohibited);
 - c) evaluation of individual trade waste discharges to be against specified criteria;
 - d) correct storage of materials in order to protect the sewerage system from spillage;
 - e) installation of flow meters, samplers or other devices to measure flow and quality of the trade waste discharge;
 - f) pre-treatment of waste before it is accepted for discharge to the sewerage system;
 - g) sampling and monitoring of trade waste discharges to ensure compliance with the bylaw;
 - h) Wastewater Authority (WWA) to accept or refuse a trade waste discharge;
 - i) charges to be set to cover the cost of conveying, treating and disposing of, or reusing, trade waste and the associated costs of administration and monitoring;
 - j) administrative mechanisms for the operation of the bylaw; and
 - k) establishment of waste minimisation and management programmes (including sludges) for trade waste producers.
- 2.3. Nothing in this bylaw shall derogate from any of the provisions of the Health Act 1956, the Health and Safety at Work Act 2015, the Resource Management Act 1991, the Building Act 2004, the Hazardous Substances and the New Organisms Act 1996 and its regulations or any other relevant statutory or regulatory requirements. In the event of any inconsistency between legislation the more stringent requirement applies.

Trade premises and other users to which the bylaw applies

- 2.4. This bylaw shall apply to all trade premises within the Masterton, Carterton and South Wairarapa districts where trade wastes are discharged or sought or likely to be discharged to the sewerage system operated by the WWA or its agents. The bylaw shall also apply to tankered wastes collected for the purpose of discharge to the sewerage systems operated by the WWA or its agents.
- 2.5. Pursuant to Section 196 of the LGA, the WWA may refuse to accept any type of trade waste, which is not in accordance with this Part of the bylaw.

- 2.6. This Part of the bylaw does not preclude any agreement with a neighbouring authority for a licensed trade waste agreement.

3. Definitions and Abbreviations

Access Point: A place where access may be made to a private drain for inspection (including sampling or measurement), cleaning or maintenance. The location of the access point shall be in accordance with the New Zealand Building Code and Part 8 of this bylaw – Wastewater Drainage.

Analyst: A testing laboratory approved in writing by an authorised officer on behalf of the WWA.

Batch Discharge: Any discharge of accumulated trade waste over a short duration that has not been approved for discharge under any existing permit and can include the discharge of tankered waste to designated points into the wastewater system.

Best Management Practice Plan: A plan as part of a trade waste permit submitted by a trade premises occupier, showing how the occupier is to mitigate against the effects of the trade's operational impacts on drainage discharge. This can include emergency management, environmental management, and a spill management plan.

Biosolid: Sewage sludge derived from a sewage treatment plant that has been treated and/or stabilised to the extent that it is able to be safely and beneficially applied to land and does not include products derived solely from industrial wastewater treatment plants. The term biosolid is used generically throughout this document to include products containing biosolids (e.g. composts).

Cleaner Production: The implementation on trade premises, of effective operations, methods and processes, appropriate to the goal of reducing or eliminating the quantity and toxicity of wastes. This is required to minimise and manage trade waste by:

- using energy and resources efficiently, avoiding or reducing the amount of wastes produced;
- producing environmentally sound products and services;
- achieving less waste, fewer costs and higher profits.

Condensing Water or Cooling Water: Any water used in any trade, industry, or commercial process or operation in such a manner that it does not take up matter into solution or suspension.

Conditional Trade Waste: A trade waste that does not comply with the conditions in Schedule 1C of this Part of the bylaw or is not a controlled trade waste.

Contaminant: Includes any substance (including gases, odorous compounds, liquids, solids and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy or heat:

- when discharged into water, changes or is likely to change the physical, chemical, or biological condition of water; or
- when discharged onto or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air onto or into which it is discharged; or
- as described or contained in the Resource Management Act 1991.

Contingency Management Procedures: Those procedures developed and used to avoid, remedy, or mitigate the actual and/or potential adverse effects of these activities on the environment from an unexpected or unscheduled event resulting in discharge, or potential discharge of contaminants of concern into the sewerage system.

Controlled Trade Waste: A trade waste discharge that has been approved by, or is acceptable to, the WWA and as long as it has the physical and chemical characteristics which comply with the requirements of the WWA standard as defined in Schedule 1C of this Part of the bylaw which has conditions placed upon the permit holder by the WWA.

Destination: The exact location at which the liquid or solid waste is discharged or dispatched from the vehicle that has collected and transported the liquid or solid waste.

Discharge Management Plan: A plan agreed between Council and the occupier for the monitoring, programming and controlling by the occupier, of the sources of trade waste from the occupier's premises, so that the discharge to the wastewater system complies with Council's requirements

Disconnection: The physical cutting and sealing of any of the WWA's water services, utilities, drains or sewer for use by any person.

Domestic Sewage: Foul water or wastewater (with or without matter in solution or suspension therein) which is discharged from premises used solely for residential purposes, or wastes of the same character discharged from other premises; but does not include any solids, liquids, or gases that may not lawfully be discharged into the sewerage system and may include geothermal water.

Foul Water: The discharge from any sanitary fixtures (any fixture which is intended to be used for sanitation – the term used to describe activities of washing and/or excretion carried out in a manner or condition such that the effect on health is minimised, with regard to dirt and infection) or sanitary appliance (an appliance which is intended to be used for sanitation which is not a sanitary fixture – included are machines for washing dishes and clothes).

Hazardous Wastes: Means, unless expressly provided otherwise by regulations, any substance:

- with one or more of the following intrinsic properties:
 - explosiveness;
 - flammability;
 - a capacity to oxidise;
 - corrosiveness;
 - toxicity (including chronic toxicity);
 - ecotoxicity, with or without bioaccumulation; or
- which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased), generates a substance with any one or more of the properties specified under the bullet point above.

Management Plan: The plan for management of operations on the premises from which trade wastes come, and may include provision for cleaner production, waste minimisation, discharge, contingency management procedures, and any relevant industry code of practice.

Mass Limit: The total mass of any characteristic that may be discharged to the WWA sewerage system over any stated period from any single point of discharge or collectively from several points of discharge.

Maximum Concentration: The instantaneous peak concentration that may be discharged at any instant in time.

Pathological Waste: Waste materials that are offensive to the senses or hazardous to public health. This applies mainly to anatomical wastes such as human tissue and organs or animal tissue organs and carcasses. Other wastes deemed to be pathological are materials that may be contaminated by highly infectious organisms.

Permitted Discharge: A trade waste discharge that has been approved by, or is acceptable to, the WWA and as long as it has the physical and chemical characteristics which comply with the requirements of the WWA standard as defined in Schedule 1A of this bylaw.

Point of Discharge: The boundary between the public sewer and a private drain but for the purposes of monitoring, sampling and testing, shall be as designated in the trade waste permit.

Premises: Either:

- a property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued and in respect to which a building consent has been or may be issued;
- a building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a certificate of title is available;
- land held in public ownership (e.g. reserve) for a particular purpose; or
- individual units in buildings which are separately leased or separately occupied.

Pre-Treatment: Any processing of trade waste designed to reduce or vary any characteristic in a waste before discharge to the sewerage system in order to comply with a trade waste permit.

Private Drain: The section of drain between the premises and the point of connection to the WWA's sewerage system. See Wairarapa Consolidated Bylaw 2018: Part 8 – Wastewater Drainage.

Prohibited Trade Waste: A trade waste that has or is likely to have any prohibited characteristics or substances as defined in Schedule 1D and does not meet the conditions of Schedule 1C. The waste is not acceptable for discharge into the WWA's system unless specifically approved by them as a conditional trade waste.

Sewage: Foul water, wastewater and may include trade wastes.

Sewage Sludge: The material settled out and removed from sewage during the treatment process.

Sewerage System: The collection, treatment and disposal of sewage and trade wastes, including all sewers, pumping stations, storage tanks, sewage treatment plants, outfalls, and other related structures operated by the WWA and used for the reception, treatment and disposal of trade wastes.

Significant Industry: Indicates the relative size of a given industry compared to the capacity of the sewerage system (including sewage treatment plants) which services that industry. Industry size relates to volume and/or loads discharging into the sewerage system. Loads can be the conventional loadings of BOD5 and SS or some other particular contaminant (e.g. boron, chromium) which will have an effect or the propensity to have an effect on the sizing of the sewerage system, the on-going system operation and/or the quality of the treated effluent that is discharged.

Spill Management Plan: A plan to mitigate against accidental spillage of prohibited materials, or prohibited trade wastes entering drains.

Stormwater: Surface water run-off resulting from precipitation.

Tanker Waste: Water or other liquid, including waste matter in solution or suspension, which is conveyed by vehicle for disposal, excluding domestic sewage discharged directly from house buses, caravans, buses and similar vehicles.

Temporary Discharge: Any discharge of an intermittent or short duration. Such discharges include the short-term discharge of an unusual waste from premises subject to an existing permit.

Trade Premises: Either:

- any premises used or intended to be used for any industrial or trade purpose; or
- any premises used or intended to be used for the storage, transfer, treatment, or disposal of waste materials or for other waste management purposes, or used for composting organic materials; or
- any other premises from which a contaminant is discharged in connection with any industrial or trade process;
- any other premises discharging other than domestic sewage; and
- includes any land or premises wholly or mainly used for agricultural or horticultural purposes.

Trade Waste: Any liquid, with or without matter in suspension or solution, that is or may be discharged from a trade premises to the WWA's sewerage system from batch discharge, or trade premises, in the course of any trade or industrial process or operation, or in the course of any activity or operation of a like nature; and may include condensing or cooling waters; stormwater which cannot be practically separated, or domestic sewage.

Abbreviations

°C	degrees celsius
ANZECC	Australian New Zealand Environment and Conservation Council
B	boron
BOD5	Biochemical Oxygen Demand
Br	bromine
CN	cyanide
COD	Chemical Oxygen Demand
DP	deposited plan
DS	dry solids
F	fluoride
g/m ³	grams per cubic metre
GST	goods and services tax
H ₂ S	hydrogen sulphide
HAHs	halogenated aromatic hydrocarbons
HCHO	formaldehyde
HCN	hydrogen cyanide
hr	hour
HSNO	Hazardous Substances and New Organisms Act 1996
kg/day	kilogram per day
L	litre
L/s	litre per second
LGA	Local Government Act 2002
LTP	Long Term Plan
m ³	cubic metre
max	maximum

MBAS	methylene blue active substances
MFE	Ministry for the Environment
mg/L	milligram per litre
mL/L	millilitre per litre
mm	millimetres
MSDS	material safety data sheets
N	nitrogen
NH3	ammonia
NH3N	ammoniacal nitrogen
P	phosphorus
PAHs	polycyclic (or polynuclear) aromatic hydrocarbons
PBBs	polybrominated biphenyls
PCBs	polychlorinated biphenyls
pH	measure of acidity/alkalinity
RMA	Resource Management Act 1991
sec	second
s	section
ss	sections
SO4	sulphate
SS	suspended solids concentration
UV	ultra violet
UVT	ultra violet transmission
WC	water closet
WWA	wastewater authority

4. Control of Discharges

4.1. No person shall:

- a) discharge, or allow to be discharged, any trade waste to the sewerage system except in accordance with the provisions of this bylaw;
- b) discharge, or allow to be discharged, a prohibited trade waste into the sewerage system;
- c) add or permit the addition of condensing or cooling water to any trade waste which discharges into the sewerage system unless specific approval is given in a permit; or
- d) add or permit the addition of stormwater to any trade waste which discharges into the sewerage system unless specific approval is given in a permit.

4.2. In the event of failure to comply with clause 4.1 a) to d), the WWA may physically prevent discharge to the sewerage system if a reasonable alternative action cannot be established with the discharging party or parties.

- 4.3. Any person discharging to the WWA sewerage system shall also comply with requirements of the Hazardous Substances and New Organisms Act 1996 (HSNO) and the Resource Management Act 1991 (RMA).
- 4.4. All persons on trade premises and batch dischargers shall take all reasonable steps to prevent the accidental entry of any of the materials listed in clause 4.6 from entry into the sewerage system as a result of leakage, spillage or other mishap and shall produce and maintain a Spill Management Plan as part of the Trade Waste Permit Conditions.
- 4.5. No person shall store, transport, handle or use, or cause to be stored, transported, handled or used any hazardous substance as defined by HSNO or any of the materials listed in clause 4.6 in a manner that may cause the material to enter the sewerage system and cause harmful effects.
- 4.6. Materials referred to in clauses 4.4 and 4.5 are those:
- a) products or wastes containing corrosive, toxic, biocidal, radioactive, flammable or explosive materials;
 - b) likely to generate toxic, flammable, explosive or corrosive materials in quantities likely to be hazardous, when mixed with the wastewater stream; or
 - c) likely to be deleterious to the health and safety of the WWA's staff, approved contractors and the public or be harmful to the sewerage system.

