



Wairarapa Policy Working Group

Agenda for the Wairarapa Consolidated Bylaw Hearings to be held at 1.00pm in the Hurunui-ō-Rangi Meeting Room, 50 Holloway Street, Carterton

Thursday 14 August 2025

ATTACHMENT 5

Statement of Proposal Part Eleven: Trade Waste

HE TAUĀKĪ TŪTOHU O WĀHANGA
TEKAU MĀ TAHI: PARA RINGAREHE

STATEMENT OF PROPOSAL: PART ELEVEN: TRADE WASTE



IHIRANGI

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WHAKARĀPOPOTOTANGA TAIPITOPITO

SUMMARY OF INFORMATION

This summary of information is prepared in accordance with section 83AA of the Local Government Act 2002 (LGA).

The Masterton, Carterton and South Wairarapa District Councils (Wairarapa District Councils) are seeking feedback on Part Eleven: Trade Waste of the Wairarapa Consolidated Bylaw (the Bylaw).

Bylaws are local laws made by councils under national legislation. We make bylaws for our communities when we think it's necessary to:

- protect the public from nuisance,
- maintain, promote and protect public health and safety,
- minimise the potential for offensive behaviour in public places, or
- regulate certain activities or manage particular Council infrastructure (as provided for under section 146 of the LGA).

Part Eleven: Trade Waste is proposed to replace the Part Nine: Trade Waste of the Wairarapa Consolidated Bylaw 2019 which will expire next year. The remaining parts of the Wairarapa Consolidated Bylaw will go out for consultation on 25 June 2025. There is an extended consultation period (two months) for Part Eleven: Trade Waste to meet requirements of section 148 of the LGA.

Part Eleven of the Bylaw is made under is made under section 146 of the LGA and regulates the discharge of trade waste to a sewerage system operated by a wastewater authority. The Bylaw helps to protect and manage Council's critical infrastructure wastewater networks so that the Council can continue to provide services to the community and protect public health and the environment by regulating the discharge of 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.

The wastewater drainage network can be adversely impacted by customer activity, causing potential damage to infrastructure or creating health and safety and/or environmental concerns.

The proposed changes aim to better protect the Council's water supply and wastewater networks. We propose that applications from trade premises to discharge prohibited trade waste to the network are not accepted due to the harm it can cause.

The Statement of Proposal, the draft Bylaw, and Submission Form is available on the Wairarapa District Council websites:

www.mstn.govt.nz | www.cdc.govt.nz | www.swdc.govt.nz.

Hard copies are available at the Council customer service centres and libraries throughout Wairarapa.

Submissions close at 4.00pm Friday 25 July 2025.

A two-month consultation period only applies to Part Eleven: Trade Waste. This is to meet our requirements under section 148 of the LGA to provide owners and occupiers of trade waste premises a two-month period to provide feedback.

Consultation on the remaining parts (One to Ten) of the Wairarapa Consolidated Bylaw will open on 25 June 2025 and a revised Statement of Proposal incorporating all parts of the Bylaw will be provided.

A hearing will be held on Thursday 14 August 2025 for those wanting to present their views in person. Submitters should indicate in their submission form if they wish to present their views at the hearing.

Wairarapa District Councils will deliberate and make final decisions on the Bylaw in September 2025. If adopted, the Bylaw is proposed to come into force on 1 October 2025.

KUPU WHAKATAKI

INTRODUCTION

This Statement of Proposal has been prepared in accordance with sections 83, 83AA and 86 of the Local Government Act 2002 (LGA).

It includes the following sections:

- Background
- Key findings from background research
- Our proposal
- Summary of key changes
- Is the Bylaw appropriate?
- Options considered by Council
- How you can have your say
- Find out more
- What happens next

Part Eleven: Trade Waste of the Wairarapa Consolidated Bylaw is due for review. We are proposing some changes and would like your feedback so we can ensure the bylaw reflects the views of the community.

Consultation closes 4.00pm Friday 25 July 2025.

This is to meet our requirements under section 148 of the LGA to provide owners and occupiers of trade waste premises a two-month period to provide feedback.

HOROPAKI BACKGROUND

The Masterton, Carterton and South Wairarapa District Councils (the Wairarapa District Councils) share a Wairarapa Consolidated Bylaw (the Bylaw) which provides a consistent approach throughout the Wairarapa region. The Bylaw is made under the LGA and other relevant statutes.

The broad purpose of the Bylaw is to protect the public from nuisance, maintain public health and safety, and minimise the potential for offensive behaviour in public places.

Part Eleven: Trade Waste aims to regulate wastewater drainage. The bylaw 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. The bylaw also applies to tankered wastes collected for the purpose of discharge to the public sewerage systems.

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 hazardous substances are discharged into the public wastewater network,
- harm to the environment,
- excessive discharge flow rates can cause spillages and associated public health and safety risks,
- 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 Greater Wellington Regional Council discharge consent.

What is a bylaw?

Bylaws are local laws made by councils which are relevant to its communities and local conditions. We make bylaws when we think it's necessary to:

- Protect the public from nuisance
- Protect, promote and maintain public health and safety
- Minimise the potential for offensive behaviour in public places.

A council can only make a bylaw if it is empowered to by an Act of Parliament. Many bylaws are made under the LGA (sections 145 and 146). Other Acts, such as the Health Act 1956, Land Transport Act 1998, Burial and Cremation Act 1964, also give councils powers to make bylaws.

Bylaws can be enforced by authorised Council staff or, in some cases, other agencies such as New Zealand Police. Not complying with a bylaw is a criminal offence. If a bylaw is breached, consequences can include fines, prosecution, seizure of property, or other remedial action.

Why are we reviewing the Bylaw?

Bylaws need to be reviewed at intervals required in the Act the bylaw was made under. Bylaws made under the LGA must be reviewed five years after they were made, then every ten years after that.

Part Eleven: Trade Waste of the Wairarapa Consolidated Bylaw was adopted in 2019. It will expire next year if it's not replaced.

What has been considered in reviewing the Bylaw?

In reviewing the Bylaw we carried out background research and had input from key stakeholders such as Police, the Medical Officer of Health, Fire and Emergency New Zealand, Greater Wellington Regional Council, Business Wairarapa, Iwi, Council Officers, and community and industry associations.

We also reviewed relevant data and complaint information to understand the extent of the problems and whether any new local problems have arisen.

The proposed amendments aim to ensure our communities can continue to enjoy the Wairarapa in a healthy and