5. Classification of Trade Waste Discharges

- 5.1. Trade waste discharges shall be classified as either controlled, conditional or prohibited and each classification shall be subject to the following action:
- a) Controlled Trade Waste – Council shall grant a permit (Controlled Permit) to discharge subject to the general conditions contained in Schedule 1C of this Part of the bylaw. It may also contain specific conditions in addition to the general conditions.
 - b) Conditional Trade Waste – Council may decide to grant a permit (Conditional Permit) to discharge subject to specific conditions additional to the general conditions. Council reserves the right to decline a conditional permit to discharge.
 - c) Prohibited (not permissible).
- 5.2. The WWA is not obliged to accept any trade waste. No application for a trade waste permit shall be approved where the trade waste discharge would contain, or is likely to contain, characteristics which are prohibited. Unless satisfied that the applicant has demonstrated, by way of a report prepared pursuant to clause 6.8 b)(ii) that the discharge of contaminated wastes will not result in harm to Council's system.
- 5.3. No person shall discharge, or cause to be discharged, any trade waste to the WWA sewer that contains or is likely to contain prohibited characteristics, except in accordance with the provisions of this Part of the bylaw.

6. Application for a Trade Waste Permit

- 6.1. Every person who does, proposes to, or is likely to:
- a) discharge into the sewerage system any trade waste (either continuously, intermittently or temporarily);

- b) vary the characteristics of a permit to discharge that has previously been granted;
- c) vary the conditions of permit to discharge that has previously been granted; or
- d) significantly change the method or means of pre-treatment for discharge under an existing permit;

shall, if required by the WWA, complete an application in the prescribed form for the permit of the WWA, to the discharge of that trade waste, or to the proposed variations.

- 6.2. The WWA reserves the right to deal with the owner as well as the occupier of any trade premises.
- 6.3. Where the trade premises produces trade waste from more than one area a separate copy of the "Description of Trade Waste and Premises", shall be included in any application for trade waste discharge for each area. This applies whether or not the separate areas are part of a single or separate trade process.
- 6.4. The applicant shall ensure that the application and every other document conveying required information is properly executed and any act done for, or on behalf of, the eventual permit holder (whether for reward or not) in making any such application shall be deemed to be an act of the permit holder.
- 6.5. The WWA may require an application to be supported by an independent report/statement completed by a suitably experienced and external auditor to verify any or all information supplied by the applicant, and this may include a management plan, and/or a "discharge management plan".
- 6.6. Every application shall be accompanied by a trade waste application fee in accordance with the WWA's schedule of rates and charges.

Processing of an Application

- 6.7. The WWA shall acknowledge the application in writing within 10 working days of the receipt of the application.

Information and Analysis

- 6.8. On the receipt of any application for a trade waste permit to discharge from any premises or to alter an existing discharge, the WWA may:
 - a) require the applicant to submit any additional information which it considers necessary to reach an informed decision;
 - b) require the applicant to submit either:
 - (i) a management plan to the satisfaction of the WWA; or
 - (ii) a wastewater system impact investigation report, at the applicant's cost, on the effects of any trade discharges specified characteristics, and more particularly prohibited trade wastes on the wastewater system's operation, treatment process biosolids, and the quality of the dewatered and/or composted biosolids, subject to the following:
 - an independent qualified person, as approved by Council, shall carry out the investigation and produce the report;
 - the scope of the investigation shall establish:
 - o the existing background level of the specified characteristics already contained in the influent into the treatment plant, and in the process treatment biosolids and in the dewatered and composted biosolids;

- o the impact and effect of receiving the specified characteristics on the background levels and the effect of this potential discharge on the function of the treatment plant and the quality of the composted biosolids;
 - o the impact and effect of receiving the applicant's trade waste discharge on the ability of future applicants to discharge to the sewer.
 - (iii) require the applicant to submit any additional information, at the applicant's cost, which it considers necessary to reach an informed decision;
 - (iv) have the discharge investigated and analysed, at the applicant's cost, as provided for in this bylaw.
 - c) whenever appropriate have the discharge investigated and analysed as provided for in sections 10 and 12 of this Part of the bylaw.
- 6.9. The WWA shall notify the applicant of any requirement under this section within 10 working days of receipt of the application.

Consideration of an Application

- 6.10. Within 15 working days (or extended as necessary by the WWA) of receipt of an application complying with this bylaw and/or all requirements under clause 6.8 whichever is the later, the WWA shall, after considering the matters in clause 6.12, action one of the following in writing:
- a) grant the application as a controlled trade waste permit and inform the applicant of the decision by issuing the appropriate notice;
 - b) grant the application as a conditional trade waste discharge permit and inform the applicant of the decision and the conditions imposed on the discharge by issuing the appropriate notice of permit to the permit holder; or
 - c) decline the application and notify the applicant of the decision giving a statement of the reasons for refusal.
- 6.11. Notwithstanding clause 6.10 a) of this Part of the bylaw, Council reserves the right to make the final decision on what conditions shall be imposed.

Consideration Criteria

- 6.12. In considering any application for a trade waste permit to discharge from any trade premises or tankered waste into the sewerage system and in imposing any conditions on such a permit, the WWA shall take into consideration the quality, volume, and rate of discharge of the trade waste from such premises or tanker in relation to:
- a) the health and safety of WWA staff, Council's officers and the public;
 - b) the limits and/or maximum values for characteristics of trade waste as specified in Schedule 1C of this Part of the bylaw;
 - c) the extent to which the trade waste may react with other trade waste or foul water to produce an undesirable effect, e.g. settlement of solids, production of odours, accelerated corrosion and deterioration of the sewerage system etc.;
 - d) the flows and velocities in the sewer, or sewers and the material or construction of the sewer or sewers;
 - e) the capacity of the sewer or sewers and the capacity of any sewage treatment works, and other facilities;
 - f) the nature of any sewage treatment process and the degree to which the trade waste is capable of being treated in the sewage treatment works;

- g) the timing and balancing of flows into the sewerage system;
- h) any statutory requirements relating to the discharge of raw or treated wastewater to receiving waters, the disposal of sewage sludges, beneficial use of biosolids, and any discharge to air, (including the necessity for compliance with any resource consent, discharge permit or water classification);
- i) the effect of the trade waste discharge on the ultimate receiving environment;
- j) the conditions on resource consents for the sewerage system and the residuals from it;
- k) the possibility of unscheduled, unexpected or accidental events and the degree of risk these could cause to humans, the sewerage system and the environment;
- l) consideration for other existing or future discharges;
- m) amenability of the trade waste to pre-treatment;
- n) existing pre-treatment works on the premises and the potential for their future use;
- o) cleaner production techniques and waste minimisation practices;
- p) requirements and limitations related to sewage sludge disposal and reuse;
- q) control of stormwater;
- r) management plan; and
- s) tankered waste being discharged at an approved location/s.

7. Conditions of Trade Waste Permit

- 7.1. Any trade waste permit to discharge may be granted subject to such conditions that the WWA may impose, including but not limited to:
- a) the particular public sewer or sewers to which the discharge will be made;
 - b) the maximum daily volume of the discharge and the maximum rate of discharge, and the duration of maximum discharge;
 - c) the maximum limit or permissible range of any specified characteristics of the discharge, including concentrations and/or mass limits determined in accordance with Sections 5 to 8;
 - d) the period or periods of the day during which the discharge, or a particular concentration, or volume of discharge may be made;
 - e) the degree of acidity, or alkalinity of the discharge at the time of discharge;
 - f) the temperature of the trade waste at the time of discharge;
 - g) the provision by, or for the permit holder, at the permit holder's expense, of screens, grease traps, silt traps or other pre-treatment works to control trade waste discharge characteristics to the permitted levels of solids or grease; and
 - h) the provision and maintenance by the permit holder, at the permit holder's expense, of partial or preliminary treatment processes, equipment or storage facilities, to regulate the quality, quantity and rate of discharge or other characteristics prior to the point of discharge.
 - i) the provision and maintenance at the permit holder's expense of inspection chambers, manholes or other apparatus or devices to provide reasonable access to drains for sampling and inspection;
 - j) the provision and maintenance of a sampling, analysis and testing programme and flow measurement requirements, at the permit holder's expense;

- k) the method or methods to be used for the measuring flow rates and/or volume and taking samples of the discharge for use in determining the amount of any trade waste charges applicable to that discharge;
- l) the provision and maintenance by, and at the expense of, the permit holder of such meters or devices as may be required to measure the volume, strength, discharge characteristics, or flow rate of any trade waste being discharged from the premises, and for the testing of such meters;
- m) the provision and maintenance, at the permit holder's expense of such services, (whether electricity, water or compressed air or otherwise), which may be required, in order to operate meters and similar devices;
- n) at times specified, the provision in a WWA approved format by the permit holder to the WWA of all flow and/or volume records and results of analyses (including pre-treatment by-products e.g. sewage sludge disposal);
- o) the provision and implementation of a management plan; "Cleaner Production Programme" to reduce and improve the trade waste quality or quantity; and
- p) risk assessment of damage to the environment due to an accidental discharge of a chemical;
- q) waste minimisation and management;
- r) cleaner production techniques;
- s) remote control of discharges;
- t) third party treatment, carriage, discharge or disposal of by-products of pre-treatment of trade waste (including sewage sludge disposal);
- u) requirement to provide a bond or insurance in favour of the WWA where failure to comply with the permit could result in damage to the WWA's sewerage system, its treatment plants, or could result in the WWA being in breach of any statutory obligation;
- v) remote monitoring of discharges; and
- w) treatment and disposal charges as described in clause 15.1 of this bylaw.

Duration

Controlled Discharges

- 7.2. Permits for controlled discharges shall be renewed annually and may remain in force until either:
- a) cancellation under clause 4.2 or section 8;
 - b) the quantity and nature of the discharge changes significantly;
 - c) if in the opinion of the WWA the discharge changes or is likely to change to such an extent that it becomes a conditional or prohibited trade waste;
 - d) the WWA changes the trade waste management procedures by implementation of changed trade waste bylaw conditions or any amendment to, or replacement of, its trade waste bylaw; or
 - e) the conditions on resource consents for the sewerage system and the residuals from it change.
- 7.3. In all cases, the person shall apply within 10 working days of this change occurring for a conditional permit, in accordance with Section 6. This application shall be approved prior to the occurrence of any new discharge.

Conditional Permits

7.4. Subject to sections 8 and 13, conditional permits under this Part of the bylaw may remain in force subject to the following:

- a) conditional permits shall be renewed annually and be granted to a permit holder who at the time of application satisfies the WWA that:
 - (i) the nature of the trade activity, or the process design and/or management of the premises are such that the permit holder has a demonstrated ability to meet the conditions of the permit during its term; and/or
 - (ii) cleaner production techniques are successfully being utilised, or that a responsible investment in cleaner production equipment or techniques is being made; and/or
 - (iii) significant investment in pre-treatment facilities has been made, such that a longer period of certainty for the amortising of this investment is considered reasonable; and/or
 - (iv) the reissuing of a permit cannot be unreasonably withheld.

Notwithstanding the above the WWA retains the right to review the conditions at any time. The reasons for such an earlier review could include:

- the level of permit holder compliance, including any accidents including spills or process mishaps;
 - matters pertaining to the WWA's resource permits for the sewerage system;
 - matters pertaining to the WWA's environmental policies and outcomes;
 - new control and treatment technologies and processes;
 - any of the matters outlined in sections 7 to 10; and
 - matters pertaining to the WWA's legal obligations.
- b) In all cases where either the permit holder or the owner of the premises changes, or there is a change of use, a new application for a conditional trade waste permit shall be made. It shall be the responsibility of the permit holder to lodge the new application; and
 - c) The conditions on resource permits for the sewerage system and the residuals from it change.

Technical Review and Variation

7.5. The WWA at any time may require a person undertaking a controlled discharge to apply for a permit in accordance with clauses 7.2 and 7.3.

7.6. The WWA may at any time during the term of a trade waste permit, by written notice to the permit holder (following a reasonable period of consultation), vary any condition to such an extent as the WWA considers necessary following a review of the technical issues considered when setting conditions of permit. This is due to new information becoming available or to meet any new resource consent imposed on the discharge from the WWA's treatment plant, or with any other legal requirements imposed on the WWA.

7.7. A permit holder may at any time during the term of a permit, by written application to the WWA, seek to vary any condition of permit, as provided for in section 7.

8. Cancellation of the Right to Discharge

Suspension or Cancellation on Notice

- 8.1. The WWA may suspend or cancel any permit or right to discharge at any time following 20 working days' (during which consultation has occurred) notice to the permit holder or person discharging any trade waste:
- a) for the failure to comply with any condition of the permit;
 - b) for the failure to maintain effective control over the discharge;
 - c) for the failure to limit in accordance with the requirements of a permit the volume, nature, or composition of trade waste being discharged;
 - d) in the event of any negligence which, in the opinion of the WWA, threatens the safety of, or threatens to cause damage to any part of the sewer system or the treatment plant or threatens the health or safety of any person;
 - e) if any occurrence happens that, in the opinion of the WWA, poses a serious threat to the environment;
 - f) in the event of any breach of a resource consent held by the council issued under the RMA;
 - g) failure to provide and when appropriate update a management plan as required for a conditional permit;
 - h) failure to follow the management plan provisions at the time of an unexpected, unscheduled or accidental occurrence;
 - i) failure to pay any charges rates or fees for wastewater services under this bylaw; or
 - j) if any other circumstances arise which, in the opinion of the WWA, render it necessary in the public interest to cancel the right to discharge.
- 8.2. If any process changes require more than 20 working days, reasonable time may be given to comply with the permit conditions.

Summary Cancellation

- 8.3. Further to clause 8.1 any trade waste permit or discharge may at any time be summarily cancelled by the WWA on giving to the permit holder or person discharging written notice of summary cancellation if:
- a) they discharge any prohibited substance;
 - b) the WWA is lawfully directed to withdraw or otherwise to terminate the permit summarily;
 - c) they discharge any trade waste unlawfully;
 - d) the continuance of discharge is, in the opinion of the WWA, a threat to the environment or public health;
 - e) the continuance of discharge may, in the opinion of the WWA, result in a breach of a resource consent held by the WWA; or
 - f) in the opinion of the WWA the continuance of the discharge puts at risk the ability of the WWA to comply with conditions of a resource consent and/or requires identified additional treatment measures or costs to seek to avoid a breach of any such resource consent.

9. Trade Waste Approval Criteria

Pre-treatment

- 9.1. The WWA may approve a trade waste discharge subject to the provision of appropriate pre-treatment systems to enable the person discharging to comply with the bylaw. Such pre-treatment systems shall be provided, operated and maintained by the person discharging at their expense.
- 9.2. Refuse or garbage grinders, and macerators shall not be used to dispose of solid waste from trade premises to the sewerage system unless approved by the WWA.
- 9.3. The person discharging shall not, unless approved by the WWA, add or permit the addition of any potable, condensing, cooling water or stormwater to any trade waste stream in order to vary the level of any characteristics of the waste.

NOTE: Condensing and cooling water should not be discharged as of right to a stormwater drain or natural waterway without the permit of the appropriate authority.

Mass Limits

- 9.4. A conditional trade waste permit to discharge may impose controls on a trade waste discharge by specifying mass limits for any characteristic.
- 9.5. Mass limits may be imposed for any characteristic. Any characteristic permitted by mass limit shall also have its maximum concentration limited to the value scheduled unless approved otherwise.
- 9.6. When setting mass limit allocations for a particular characteristic the WWA shall consider:
 - a) the operational requirements of and risk to the sewerage system, and risks to occupational health and safety, public health, and the ultimate receiving environment;
 - b) whether or not the levels proposed pose a threat to the planned or actual beneficial reuse of biosolids or sewage sludge;
 - c) conditions in the sewerage system near the trade waste discharge point and elsewhere in the sewerage system;
 - d) the extent to which the available industrial capacity was used in the last financial period and is expected to be used in the forthcoming period;
 - e) whether or not the applicant uses cleaner production techniques within a period satisfactory to the WWA;
 - f) whether or not there is any net benefit to be gained by the increase of one characteristic concurrently with the decrease of another to justify any increased application for industrial capacity;
 - g) any requirements of the WWA to reduce the pollutant discharge of the sewerage system;
 - h) how great a proportion the mass flow of a characteristic of the discharge will be of the total mass flow of that characteristic in the sewerage system;
 - i) the total mass of the characteristic allowable in the sewerage system, and the proportion (if any) to be reserved for future allocations; and
 - j) whether or not there is an interaction with other characteristics which increases or decreases the effect of either characteristic on the sewer reticulation, treatment process, or receiving water (or land).

10. Flow Metering

- 10.1. Flow metering may be required by the WWA:
- a) on conditional discharges when there is not a reasonable relationship between a metered water supply to the premises, and the discharge of trade waste;
 - b) when the WWA will not approve a method of flow estimation; or
 - c) when the discharge represents a significant proportion of the total flow/load received by the WWA.
- 10.2. The permit holder shall be responsible for the supply, installation, reading and maintenance of any meter required by the WWA for the measurement of the rate or quantity of discharge of trade waste. These devices shall be subject to the approval of the WWA, but shall remain the property of the permit holder.
- 10.3. Records of flow and/or volume shall be available for viewing at any time by the WWA, and shall be submitted to the WWA at prescribed intervals by the permit holder in a format approved by the WWA.
- 10.4. Meters shall be located in a position approved by the WWA which provides the required degree of accuracy and should be readily accessible for reading and maintenance. The meters shall be located in the correct position according to the manufacturer's installation instructions.
- 10.5. The permit holder shall arrange for in situ calibration of the flow metering equipment and instrumentation by a person and method approved by the WWA upon installation and at least once a year thereafter to ensure its performance. The meter accuracy should be $\pm 10\%$ but with no greater a deviation from the previous meter calibration of $\pm 5\%$. A copy of independent certification of each calibration result shall be submitted to the WWA.
- 10.6. Should any meter, after being calibrated, be found to have an error greater than that specified in clause 10.5 as a repeatable measurement, the WWA may make an adjustment in accordance with the results shown by such tests back-dated for a period at the discretion of the WWA but not exceeding 12 months, and the permit holder shall pay or be credited a greater or lesser amount according to such adjustment.

11. Estimating Discharge

- 11.1. Where no meter or similar apparatus is warranted, the WWA may require that a percentage of the water supplied to the premises (or other such basis as seems reasonable) be used for estimating the rate or quantity of flow for the purposes of charging.
- 11.2. Should any meter be out of repair or cease to register, or be removed, the WWA shall estimate the discharge for the period since the previous reading of such meter, (based on the average of the previous 12 months (four billing periods charged to the person discharging) and they shall pay according to such estimate.
- 11.3. Notwithstanding clause 11.2 when, by reason of a large variation of discharge due to seasonal or other causes, the average of the previous 12 months (four billing periods) would be an unreasonable estimate of the discharge, then the WWA may take into consideration other evidence for the purpose of arriving at a reasonable estimate, and the person discharging shall pay according to such an estimate.

- 11.4. Where, in the opinion of the WWA, a meter has been tampered with, the WWA (without prejudice to the other remedies available) may declare the reading void and estimate discharge as provided above.

12. Sampling, Analysis and Monitoring

- 12.1. As determined by the WWA sampling, testing and monitoring may be undertaken to determine if:
- a) a discharge complies with the provisions of this bylaw;
 - b) a discharge is to be classified as a controlled, conditional, or prohibited, refer to Section 5;
 - c) a discharge complies with the provisions of Schedule 1C for controlled discharge and any permit to discharge; and
 - d) trade waste permit charges are applicable to that discharge.
- 12.2. The taking, preservation, transportation and analysis of the sample shall be undertaken by an authorised officer or agent of the WWA, or the person discharging in accordance with accepted industry standard methods, or by a method specifically approved by the WWA. The person discharging shall be responsible for all reasonable costs. Where a dispute arises as to the validity of the methods or procedures used for sampling or analysis, the dispute may be submitted to a mutually agreed independent arbitrator.
- 12.3. All authorised officers or authorised agents of the WWA, or any analyst may enter any premises believed to be discharging trade waste, at any reasonable time, in order to determine any characteristics of any actual or potential discharge by:
- a) taking readings and measurements;
 - b) carrying out an inspection; and/or
 - c) taking samples for testing of any solid, liquid, or gaseous material or any combination or mixture of such materials being discharged.
- 12.4. Authorisation for entry to premises is given under the section 171 of the LGA and entry shall be in compliance with the health and safety policies of the particular site.

Monitoring

Monitoring for Compliance

- 12.5. The WWA is entitled to monitor and audit any trade waste discharge for compliance. Whether for a controlled discharge or a conditional permit discharge monitoring may be carried out as follows:
- a) the WWA or its authorised agent will take the sample and arrange for this sample to be analysed in an approved laboratory by agreed/approved analytical methods;
 - b) the sampling procedure will be appropriate to the trade waste and the analysis;
 - c) the WWA will audit the sampling and analysis carried out by a self-monitoring trade waste permit holder. Analysis will be performed by an approved laboratory. Inter-laboratory checks are to be part of this process;
 - d) the WWA will audit the sampling and analysis carried out by an analyst. Analysis will be performed by an approved laboratory. Inter-laboratory checks are to be part of this process; and
 - e) the WWA will audit the trade waste permit conditions including any management plans.

12.6. At the discretion of the WWA all costs of monitoring shall be met by the permit holder either through direct payment to the laboratory or to the WWA.

Sampling Methodology

12.7. Normally a single grab or composite sample is sufficient. If required, the grab or composite sample can be split equally into three as follows:

- a) one portion of the sample goes to the trade waste permit holder for appropriate analysis and/or storage;
- b) a second portion of the sample shall be analysed at a laboratory approved by the WWA;
- c) a third portion of the sample is retained by the WWA for 20 working days, for additional analysis if required.

12.8. Due consideration will be applied to any changes that could occur in retained trade waste samples and provisions to mitigate against changes will be adopted where practicable.

12.9. In all cases the samples shall be handled in an appropriate manner such that the characteristics being tested for are, as far as reasonably possible, preserved.

12.10. All samples shall be preserved, handled, transported and delivered to an approved laboratory according to best possible practice and approved standards.

Tankered Wastes

12.11. Tankered wastes shall not be discharged into the WWA's sewerage system by any person or permit holder not compliant with the Liquid and Hazardous Wastes Code of Practice. The WWA may accept tankered wastes for discharge at an approved location. Tankered wastes shall:

- a) be transported by a permit holder to discharge domestic septic tank or industrial wastes;
- b) have material safety data sheets (MSDS) supplied to the WWA detailing the contents of a waste;
- c) be tested to determine their character if the contents of the waste are not known. Specialist advice on pre-treatment or acceptance may be required. The cost of all testing and advice shall be borne by the permit holder;
- d) not be picked up and transported to the disposal site until appropriate arrangements and method for disposal have been determined by the WWA;
- e) to prevent cross-contamination between tanker loads, the tanker shall be thoroughly washed prior to collecting a load for disposal into the sewerage system; and
- f) have 24 hours' notice given for the disposal of wastes other than those sourced from domestic septic tanks.

12.12. Any person illegally disposing of, or causing to be disposed, tankered waste either by incorrect disclosure of contents (characteristics and/or amount) or dumping into the WWA's sewerage system other than the prescribed location will be in breach of the bylaw.

Disinfected/Super Chlorinated Water

12.13. Any water used during the repair and construction of water mains shall be de-chlorinated prior to the discharge into the sewerage system. An application for a temporary discharge permit shall be made. Such water shall not be disposed of to stormwater or adjacent water courses without appropriate approvals.

13. Accidents and Non-compliance

- 13.1. The person discharging shall inform the WWA immediately on discovery of any, accident including spills or process mishaps which may cause a breach of this bylaw.
- 13.2. In the event of any accident occurring when the person holds a conditional permit, then the WWA may review the permit under clauses 7.5 to 7.7 or may require the permit holder, within 20 working days of the date such requirement is notified to the permit holder in writing, to review the contingency management procedures and re-submit for approval the management plan with the WWA.
- 13.3. In the event of an accident occurring on the premises of a controlled discharge, the WWA may require the person discharging to apply for a conditional permit.

14. Charges and Payments

Charges

- 14.1. Council may, by resolution publicly notified, prescribe or vary fees in respect of any matter provided for in this Part of the bylaw. This includes, but is not limited to, fees and charges for the application process, administration and monitoring or trade waste discharge permits and for the conveyance, treatment and disposal of trade waste.
- 14.2. Fees shall be levied in accordance with the Council's Revenue and Financing Policy.

Invoicing

- 14.3. All charges determined in accordance with clause 15.1 of this Part of the bylaw shall be invoiced as follows:
- a) conditional permit holders – 12 monthly or as otherwise required. The occupier shall pay this invoice by the 20th day of the next month.
 - b) other permit holders – 12 monthly or as otherwise required. The occupier shall pay this invoice by the 20th day of the next month.
- 14.4. The invoice shall provide each person discharging with a copy of the information and calculations used to determine the extent of any charges and fees due, in regard to a discharge.

Cease to Discharge

- 14.5. The person discharging shall be deemed to be continuing the discharge of trade waste and shall be liable for all charges, until notice of disconnection is given in accordance with clause 17.3 of this part of the bylaw.

Failure to Pay

- 14.6. All fees and charges payable under this Part of the bylaw shall be recoverable as a debt and, failing recovery, such monies shall become a charge on the trade premises to which the charges relate. If the person discharging fails to pay any fees and charges under this bylaw the WWA may cancel the right to discharge in accordance with Section 8.

15. Authorised Officers

- 15.1. All authorised officers of the WWA, shall possess and produce on request, warrants of authority and evidence of identity.

16. Transfer or Termination of Rights and Responsibilities

- 16.1. A trade waste permit to discharge shall be issued in the name of the given permit holder. The permit holder shall not, unless written approval is obtained from the WWA:
- a) transfer to any other party the rights and responsibilities provided for under this Part of the bylaw, and under the permit;
 - b) allow a point of discharge to serve another premises, or the private drain to that point to extend by pipe or any other means to serve another premises; or
 - c) allow sewage from any other party to be discharged at their point of discharge.
- 16.2. Renewal of a trade waste permit on change of ownership of premises shall not be unreasonably withheld if the characteristics of the sewage remain unchanged.
- 16.3. The person discharging shall give 48 hours' notice in writing to the WWA of their requirement for disconnection of the discharge connection and/or termination of the discharge permit, except where demolition or relaying of the discharge drain is required, in which case the notice shall be within seven working days. The person discharging shall notify the WWA of the new address details for final invoicing.
- 16.4. On permanent disconnection and/or termination the person discharging may, at the WWA's discretion, be liable for trade waste charges to the end of the current charging period.
- 16.5. When a person discharging ceases to occupy premises from which trade wastes are discharged into the sewerage system any permit granted shall terminate but without relieving the person discharging from any obligations existing at the date of termination.

17. Service of Documents

Delivery or Post

- 17.1. Any notice or other document required to be given, served or delivered under this Part of the bylaw to a person discharging may (in addition to any other method permitted by law) be given or served or delivered by being:
- a) sent by pre-paid ordinary mail, courier, or facsimile, or email to the person discharging at the person discharging's last known place of residence or business;
 - b) sent by pre-paid ordinary mail, courier, or facsimile, or email to the person discharging at any address for service specified in a trade waste permit to discharge;
 - c) where the person discharging is a body corporate, sent by pre-paid ordinary mail, courier, or facsimile, or email to, or left at its registered office; or
 - d) personally served on the person discharging.

Service

- 17.2. If any notice or other document is:
- a) sent by post it will be deemed received on the third day (excluding weekends and public holidays) after posting;

- b) sent by facsimile or email and the sender's facsimile machine or email produces a transmission report indicating that the facsimile or email was sent to the addressee, the report will be prima facie evidence that the facsimile or email was received by the addressee in a legible form at the time indicated on that report; or
- c) sent by courier and the courier obtains a receipt or records delivery on a courier run sheet, the receipt or record of delivery on a courier run sheet will be prima facie evidence that the communication was received by the addressee at the time indicated on the receipt or courier run sheet, or left at a conspicuous place at the trade premises or is handed to a designated person(s) nominated by the permit holder then that shall be deemed to be service on, or delivery to the permit holder at that time.

NOTE: It should be verified that notice has been served on the correct person.

Signature

17.3. Any notice or document to be given, served or delivered shall be signed by an authorised officer.

18. Offences and Penalties

18.1. Any person who breaches this Part of the bylaw commits an offence and may be liable to a penalty under section 242 of the LGA. Refer to Wairarapa Consolidated Bylaw 2019 Part 1: Introductory (refer Section 15) for details of what broadly constitutes a breach of this Part.

18.2. To avoid any doubt, a person breaches this bylaw and commits an offence who:

- a) breaches the conditions of any permit to discharge, granted pursuant to this Part of the bylaw; or
- b) fails to comply with a notice served under this Part of the bylaw.

18.3. WWA may recover costs associated with wilful or negligent damage to the WWA sewerage system and/or breach of this bylaw in accordance with sections 175 and 176 of the LGA respectively.

Schedule 1A: Summary of Discharge Characteristics

- 1) The following general conditions are summarised from the Wairarapa Consolidated Bylaw 2019: Part 12 - Trade Waste for your convenience but are not complete and do not replace the bylaw in any way.
- 2) This permit is personal to the occupier and is not transferable without written approval.
- 3) If the quantity of wastewater or the point of discharge is to be changed from that requested by the occupier and approved in this permit, the occupier must apply for a variation to this permit.
- 4) A permit can be cancelled if the occupier fails to comply with any condition of the permit, or fails to maintain effective control over the discharge.
- 5) Records of flow and/or volume shall be available for viewing at any time by the Council.
- 6) No trade waste shall be acceptable if it contains any matter or substances which are prohibited in Schedule 1D of the Trade Waste Bylaw.
- 7) Temperature – must not exceed 40°C unless a higher temperature is approved in Schedule 1B.
- 8) pH – must be between 6.0 and 10.0 at all times unless a variation is approved in Schedule 1B.
- 9) Solids which may block sewers or pumps are prohibited. These include dry solids, non-faecal solids in excess of 15mm, heavy solids which settle faster than 50mm/minute, fibrous material, sheet films, and anything which may react to form a solid mass or interfere with the free flow of wastewater in the drainage system.
- 10) Solvents, fuels and organic fluids including oil, fat and grease must not be present as a free layer (whether floating or settled).
- 11) Dissolved or emulsified solvents, fuel and organic liquids are prohibited unless authorised in Schedule 1B.
- 12) Emulsified oils must not exceed 500g/m³ and the emulsion must be stable.
- 13) Sulphides must not exceed 5g/m³ (as H₂S on acidification) unless authorised in Schedule 1B.
- 14) Oxidised sulphur compounds must not exceed 500g/m³ (as sulphate) unless authorised in Schedule 1B.
- 15) Toxic pollutants – heavy metals are prohibited unless authorised in Schedule 1B.
- 16) Toxic pollutants – organic compounds and pesticides are prohibited unless authorised in Schedule 1B.
- 17) Stormwater and condensing or cooling waters are prohibited unless specified in Schedule 1B.
- 18) Unless specified within this permit, all premises that discharge process waste to the sewer shall have an appropriately sized interceptor that complies with the provisions of the Building Code.
- 19) The permit holder shall ensure that the oils/solids trap is cleaned and maintained at an interval that is appropriate to comply with the Trade Waste Bylaw. No trade waste monitoring is required unless spot-checks or inspections reveal inadequate maintenance. Records of trap cleaning and maintenance to be retained on the premises for inspection by the Trade Waste Officer.
- 20) The Trade Waste Officer may inspect the wastewater treatment facility at any reasonable time and may require a sample to be taken for analysis if, in the opinion of the Trade Waste Officer, the discharge from the facility does not comply with the Trade Waste Bylaw. Any trade waste monitoring will be at the expense of the occupier. Any non-compliance with the Trade Waste Bylaw may result in the permit being changed to a higher risk category and there may be an increase in permit fees and associated monitoring costs.
- 21) The permit holder is required to ensure that where hazardous substances are stored, handled or used, or where hazardous processes are undertaken, construction shall be designed to protect people and other property, under both normal and reasonably foreseeable abnormal conditions, and shall be provided with the means of preventing hazardous substances or other materials unacceptable to the network utility operator, from entering the sewers or public drains.

Schedule 1B: Specific Conditions

CONDITIONS SPECIFIC TO TRADE WASTE PERMIT NUMBER TO DISCHARGE CONTROLLED OR CONDITIONALTRADE WASTE TO THE COUNCIL WASTEWATER DRAINAGE SYSTEM

1. Point of discharge

This permit is for trade waste to enter the public sewer.

2. Flow

- (a) Less than m³ shall be discharged in any 24 hour period.
- (b) The instantaneous flow rate of the discharge shall not exceed L/s at any time.

3. Temperature

The temperature shall not exceed..... °C.

4. Discharge characteristics

Limits specific to this permit are:

.....
.....

5. Pre-treatment

The occupier shall provide the following pre-treatment works:

.....
.....

6. Monitoring

The following trade waste monitoring programme shall be implemented by the occupier:

.....
.....

7. Charges

The occupier shall pay the required annual fee.

Schedule 1C: Controlled Discharge Characteristics

1C.1 Introduction

1C.1.1

The nature and levels of the characteristics of any trade waste discharged to the WWA system shall comply at all times with the following requirements, except where the nature and levels of such characteristics are varied by the WWA as part of an approval to discharge a trade waste.

NOTE: It is very important to refer to the guideline tables for background reasons for contaminant concentrations.

1C.1.2

The WWA shall take into consideration the combined effects of trade waste discharges and may make any modifications to the following acceptable characteristics for individual discharges the WWA believes are appropriate.

1C.1.3

An additional column in Schedule 1G for mass limits may be added as required.

1C.1.4

The nature and levels of any characteristic may be varied to meet any new resource consents or other legal requirements imposed on the WWA, refer to clauses 7.5-7.7 of the bylaw.

1C.2 Physical Characteristics

1C.2.1 Flow

- a) The 24 hour flow volume shall be less than 5m³.
- b) The maximum instantaneous flow rate shall be less than 2.0L/s.

1C.2.2 Temperature

The temperature shall not exceed 40°C.

1C.2.3 Solids

- a) Non-faecal gross solids shall have a maximum dimension which shall not exceed 15mm, and gross solids shall have an acquiescent settling velocity, which shall not exceed 50mm/minute.
- b) The suspended solids content of any trade waste shall have a maximum concentration which shall not exceed 2000g/m³. For significant industry this may be reduced to 600g/m³ or such other concentration as may be determined.
- c) The settleable solids content of any trade waste shall not exceed 50mL/L.
- d) The total dissolved solids concentration in any trade waste shall be subject to the approval of the WWA having regard to the volume of the waste to be discharged, and the suitability of the drainage system and the treatment plant to accept such waste.
- e) Fibrous, woven, or sheet film or any other materials which may adversely interfere with the free flow of sewage in the drainage system or treatment plant shall not be present.

1C.2.4 Oil and Grease

- a) There shall be no free or floating layer.
- b) A trade waste with mineral oil, fat or grease unavoidably emulsified, which in the opinion of the WWA is not biodegradable shall not exceed 200g/m³ as petroleum ether extractable matter when the emulsion is stable at a temperature of 15°C and when the emulsion is in

- contact with and diluted by a factor of 10 by raw sewage, throughout the range of pH 6.0 to pH 10.0.
- c) A trade waste with oil, fat or grease unavoidably emulsified, which in the opinion of the WWA is biodegradable shall not exceed 500g/m³ when the emulsion is stable at a temperature of 15°C and when the emulsion is in contact with and diluted by a factor of 10 by raw sewage throughout the range of pH 4.5 to pH 10.0.
 - d) Emulsified oil, fat or grease shall not exceed 100g/m³ as petroleum ether extractable matter when the emulsion is unstable at a temperature of 15°C and when the emulsion is in contact with and diluted by a factor of 10 by raw sewage throughout the range of pH 4.5 to pH 10.0.

1C.2.5 Solvents and Other Organic Liquids

There shall be no free layer (whether floating or settled) of solvents or organic liquids.

1C.2.6 Emulsions of Paint, Latex, Adhesive, Rubber, Plastic

- a) Where such emulsions are not treatable these may be discharged into the sewer subject to the total suspended solids not exceeding 1000g/m³ or the concentration agreed with the WWA.
- b) The WWA may determine that the need exists for pre-treatment of such emulsions if they consider that trade waste containing emulsions unreasonably interferes with the operation of the WWA treatment plant e.g. reduces % UVT (Ultraviolet Transmission).
- c) Such emulsions of both treatable and non-treatable types shall be discharged to the sewer only at a concentration and pH range that prevents coagulation and blockage at the mixing zone in the public sewer.

1C.2.7 Radioactivity

Radioactivity levels shall not exceed National Radiation Laboratory Guidelines.

1C.2.8 Colour

No waste shall have colour or colouring substance that causes the discharge to be coloured to the extent that it impairs wastewater treatment processes or compromises the treated sewage discharge permit.

1C.2.9 Liquid Pharmaceutical Waste

<u>Volume Limit</u>	<u>Active Concentration</u>
10 litres	125mg/5ml
5 litres	250mg/5ml
3 litres	Above 250mg/5ml

1C.3 Chemical Characteristics

1C.3.1 pH Value

The pH shall be between 6.0 and 10.0 at all times.

1C.3.2 Organic Strength

1C.3.2.1

The Biochemical Oxygen Demand (BOD₅) of any waste may require to be restricted where the capacity for receiving and treating BOD₅ is limited. A BOD₅ restriction may be related to mass limits.

Where there is no WWA treatment system for organic removal the BOD₅ shall not exceed 1000g/m³. For significant industry this may be reduced to 600g/m³.

NOTE: For biological process inhibiting compounds see table 5 in the Guidelines for Sewerage Systems: Acceptance of Trade Wastes (industrial waste) 12.

Flow a) The 24 hour flow volume shall be less than 5m³. b) The maximum instantaneous flow rate shall be less than 2.0L/s.	Flows larger than the guideline values should be a conditional trade waste permit. Conditional permits will be dependent on contaminant concentration/mass load.
Temperature The temperature shall not exceed 40°	Higher temperatures: • cause increased damage to sewer structures • increase the potential for anaerobic conditions to form in the wastewater • promote the release of gases such as H₂S and NH₃ • can adversely affect the safety of operations and maintenance personnel • reflect poor energy efficiency. It should be noted that this temperature has been reduced from 50°C to come into line with the ARMCANZ/ANZECC Guidelines for sewerage systems. A lower maximum temperature may be required for large volume discharges.
Solids a) Non-faecal gross solids shall have a maximum dimension which shall not exceed 15mm. b) The suspended solids content of any wastewater shall have a maximum concentration which shall not exceed 2000g/m³. c) The settleable solids content of any wastewater shall not exceed 50mL/L. d) The total dissolved solids concentration in any wastewater shall be subject to the approval of the WWA having regard to the volume of the waste to be discharged, and the suitability of the drainage system and the treatment plant to accept such waste. e) Fibrous, woven, or sheet film or any other materials which may adversely interfere with the free flow of wastewater in the drainage system or treatment plant shall not be present.	Gross solids can cause sewer blockages. In case of conditional permits fine screening may be appropriate. High suspended solids can cause sewer blockages and overload the treatment processes. Where potential for such problems is confirmed, a lower limit appropriate to the risk may be set. A lower limit may be set between 2000g/m³ and 600g/m³. The ANZECC Guidelines recommend a limit of 600g/m³. High total dissolved solids reduce effluent disposal options and may contribute to soil salinity. Where potential for such problems exists, a limit of 10,000g/m³ may be used as a guideline.

Oil and grease a) There shall be no free or floating layer. b) A trade waste with mineral oil, fat or grease unavoidably emulsified, which in the opinion of the WWA is not biodegradable shall not exceed 200g/m³ as petroleum ether extractable matter when the emulsion is stable at a temperature of 15°C and when the emulsion is in contact with and diluted by a factor of 10 by raw sewage, throughout the range pH 6.0 to pH 10.0. c) A trade waste with oil, fat or grease unavoidably emulsified, which in the opinion of the WWA is biodegradable shall not exceed 500 g/m³ when the emulsion is stable at a temperature of 15°C and when the emulsion is in contact with, and diluted by, a factor of 10 by raw sewage throughout the range pH 4.5 to pH 10.0. d) Emulsified oil, fat or grease shall not exceed 100g/m³ as petroleum ether extractable matter when the emulsion is unstable at a temperature of 15°C and when the emulsion is in contact with, and diluted by, a factor of 10 by raw sewage throughout the range pH 4.5 to pH 10.0.	Oils and greases can cause sewer blockages, may adversely affect the treatment process, and may impair the aesthetics of the receiving water. Where the treatment plant discharges to a sensitive receiving water, lower values should be considered. If the WWA only has screening and/or primary treatment prior to discharge, it is recommended that oil and grease be reduced to 100g/m³. In terms of oil and greases, biodegradable refers to the bio-availability of the oil and greases and the biochemicals thereby produced, and means the oil and grease content of the waste decreases by 90% or more when the wastewater is subjected to a simulated wastewater treatment process which matches the WWA treatment system. If quick break detergents are being used, it should be ensured that proper separation systems are being used by the permit holder. If not, oil will reappear in drainage systems as a free layer.
Solvents and other organic liquids There shall be no free layer (whether floating or settled) of solvents or organic liquids.	Some organic liquids are denser than water and will settle in sewers and traps.
Emulsions of paint, latex, adhesive, rubber, plastic or similar material a) Where such emulsions are not treatable, they may be discharged into the sewer subject to the total suspended solids not exceeding 1000g/m³. b) The WWA may require pre-treatment of such emulsions if the emulsion wastewater unreasonably interferes with the operation of the WWA treatment plant e.g. reduces % UVT (Ultraviolet Transmission). c) Such emulsions, of both treatable and non-treatable types, shall be discharged to the sewer only at a concentration and pH range that prevents coagulation and blockage at the mixing zone in the public sewer.	‘Treatable’ in relation to emulsion wastewater, means the total organic carbon content of the waste decreases by 90% or more when the wastewater is subjected to a simulated wastewater treatment process which matches the WWA treatment system. Emulsions vary considerably in their properties and local treatment works may need additional restrictions depending on the experience of the specific treatment plant and the quantity of emulsion to be treated. Emulsion may colour the WWA treatment plant influent such that % UVT is unacceptably reduced.

Organic strength

The Biochemical Oxygen Demand (BOD5) of any waste may require to be restricted where the capacity for receiving and treating BOD5 is limited. A BOD5 restriction may be related to mass limits.

Where there is no WWA treatment system for organic removal the BOD5 shall not exceed 1000g/m³. For significant industry this may be reduced to 600g/m³ or such other concentration as may be determined.

The loading on a treatment plant is affected by Biochemical Oxygen Demand (BOD5) rather than Chemical Oxygen Demand (COD). For any particular waste type there is a fixed ratio between COD and BOD5. For domestic wastewater it is about 2.5:1 (COD: BOD5), but can range from 1:1 to 100:1 for trade waste. Therefore BOD5 is important for the treatment process and charging, but because of the time taken for testing, it is often preferable to use COD for monitoring. However, the use of COD testing shall be balanced by the possible environmental effects of undertaking such tests due to the production of chromium and mercury wastes. Where a consistent relationship between BOD5 and COD can be established the discharge may be monitored using the COD test.

If the treatment plant BOD5 capacity is not limited, and sulphides are unlikely to cause problems, there may be no need to limit BOD5. High COD may increase the potential for the generation of sulphides in the wastewater.

A BOD5 limit which is too stringent may require the installation of pre-treatment systems by some permit holders, imposing unnecessary costs because the most cost effective treatment method may be the WWA treatment plant.

The concentration and mass loads of BOD5 may be set to reflect WWA treatment plant capacity; e.g. ARMCANZ/ANZECC Guidelines for sewerage systems use a concentration of 600g/m³.

Maximum concentrations Introduction The maximum concentrations permissible for the chemical characteristics of an acceptable discharge are set out in the following tables: – Schedule 1F General chemical characteristics – Schedule 1G Heavy metals – Schedule 1H Organic compounds and pesticides	Where appropriate, maximum daily limits (kg/day) for mass limit-controlled discharges may also be given. Where the WWA chooses not to incorporate mass limits, the appropriate column from Schedule 1F should be removed. Mass limits should be calculated and inserted where the WWA considers that it gives: a) The permit holder more flexibility to adopt cleaner production techniques which may produce an effluent which allows the WWA to consider permitting to a higher level than the maximum concentration permissible, but for a lower total mass (without any adverse effects on the WWA system or discharge permits); or b) The ability to allocate a fixed quantity of a particular characteristic amongst various trade premises, e.g. a heavy metal. The quantity may be fixed by reason of a discharge permit or some other constraint. The maximum concentration permissible should not exceed that achievable from the appropriate best available technology. Concentration limits should also be set to ensure the health and safety of the WWA personnel, the integrity of the collection systems and the treatment process. Mass limits are more complex to administer and police and should only be adopted where the WWA has sufficient expertise and resources.
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Schedule 1D: Prohibited Characteristics

1D.1 Introduction

This schedule defines prohibited trade wastes.

1D.2 Prohibited Characteristics

1D.2.1

Any discharge has prohibited characteristics if it has any solid liquid or gaseous matters or any combination or mixture of such matters which by themselves or in combination with any other matters will immediately or in the course of time:

- a) Interfere with the free flow of sewage in the sewerage system;
- b) Damage any part of the sewerage system;
- c) In any way, directly or indirectly, cause the quality of the treated sewage or residual biosolids and other solids from any sewage treatment plant in the catchment to which the waste was discharged to breach the conditions of a permit issued under the Resource Management Act, or water right, permit or other governing legislation;
- d) Prejudice the occupational health and safety risks faced by sewerage workers;
- e) After treatment be toxic to fish, animals or plant life in the receiving waters;
- f) Cause malodorous gases or substances to form which are of a nature or sufficient quantity to create a public nuisance; or
- g) Have a colour or colouring substance that causes the discharge from any sewage treatment plant to receiving waters to be coloured.

1D.2.2

A discharge has prohibited characteristics if it has any characteristic which exceeds the concentration or other limits specified in Schedule 1C unless specifically approved for that particular permit.

1D.2.3

A discharge has a prohibited characteristic if it has any amount of:

- a) Harmful solids, including dry solid wastes and materials which combine with water to form a cemented mass;
- b) Liquid, solid or gas which could be flammable or explosive in the wastes, including oil, fuel, solvents (except as allowed for in Schedule 1C), calcium carbide, and any other material which is capable of giving rise to fire or explosion hazards either spontaneously or in combination with sewage;
- c) Asbestos;
- d) The following organo-metal compounds:
 - tin (as tributyl and other organotin compounds);
- e) Any organochlorine pesticides;
- f) Genetic wastes, as follows:
 - All wastes that contain or are likely to contain material from a genetically modified organism that is not in accordance with an approval under the Hazardous Substances and New Organisms Act. The material concerned may be from premises where the genetic modification of any organism is conducted or where a genetically modified organism is processed;
- g) Any health care waste prohibited for discharge to a sewerage system by NZS 4304 or any pathological or histological wastes; or
- h) Radioactivity levels in excess of the National Radiation Laboratory Guidelines.

Schedule 1E: Guide to Types of Trade Activities and Processes Connected to the Sewerage System that Require a Trade Waste Permit

Approved stormwater discharged to sewer	Stockyards
Automotive Servicing Facilities	Swimming pools/spa facilities
Automotive/whiteware - small plant services	Takeaway premises
Bakeries	Tankered Wastes
Beverage manufactures (including wineries)	Tanneries and leather finishing
Building services	Textile fibre and textile processing
Cafe/takeaway food vendor	Timber processing
Car wash/valet	Truck wash facilities
Chemists/pharmaceutical waste including cytotoxic ingredients.	Vaccine manufacturers
Churches (with catering facilities)	Vehicle wash facilities
Clothing manufacture	Veterinary surgeries
Concrete batching plants	Waste management processors
Dairy products processing	Wholesalers/retailers including butchers, green grocers and fishmongers
Dentists	Woolscourers
Doctors surgeries	
Dry Cleaners	
Electroplaters	
Engineering Workshops	
Fellmongers	
Food premises licensed as food premises under the Health Act	
Food processors including canneries	
Footwear manufacture	
Foundries	
Fruit and vegetable processors including canneries	
Garages	
Galvanisers	
Hospitals	
Hotels and motels (with catering facilities)	
Kitchens/Dining halls	
Landfills (leachate discharge)	
Laundries	
Manufacturing of chemicals, and of chemical, petroleum, coal, rubber and plastic products	
Manufacturing of clay, glass, plaster, masonry, asbestos, and related mineral products	
Manufacturing of fabricated metal products, machinery and equipment	
Manufacturing of fertiliser	
Manufacturing of paper and paper products	
Marae	
Meat, fish, and shellfish processing	
Mechanical workshops/service stations	
Medical laboratories	
Metal finishers	
Mortuaries	
Paint and Panel Beaters	
Paint formulation/manufacture	
Photo and medical laboratories	
Photo processors	
Premises with commercial macerators	
Printers	
Research Institutes	
Residential Care Facilities	
Restaurants	
Retail butchers and fishmongers	
Service Stations	
Schools, polytechnics, universities (with laboratories)	
Scientific and other laboratories	
Spray painting facilities	

Schedule 1F: General chemical characteristics table

Characteristic	Maximum Concentration (g /m ³)	Reason for limits
MBAS (Methylene Blue Active Substances)	500	MBAS is a measure of anionic surfactants. High MBAS can: - adversely affect the efficiency of activated sewage sludge plants - impair the aesthetics of receiving waters. For treatment plants which suffer from the effects of surfactants the maximum concentration could be reduced significantly; e.g. Sydney Water utilise a level of 100g/m³.
Ammonia (measured as N) - free ammonia - ammonium salts	50 200	High ammonia: - may adversely affect the safety of operations and maintenance personnel - may significantly contribute to the nutrient load to the receiving environment
Kjeldahl nitrogen	150	High kjeldahl nitrogen may significantly contribute to the nutrient load of the receiving environment. A value of 50g/m³ should be used as a guideline for sensitive receiving waters.
Total phosphorus (as P)	50	High phosphorus may significantly contribute to the nutrient loading of the receiving environment. A value of 10g/m³ should be used as a guideline for sensitive receiving waters.
Sulphate (measured as SO ₄)	500 1500 (with good mixing)	Sulphate: - may adversely affect sewer structures. - may increase the potential for the generation of sulphides in the wastewater if the sewer is prone to become anaerobic.
Sulphite (measured as SO ₂)	15	Sulphite has potential to release SO₂ gas and as SO₂) thus adversely affect the safety of operations and maintenance personnel. It is a strong reducing agent and removes dissolved oxygen thereby increasing the potential for anaerobic conditions to form in the wastewater.

General chemical characteristics continued		
Characteristic	Maximum Concentration (g/m ³)	Reason for limits
Sulphide – as H ₂ S on acidification	5	Sulphides in wastewater may: • cause corrosion of Sewer structures, particularly the top non-wetted part of a sewer • generate odours in sewers which could cause public nuisance • release the toxic H₂S gas which could adversely affect the safety of operations and maintenance personnel. Under some of the conditions above sulphide should be <2.0g/m³.
Chlorine (measured as Cl ₂) – free chlorine – hypochlorite	3 30	Chlorine: • can adversely affect the safety of operations and maintenance personnel • can cause corrosion of sewer structures ARMCANZ/ANZECC guidelines for sewerage systems utilise a figure of 10g/m³.
Dissolved aluminium	100	Aluminium compounds, particularly in the presence of calcium salts, have the potential to precipitate on a scale which may cause a sewer blockage.
Dissolved iron	100	Iron salts may precipitate and cause a sewer blockage. High concentrations of ferric iron may also present colour problems depending on local conditions.
Boron (as B)	25	Boron is not removed by conventional treatment. High concentrations in effluent may restrict irrigation applications. Final effluent use and limits should be taken into account.
Bromine (as Br ₂)	5	High concentrations of bromine may adversely affect the safety of operations & maintenance personnel.
Fluoride (as F)	30	Fluoride is not removed by conventional wastewater treatment, however pre-treatment can easily and economically reduce concentrations to below 20g/m ³ .
Cyanide – weak acid dissociable (as CN)	5	Cyanide may produce toxic atmospheres in the sewer and adversely affect the safety of operations and maintenance personnel.

Schedule 1G: Heavy metals table

Metal	Maximum concentration (g/m ³)
Antimony	10
Arsenic	5*
Barium	10
Beryllium	0.005
Cadmium	0.5*
Chromium	5
Cobalt	10
Copper	10*
Lead	10*
Manganese	20
Mercury	0.05
Molybdenum	10*
Nickel	10*
Selenium	10
Silver	2
Thallium	10
Tin	20
Zinc	10*

NOTE:

Heavy metals have the potential to:

- a) Impair the treatment process;*
- b) Impact on the receiving environment;*
- c) Limit the reuse of sewage sludge and effluent.*

Where any of these factors are critical it is important that local acceptance limits should be developed.

The concentration for chromium includes all valent forms of the element. Chromium (VI) is considered to be more toxic than chromium (III), and for a discharge where chromium (III) makes up a large proportion of the characteristic, higher concentration limits may be acceptable. Specialist advice should be sought.

Metals will be tested as total, not dissolved. If sludge is used as a biosolid then metal concentration/mass are important such that the biosolids guidelines are met.

For recommended mass loads of metals refer to the Guidelines for Sewerage Systems: Acceptance of Trade Wastes (industrial waste) 12.

Schedule 1H: Organic Compounds and Pesticides Table

Compound	Maximum concentration (g/m ³)	Reason for limits
Formaldehyde (as HCHO)	50	Formaldehyde in the sewer atmosphere can adversely affect the safety of operations and maintenance personnel.
Phenolic compounds (as phenols) – excluding chlorinated phenols	50	Phenols may adversely affect biological treatment processes. They may not be completely removed by conventional treatment and subsequently impact on the environment.
Chlorinated phenols	0.02	Chlorinated phenols can adversely affect biological treatment process and may impair the quality of the receiving environment.
Petroleum hydrocarbons	30	Petroleum hydrocarbons may adversely affect the safety of operations and maintenance personnel.
Halogenated aliphatic compounds	1	Because of their stability and chemical properties these compounds may: • adversely affect the treatment processes • impair the quality of the receiving environment • adversely affect the safety of operations and maintenance personnel.
Monocyclic aromatic hydrocarbons	5	These compounds (also known as benzene series) are relatively insoluble in water and are normally not a problem in Trade Waste. They may be carcinogenic and may adversely affect the safety of operations maintenance personnel.
Polycyclic (or polynuclear) aromatic hydrocarbons (PAHs)	0.05	Many of these substances have been demonstrated to have an adverse effect on the health of animals. Some are also persistent and are not degraded by conventional treatment processes.
Halogenated aromatic hydrocarbons (HAHs) Polychlorinated biphenyls (PCBs) Polybrominated biphenyls (PBBs)	0.002 each	Because of their stability, persistence and ability to bioaccumulate in animal tissue these compounds have been severely restricted by health and environmental regulators.
Pesticides (general) (includes insecticides, herbicides, fungicides and excludes organophosphate, organochlorine and any use in New Zealand) pesticides not registered for use in New Zealand	0.2 in total	Pesticides: • may adversely affect the treatment processes • may impair the quality of the receiving environment • may adversely affect the safety of operations and maintenance personnel.
Organophosphate pesticides	0.1	



Wairarapa Consolidated Bylaw 2019

Part Ten Traffic

Commencement

The Wairarapa Consolidated Bylaw 2019 came into force throughout the Masterton, Carterton and South Wairarapa districts on 8 July 2019.

Adoption

Council	Bylaw/Amendments	Adoption Date
Masterton District Council	Consolidated Bylaw 2012: Parts One to Eighteen	14 August 2013
South Wairarapa District Council	Consolidated Bylaw 2012: Parts One to Six, Parts 8 and 9, Parts Eleven to Sixteen	31 July 2013
Masterton District Council Carterton District Council South Wairarapa District Council	Wairarapa Consolidated Bylaw 2019: Part Ten: Traffic	26 June 2019

Wairarapa Consolidated Bylaw 2019

Part 10 – Traffic

Contents

Foreword	3
1. Scope	3
2. Definitions.....	4
3. Stopping, Standing and Parking.....	5
4. Metered Areas, Parking Meter Zones, and Zone Parking.....	5
5. Parking Fee to be Paid	6
6. Discontinued Parking Space	6
7. Interference with Parking Meters or Pay and Display Parking Meters	6
8. Unlawful Parking.....	6
9. Operation of Parking Meters of Pay and Display Parking Meters	7
10. Hours Applicable to Parking Meters or Pay and Display Parking Meters.....	7
11. Mobility Parking Permit	7
12. One Way Roads.....	7
13. Turning Restrictions.....	7
14. Heavy Traffic Prohibitions.....	7
15. Special Vehicle Lanes	8
16. Turning Movements Permitted by Specified Classes of Vehicles.....	8
17. Offences and Penalties	8
18. Defences	8
19. Exempted Vehicles	9
20. Power to Amend by Resolution	9
21. Traffic Control Schedules.....	9

Referenced Documents

Reference is made in this document to the following:

New Zealand Legislation

- Land Transport Act 1998
- Land Transport (Offences and Penalties) Regulations 1999
- Land Transport Rule: Traffic Control Devices 2004
- Local Government Act 2002

Related Documents

- Heavy Motor Vehicle Regulations 1974
- Reserves Act 1977

Foreword

This Part of the bylaw is made under section 22AB of the Land Transport Act 1998, and section 145 the Local Government Act 2002 (LGA).

Reference should be made to the Wairarapa Consolidated Bylaw 2019 Part 1: Introductory for any definitions not included in this Part.

If any provision of this Part is inconsistent with Part 1 – Introductory, then the provisions of this Part prevail.

1. Scope

- 1.1. This Part of the bylaw sets the requirements for parking and control of vehicular or other traffic on any road in the Masterton, Carterton and South Wairarapa districts, including state highways located within the urban boundaries that are otherwise controlled by the New Zealand Transport Agency (NZTA).
- 1.2. Under this Part of the bylaw, Council may:
 - a) prohibit or otherwise restrict the stopping, standing, or parking of vehicles on any road or part of a road, or on any piece of land owned or controlled by the Council and not being a road or part of a road, including any parking place or transport station;
 - b) set aside, designate or reserve any road, part of a road, or any piece of land owned or controlled by the Council and not being a road or part of a road, as:
 - (i) stopping places or stands for a specified class, classes or types of vehicles, including:
 - bus stops;
 - small passenger service vehicle stands;
 - loading zones; and
 - pie cart stands
 - (ii) mobility parking spaces;
 - (iii) restricted parking areas parking places and zone parking;
 - (iv) transport stations;
 - (v) clearways;
 - (vi) cycle lanes and cycle paths;
 - (vii) reserved parking areas;
 - (viii) metered areas;
 - (ix) special vehicle lanes;
 - (x) electric charges stations; or
 - (xi) one-way roads.
 - c) Prohibit or restrict:
 - (i) U-turns;
 - (ii) left turns, right turns, or through movements;

- (iii) any specified class of traffic, or any specified motor vehicle or class of motor vehicle which, by reason of its size or nature or the nature of the goods carried, is unsuitable for use on any road or roads;
 - (iv) parking of heavy motor vehicles or any specified class or description of heavy motor vehicles, on any specified road during such hours or exceeding such period as may be specified;
 - (v) use of roads by pedestrians; or
 - (vi) use of roads by cyclists.
 - d) Permit turning movements to be made only by:
 - (i) passenger service vehicles;
 - (ii) vehicles of other specified classes; or
 - (iii) vehicles carrying specified classes of loads or not less than a specified number of occupants.
- 1.3. Any matter regulated under clause 1.2 may apply to a specified class, type, weight or description of vehicle, or any combination of these, and may be expressed or limited to apply only on specified days, or between specified times, or for any specified events or classes of events, or be limited to specified maximum periods of time.

2. Definitions

Parking Meter: A device used to measure and indicate the period of time paid for and which remains to be used, in relation to the time for which a vehicle may be parked in a metered parking space. Includes pay and display parking meters.

Special Vehicle Lane: A lane defined by signs or markings as restricted to a specified class or classes of vehicle; and includes a bus lane, a transit lane, a cycle lane, and a light rail vehicle lane.

Transport Station: A place where transport-service vehicles, or any class of transport-service vehicles, may wait between trips and includes all necessary approaches and means of entrance to and egress from any such place, and all such buildings, ticket offices, waiting rooms, cloak rooms, structures, appliances, and other facilities as the council considers to be necessary or desirable for the efficient use of that place for the purpose for which it is provided and the collection of charges in relation to that use.

Zone Parking: In relation to a road, means a parking restriction imposed by the road controlling authority:

- that applies to an area comprising a number of roads;
- in respect of which persons using vehicles within the area could reasonably be expected to be aware of the application of the parking restriction to the area without the need for the erection of signs at each intersection within the area, for reasons including:
 - o the nature of the area;
 - o the nature of the parking restriction;
 - o traffic patterns into and within the area; or
 - o the nature and number of entry points to the area; and
 - o that the controlling authority specifically declares to be a zone parking control.

3. Stopping, Standing and Parking

- 3.1. No person shall stop, stand, or park a vehicle or vehicle combination on any road, public car park, reserve or any other public place, in contravention of a restriction imposed by the Council in schedules to this Part of the bylaw and that is evidenced by appropriate signs and/or road markings. Notwithstanding the provisions of this clause, and subject to such conditions as appropriate in the circumstances and payment of the prescribed fee, the Council may authorise the stopping, standing or parking of specified vehicles.
- 3.2. No person shall, without the prior written permission of the Council, park a vehicle or trailer displaying advertising or sales material on any road or part of a road, or on any piece of land owned or controlled by the Council and not being a road or part of a road, including any parking place or transport station. This restriction includes vehicles displayed for sale in association with adjacent trade premises and mobile billboards.
- 3.3. No person shall park or place any machinery, equipment, materials, waste disposal bins or freight containers on any road or public place except with the permission of the Council and in accordance with any conditions that may be required. This clause does not apply to those containers that are used solely for the purpose of domestic refuse or recycling as authorised by the Council and placed off the roadway, provided that such containers are not left on any road or public place for a period exceeding 72 hours.
- 3.4. No person shall park any vehicle in a parking space which is already occupied by another vehicle. However up to six motorcycles (including motorcycles with sidecars attached) but no other vehicle, may occupy any parking space at the same time, (and such motorcycles shall park at right angles to the kerb in the metered space).
- 3.5. No person shall repair, alter or add to a vehicle in the course of trade while the vehicle is on the road, unless necessary to enable the vehicle to be removed from the road.
- 3.6. No person shall stop, stand or park a vehicle or vehicle combination on a lawn or other cultivation adjacent to, or forming part of a road in urban areas where a formed kerb and channelling is installed, except with the permission of the Council and in accordance with any conditions that may be required.

4. Metered Areas, Parking Meter Zones, and Zone Parking

- 4.1. Metered parking spaces shall be indicated by white lines painted on the road in accordance with the Land Transport Rule: Traffic Control Devices 2004. Pay and display zones and areas of zone parking shall be indicated by signs in accordance with the Land Transport Rule: Traffic Control Devices 2004.
- 4.2. Parking meters shall be located within the metered area and areas of zone parking that they are to control.
- 4.3. Where a receipt is issued by a pay and display parking meter, the receipt shall be displayed on the motor vehicle parked in the parking area so as to be legible through the front window where fitted, or visible on the motor vehicle where no front window is fitted.

5. Parking Fee to be Paid

- 5.1. No driver or person in charge of a vehicle shall park in a metered parking space or area of zone parking without having paid the appropriate fee and, where required, correctly activated the parking meter controlling the space, or in compliance with any instructions on any parking meter or signs controlling the space.
- 5.2. A person paying at a parking meter shall use only New Zealand currency.
- 5.3. Council may from time to time by resolution, publicly notified, prescribe fees payable for the parking of vehicles within a metered space.
- 5.4. Parking fees must be paid when parking in accordance with schedules to this Part of the bylaw.
- 5.5. The driver or person in charge of a vehicle may occupy the metered parking space, provided that the appropriate fee has been paid and the maximum period for parking in that metered area is not exceeded.
- 5.6. Where more than one motorcycle occupies a metered parking space it shall not be necessary for the payment of more than one parking fee. No such vehicle shall remain parked in the metered space after the time has expired and each motorcycle so parking is in breach of this Part of the bylaw.

6. Discontinued Parking Space

- 6.1. Where the Council is of the opinion that any metered parking space should be temporarily discontinued as a parking space, the Council may place or erect (or authorise the placing or erecting of) a sign, or notice showing, 'No Stopping' or a meter hood showing reserved parking at the affected metered parking space or spaces.
- 6.2. It shall be unlawful for any person to park a vehicle in a metered parking space when a sign, notice or meter hood indicates that it is a reserved parking space, except with the permission of the Council.

7. Interference with Parking Meters or Pay and Display Parking Meters

- 7.1. No person may misuse any parking meter, or interfere, tamper, or attempt to tamper with the working or operation of any parking meter or, without Council authority, affix or attempt to affix anything, or paint, write upon or disfigure any parking meter.

8. Unlawful Parking

- 8.1. A person shall not park any vehicle or vehicle combination in a parking space except as permitted by the provisions of this Part of the bylaw.
- 8.2. No person shall park a vehicle or vehicle combination in a parking space so that any part of that vehicle extends beyond any line defining that space unless by reason of its size it may be necessary for the vehicle to extend onto an adjoining and unoccupied parking space. If the parking spaces occupied by the vehicle or vehicle combination are metered parking spaces the driver shall be liable to pay a parking fee for each space so occupied.

- 8.3. No person shall, if a parking meter is not in operation, park in an area governed by that parking meter for a period greater than the maximum indicated on that meter.

9. Operation of Parking Meters of Pay and Display Parking Meters

- 9.1. No person shall operate or attempt to operate any parking meter by any means other than as prescribed by this Part of the bylaw.

10. Hours Applicable to Parking Meters of Pay and Display Parking Meters

- 10.1. The hours during which payment of the fee for parking meters is required shall be as prescribed by the Council in accordance with the LGA and shall be indicated by signs or notices affixed to parking meters.

11. Mobility Parking Permit

- 11.1. Where the Council has reserved parking spaces as mobility parking spaces in Schedule G, the mobility parking permit shall be displayed so that it is legible through the front windscreen where fitted, or on the vehicle if no windscreen is fitted. The permit shall not be displayed if the parking space is not being used for the benefit of the permit holder.

12. One Way Roads

- 12.1. A person may only drive a vehicle or ride any horse or bicycle along the roads or parts of roads listed as a 'one-way road' in Schedule A of this Part of the bylaw, in the direction specified.

13. Turning Restrictions

- 13.1. Subject to the erection of the prescribed signs, no person shall drive contrary to any turning restriction listed in Schedule B of this Part of the bylaw.

14. Heavy Traffic Prohibitions

- 14.1. No person shall drive, or permit to be driven, or park, any heavy motor vehicle or any specified class of heavy motor vehicle during such hours or exceeding such period as may be specified for the roads or public places listed in Schedule C of this Part of the bylaw.
- 14.2. Clause 14.1 shall not apply in respect of:
- a) any fire appliance or any ambulance whilst carrying out their legitimate business;
 - b) any vehicle engaged in the maintenance of roads or of utilities or services which are erected on, under or over any roads in the prohibited area; or

- c) any vehicle which, for any reason, has been authorised in writing by the Council to use the roads, or any of the roads in prohibited area.

15. Special Vehicle Lanes

- 15.1. Where Council prescribes a road, or part of a road, as a special vehicle lane, the resolution must specify the type of special vehicle lane and the hours of operation of the special vehicle lane (if any) when it is restricted to specific classes of vehicles.
- 15.2. No person shall use a special vehicle lane listed in Schedule D of this Part of the bylaw, contrary to any restriction made by Council under this clause.

16. Turning Movements Permitted by Specified Classes of Vehicles

- 16.1. Subject to the erection of the prescribed signs, the traffic lanes listed in Schedule E of this Part of the bylaw, permit turning movements by specified classes of vehicles.

17. Offences and Penalties

- 17.1. Any person who breaches this Part of the bylaw commits an offence and may be liable to a penalty under section 22AB of the Land Transport Act 1998, schedule 1B of the Land Transport (Offences and Penalties) Regulations 1999, or section 242 of the LGA. Refer to Wairarapa Consolidated Bylaw 2019 Part 1: Introductory (Section 15) for details of what broadly constitutes a breach of this Part.
- 17.2. To avoid any doubt, a person breaches this bylaw and commits an offence, who:
 - a) fails to comply in all respects with any prohibition, restriction, direction or requirement indicated by the lines, markings, traffic signs and other signs or notices laid down, placed, made or erected on or upon any road, public car park, reserve or other places controlled by the Council under any of the provisions of this Part of the bylaw; or
 - b) fails to comply with any condition, duty, or obligation, imposed by this Part of the bylaw.
- 17.3. A person may not be subject to proceedings under clause 17.1 of this Part of the bylaw, if that person is also, for the same facts, being proceeded against for a breach of the Land Transport Act 1998.

18. Defences

- 18.1. It is a defence to this Part of the bylaw if the person proves that the act or omission:
 - a) took place in compliance with the directions of an enforcement officer, a parking warden or a traffic control device; or
 - b) was performed by an enforcement officer or a parking warden and was necessary in the execution of that person's duty.

19. Exempted Vehicles

- 19.1. This Part of the bylaw shall not apply to emergency vehicles being used in an emergency.
- 19.2. Sections 4, 5, 6, 9 and 15 of this Part of the bylaw shall not apply to medical practitioners such as doctors, district nurses and midwives who are attending an emergency.

20. Power to Amend by Resolution

- 20.1. The Council may by resolution publicly notified:
- a) add schedules;
 - b) make additions or deletions from the schedules; or
 - c) substitute new schedules.
- 20.2. Where Council intends to make a resolution under clause 20.1, consultation will be undertaken as required, in accordance with section 156 of the LGA.
- 20.3. After making a resolution under clause 20.1, the Council shall:
- a) record the matter in its traffic control schedules and publish the updated version; and
 - b) mark the roads and install signs in accordance with the Land Transport Rule: Traffic Control Devices 2004.

21. Traffic Control Schedules

- 21.1. The Masterton, Carterton and South Wairarapa District Councils will maintain schedules of the traffic control measures in their respective districts.



CARTERTON
DISTRICT COUNCIL



SOUTH WAIRARAPA
DISTRICT COUNCIL
Kia Reretahi Tātau

Wairarapa Consolidated Bylaw 2019

Part Twelve

Beauty Therapy, Tattooing, and Skin Piercing

Commencement

The Wairarapa Consolidated Bylaw 2019 came into force throughout the Masterton, Carterton and South Wairarapa districts on 8 July 2019.

Adoption

Council	Bylaw/Amendments	Adoption Date
Masterton District Council	Consolidated Bylaw 2012: Parts One to Eighteen	14 August 2013
South Wairarapa District Council	Consolidated Bylaw 2012: Parts One to Six, Parts 8 and 9, Parts Eleven to Sixteen	31 July 2013
Masterton District Council Carterton District Council South Wairarapa District Council	Wairarapa Consolidated Bylaw 2019: Part Twelve - Beauty Therapy, Tattooing, and Skin Piercing	26 June 2019

Wairarapa Consolidated Bylaw 2019

Part 12 – Beauty Therapy, Tattooing, and Skin Piercing

Contents

Foreword	2
1. Scope	2
2. Definitions.....	2
3. Certificate of Registration.....	3
4. General Conditions of Operation.....	3
5. Physical Aspects of Premises	5
6. Mobile Premises and Mobile Operators.....	5
7. Conduct.....	6
8. Tattooing.....	7
9. Beauty Therapy/Skin Piercing/Epilation	7
10. Sterilisation of Equipment	8
11. Cleansing and Repair	9
12. Records	9
13. Exemptions	9
14. Offences and Penalties	10

Foreword

This Part of the bylaw is made under section 64 of the Health Act 1956 and section 145 of the Local Government Act 2002 (LGA).

Reference should be made to the Wairarapa Consolidated Bylaw 2019: Part 1 Introductory for any definitions not included in this Part.

If any provision of this Part is inconsistent with Part 1 – Introductory, then the provisions of this Part prevail.

1. Scope

- 1.1. The purpose of this bylaw is to prevent the transference of communicable diseases via beauty therapy practices, tattooing or skin piercing.
- 1.2. Registered doctors, dentists, nurses, physiotherapists, pharmacist and podiatrists are exempt from the requirement of licensing due to their recognised training standards; however general standards of hygiene must still comply with the Infection Control Standards NZS 8134 3 2008.
- 1.3. This Part of the bylaw should be read in conjunction with the Ministry of Health Guidelines for the Safe Piercing of Skin 1998.

2. Definitions

Beauty Therapy Practices: Provision of various treatments aimed at improving a person's appearance or wellbeing including, but not limited to, any commercial service that:

- pierces the skin (including but not limited to tattooing, body piercing, electrolysis, red vein therapy, dermal rolling or stamping, extractions); or
- risks breaking the skin (including but not limited to hair removal e.g. waxing and electrolysis, manicure, pedicure); or
- risks burning the skin (including but not limited to pulsed light, laser treatments, solariums).

Where relevant this includes businesses such as jewellers, beauty therapists, nail technicians, tattooists and hairdressers.

Commercial service: A service (whether from permanent, temporary or mobile premises or by a mobile operator) provided by one or more persons for another person for monetary payment or any other consideration.

Communicable Disease: Any infectious disease such as Hepatitis B and C, HIV/AIDS and any other disease declared by the Governor General, by order in Council, to be a communicable disease for the purpose of the Health Act 1956.

Designated Premises: Includes any commercial, industrial, residential property, or community building where a prescribed process is carried out.

Licensee: The person or legal entity to whom the Certificate of Registration has been issued under this Part of the bylaw.

Mobile Operator: A person who operates without a premises.

Mobile Premises: Any vehicle, stall or unit whether self-propelled or not, from which a prescribed process is carried out.

Operator: Any licensee and/or staff member who performs a prescribed process.

Premises: Means, as the context requires, designated premises or mobile premises.

Prescribed Process: Any beauty therapy, tattooing or skin piercing process for which payment is received.

Skin Piercing: A practice involving piercing, cutting and puncturing the skin or any other part of the human body and includes such services as acupuncture, body piercing, derma rolling/stamping, electrolysis, extractions, red vein treatment, tattooing, and traditional tools tattooing.

Tattooing: A process by which indelible marks are made in human skin or tissue by inserting pigments or dyes into punctures. Tattooing also includes the process known as pigment implantation or permanent makeup.

Used Wax (Including Paraffin Wax): Wax that has been previously applied to the body, remelted and sieved for removal of hair, left over in the cartridge of a roll on/pistol system that has been applied to any part of the body, left over in a heated pot from which it has been applied by spatula using the double dipping procedure, left in the cartridge of a flow on system that has been applied to any part of the body.

3. Certificate of Registration

- 3.1. No person shall use any premises for any prescribed process without a current Certificate of Registration.
- 3.2. A Certificate of Registration shall not be issued unless the premises concerned complies with all requirements of this Part of the bylaw, or an exemption in accordance with section 13 of this Part of the bylaw has been granted.
- 3.3. The Certificate of Registration must be prominently displayed at the principal entrance to the premises to which the prescribed process applies.
- 3.4. Applications for the registration of any premises under this Part of the bylaw shall be made by the owner or manager and shall be made on the prescribed form.
- 3.5. Fees (as set by Council annually) shall be payable on application for registration and renewed thereafter on an annual basis in accordance with this Part of the bylaw for a term of no more than one year.

4. General Conditions of Operation

- 4.1. No person shall allow or carry out any prescribed process on any person under the age of 16 years without the written permission of that person's parent or legal guardian.
- 4.2. No person shall carry out any prescribed process on any person whom they suspect is under the influence of alcohol, drugs or mind-altering substances.
- 4.3. No person shall allow or carry out any prescribed process unless they hold a recognised qualification, where a recognised qualification is available for the process. A recognised qualification may include a nationally or internationally recognised training standard, NZQA unit

standard, or industry training organisation. An exemption will be applied to any person under the direct supervision of someone who holds the said qualification and where the person providing the supervision is employed by a training institution.

- 4.4. No person shall, eat or drink on the premises except in a part of the premises that is clearly separate from the area where the prescribed process is carried out.
- 4.5. The operator of a premises where any prescribed process takes place, shall display in a prominent place a notice asking clients to inform them of any communicable disease the client has, which may be likely to have an effect on the process.
- 4.6. The operator shall maintain accurate records, in accordance with section 12 of this Part of the bylaw.
- 4.7. No person who knows or suspects that they are suffering from, or are a carrier of, a skin infection or communicable disease, or associated conditions, shall carry out any prescribed process, without taking adequate precautions to prevent the transmission of such infection, disease or condition.
- 4.8. No animals, except disability assist dogs, are to be permitted in that part of the premises where the prescribed process takes place.
- 4.9. No person shall operate a solarium without complying with AS/NZS 2635:2008 "Solaria for cosmetic purposes" and Part 5 of the Health Act 1956.
- 4.10. Prior to performing any treatment that invades someone's body in any way, information must be given in a manner which fully explains the nature of the procedure, the outcomes of it and any risks involved. The information must be understandable and take into account the age of the person involved and their understanding of the language used. Informed consent cannot be legally given by someone under the age of 16 years.
- 4.11. Any person who wishes to have a prescribed process carried out, must inform the licensee, manager, or other person for the time being appearing to be in charge of the premises, prior to the commencement of any prescribed process, if they know or suspect that they:
 - are suffering from a communicable disease;
 - have a history of problem bleeding;
 - are taking medication such as anticoagulants which thin the blood or interfere with blood clotting;
 - have a history of allergies or adverse reactions to pigments, dyes or has other skin sensitivities; or
 - have a history of epilepsy or seizures.
- 4.12. The operator is required to specifically request the information needed under Clause 4.11.
- 4.13. The operator may decline to carry out any prescribed process on the basis of information received under clause 4.11 or agree to carry out the prescribed process subject to such conditions as are considered appropriate in the circumstances. Nothing in this Part of the bylaw shall be construed as requiring any person to perform a prescribed process on any other person.

5. Physical Aspects of Premises

- 5.1. No person shall use, or allow any premises to be used for a prescribed process except in accordance with all of the following provisions:
- a) The premises shall be maintained in a sanitised, clean and tidy condition.
 - b) The floors, walls, ceiling, fixtures and fittings in any area connected with the carrying out of any prescribed process shall be constructed of materials that are easily cleaned.
 - c) A wash basin is supplied with splash guards, a constant piped supply of hot and cold water, soap, a nail brush and approved hand drying facilities shall be provided in a readily accessible position within the working area associated with the prescribed process.
 - d) A designated sink supplied with a constant piped supply of hot and cold water shall be provided in a readily accessible position within the working area for the sole purpose of cleaning instruments and equipment associated with a prescribed process.
 - e) All parts of the premises shall be adequately ventilated.
 - f) All parts of the premises shall be provided with adequate lighting to perform procedures, facilitate cleaning and inspection.
 - g) There shall be provided at all times an adequate supply of cleaning, sanitising and sterilising agents, as are necessary, and suitable cleaning equipment, sufficient to enable regular and proper cleaning of the premises and of the equipment and containers used in the premises. There shall be adequate provision for separate storage of such items when not in use.
 - h) Adequate and sufficient covered waste receptacles that are constructed of readily cleanable material shall be provided.
 - i) All mattresses, squabs and cushions used on any chair, bed, table or the like, used in conjunction with the carrying out of any prescribed process, shall be covered in a water-proof and readily cleanable material. After each client, all linen/paper must be replaced and the tables and equipment must be cleaned and disinfected.
 - j) Adequate and separate storage shall be provided for clean and soiled laundry, beauty products and other chemicals, products or materials. The storage container for the laundry must be made of water-proof material and capable of being easily cleaned. There must be procedures in place for decontaminating blood-contaminated linen.
 - k) Where refreshments are served to customers, single use utensils are to be used unless approved dishwashing facilities are supplied. Refreshments are only to be served in customer waiting areas, not in work areas.
- 5.2. For the purposes of clause 5.1(k), approved dishwashing facilities means to the same standard required for a food business registered under the Food Act 2014.

6. Mobile Premises and Mobile Operators

- 6.1. All mobile operators and mobile premises must:
- a) provide sufficient facilities to adequately store all clean and used equipment, linen and waste products safely in separate containers before and after use and while in transit;
 - b) establish and maintain a 'clean' work area at the site and protect all surfaces and equipment from contamination by dust, dirt, other such contaminants or members of the public at all times;

- c) ensure they have direct access to hand washing facilities with soap, paper towels and hot and cold running water, preferably through a single spout. Alternatively, where it is physically impossible to have hand washing facilities with running water, waterless alcohol-based antiseptic hand gels, foams, or liquids can be used by mobile operators. Hands must be cleaned using waterless alcohol-based hand cleanser between each client;
 - d) wash their hands with running water and soap if their hands are visibly soiled; and
 - e) ensure there is adequate sterile equipment for all clients undergoing skin penetration procedures and, if the mobile facility does not have an autoclave, then single use pre-sterilised equipment is to be used.
- 6.2. All owners or operators must ensure that the area set aside for mobile premises complies with all controls for prescribed processes as determined to be appropriate by an Authorised Officer, given the circumstances in which the skin piercing is being undertaken.

7. Conduct

- 7.1. An operator whilst on the premises, shall:
- a) at all times keep their clothing, hands and fingernails clean, and must cover any infected, damaged or inflamed skin with an impermeable dressing or disposable gloves;
 - b) thoroughly clean their hands:
 - (i) immediately before commencing and immediately after completing any prescribed process;
 - (ii) immediately after using a toilet;
 - (iii) immediately after smoking;
 - (iv) immediately after blowing their nose; and
 - (v) immediately after handling soiled laundry, money, biological matter or waste materials used or produced in connection with a prescribed process;
 - c) prior to commencing any prescribed process, cleanse the client's skin by swabbing with a hospital grade cleansing agent; and
 - d) dispose of all blood contaminated materials, and dye residue into a puncture resistant container, 'sharps box' or otherwise in a manner approved by an Authorised Officer.
- 7.2. An operator shall, at the completion of any tattooing or skin piercing process, provide to each client, suitable written instructions for the subsequent care of the site to prevent its infection.
- 7.3. No person shall undertake any tattooing, waxing, electrolysis or skin piercing procedure unless that person covers their hands with new, single use gloves for each client.
- 7.4. Any equipment used for a prescribed process must be calibrated, serviced and operated according to manufacturer specifications and used for no purpose other than given in such instructions.

8. Tattooing

- 8.1. The sterilisation of tattooing equipment shall include, but not be limited to, the sterilisation of needle bars, tubes and tube tips.
- 8.2. Stencils must only be used for one client and then disposed.
- 8.3. No operator shall, in tattooing a client, use any dye, pigment or solution, unless the dye, pigment or solution:
 - a) has been decanted into a sterile container (as per Section 11) holding a sufficient amount of the liquid for carrying out the tattoo on that client only; and
 - b) is, while the process is being carried out on that client, extracted or withdrawn only from that container.
- 8.4. The operator shall ensure that on completion of the tattoo, any dye, pigment or solution residue is discarded and disposed to waste, and the container is either sterilised or discarded.
- 8.5. The operator is responsible for ensuring all dyes, inks, pigments, or solutions used for tattooing are:
 - a) approved under the New Zealand Environmental Protection Agency's Tattoo and Permanent Makeup Substances Group Standard 2011 or meet the relevant standards that apply under legislation from the territory or country from which they are imported; and
 - b) prepared, stored and dispensed in such manner as to prevent any likelihood of infection to any other person.

9. Beauty Therapy/Skin Piercing/Epilation

- 9.1. No person shall remove hairs from moles, birthmarks and other abnormalities without medical permission.
- 9.2. The client's skin must be sanitised prior to waxing.
- 9.3. No person may use any instrument to pierce skin unless it has been sterilised and has been kept in such a manner as to maintain sterility. All needles must be either pre-sterilised disposable types or needles sterilised as directed in section 10.1(a). No needle or other instrument used to pierce skin may be touched by bare fingers, nor contaminated by packaging which has been contacted by bare fingers.
- 9.4. All jewellery used for piercings must be sterile.
- 9.5. Wax that has been applied to a client's body for hair removal (used wax) or paraffin wax shall not be reused.
- 9.6. Any applicator that makes contact with a person's skin shall not be reused (double-dipped) or be replaced in a receptacle containing wax or any product unless the product has been decanted into single use containers.
- 9.7. Any product cross contaminated through the process of double-dipping must be disposed of before the next client.

10. Sterilisation of Equipment

10.1. No equipment used for any prescribed process, such as needles and similar equipment that pierces or risks cutting the skin (including pedicure, manicure or waxing equipment), shall be reused unless it has been sterilised in one of the following ways:

- a) Thoroughly cleansed and exposed to steam under pressure in a steriliser (autoclave) at:
 - (i) 103KPa (15psa) for at least 15 minutes at not less than 121°C; or
 - (ii) 138KPa (20psi) for at least 10 minutes at not less than 126°C; or
 - (iii) 206KPa (30psi) for at least 4 minutes at not less than 134°C.

The times quoted above are holding times and do not include the time taken for the steriliser (autoclave) to reach the required temperature.

Every steriliser used for the purposes of clause 10.1(a) shall be fitted with time, temperature and pressure gauges. Additionally, every time the autoclave is used, chemical indicator strips shall be inserted to show that the temperatures as set out above have been attained during the autoclaving procedure. During each use, the gauges shall be viewed to ensure that the correct times, temperatures and pressures are reached.

- b) Thoroughly cleansed and exposed to dry heat for at least 60 minutes at not less than 170°C
 - c) Thoroughly cleansed then totally immersed in a glass bead steriliser operating at 250°C for a minimum of four minutes.
 - d) Thoroughly cleansed by a method appropriate to the nature of the article concerned and then submitted to a process of sterilisation approved by an Authorised Officer.
- 10.2. All disposable needles used for any prescribed process must be disposed of in an appropriate “sharps” container for infectious waste, which in turn must be disposed of in an approved manner.
- 10.3. All materials containing body fluids and blood (including follicles) must be disposed of as medical waste in an approved manner. Medical waste must not be stored on the property for any longer than two weeks.
- 10.4. Where an instrument or like article used for projecting a needle into the skin of any person, would be rendered inoperable or be damaged if a hand piece attached to it were sterilised, the hand piece shall be deemed to be disinfected if it has been cleaned of all visible soiling then wiped with a clean paper towel saturated with:
- a) a solution of industrial methylated spirit;
 - b) ethyl alcohol or isopropyl alcohol (in each case containing not less than 70 per cent alcohol); or
 - c) iraclean or other similar approved solutions.
- 10.5. Prior to cleansing the hand piece the needle shall be removed from the hand piece and disposed.

Advisory Notes

- a) *Chlorine solution will corrode metals.*
- b) *Operators should follow manufacturer’s instructions on cleaning products, in particular concentration and use by dates.*

11. Cleansing and Repair

- 11.1. Where any premises, equipment or procedures used to carry out any prescribed process are in such a condition whereby clients may be exposed to contamination or communicable disease, the licensee shall on receipt of a notice signed by an Authorised Officer cleanse, reconstruct or repair the premises, equipment or procedures as directed within the time specified on the notice, or cease using the premises until any such time agreed by the Authorised Officer.

12. Records

- 12.1. Records shall be maintained to assist operators with providing aftercare advice for patients and as an opportunity to audit the quality of procedures, should complications occur.
- 12.2. Prior to commencing any prescribed process, the operator shall obtain and record the following information in writing:
- Client name, address, and phone contact;
 - Details of the procedure type; and
 - Consent that is signed by the client.
- 12.3. Records shall be strictly confidential and all personal client information shall be kept secure in a secure area.
- 12.4. The operator must hold client records regarding information collected under clause 5.4 on site for a period of 12 months. These records must be made accessible to an Authorised Officer on request.
- 12.5. The operator must maintain records of monitoring of sterilisation equipment, including the date, time, temperature and pressure readings. These records must be kept for a minimum period of 12 months. The records shall be made available to an Authorised Officer or a Medical Officer of Health on request.
- 12.6. A record of medical waste disposal must be kept for a minimum period of 12 months. The records shall be made available to an Authorised Officer or a Medical Officer of Health on request.

13. Exemptions

- 13.1. The provisions of clause 4.3 of this Part of the bylaw shall not apply:
- a) where the procedures are carried out in the practice of medicine, dentistry, nursing, physiotherapy, pharmacy or podiatry respectively, by a medical practitioner registered pursuant to the Medical Practitioners Act 1995, a dentist registered under the Dental Act 1988, a nurse registered under the Nurses Act 1977, a physiotherapist registered under the Physiotherapists Act 1949, a pharmacist registered under the Pharmacy Act 1970, or a podiatrist registered under the Medical Auxiliaries Act 1966;
 - b) acupuncture undertaken by members of the New Zealand Register of Acupuncturists or the New Zealand Acupuncture Standards Authority;
 - c) commercial ear-piercing services undertaken in a pharmacy licenced by the Ministry of Health;

- d) to a person acting under the direction or supervision of a any person described and acting in accordance with clause 14.1(a);
- e) to any tertiary educational institution authorised to train persons to become qualified in the practices of beauty therapy and/or nail technology; or
- f) in a situation where an Authorised Officer is satisfied that compliance with any requirements of this Part of the bylaw would be impractical or unreasonable, having regard to the premises in question, or the prescribed process being undertaken. A written exemption may be granted with such modifications, and subject to such conditions as are in the interests of public health as may be desirable in the circumstances.

14. Offences and Penalties

- 14.1. Any person who breaches this Part of the bylaw commits an offence and may be liable to a penalty under section 66 of the Health Act 1956 or section 242 of the LGA. Refer to Wairarapa Consolidated Bylaw 2019 Part 1: Introductory (Section 15) for details of what broadly constitutes a breach of this Part.
- 14.2. A breach of this Part of the bylaw may result in a Certificate of Registration being revoked.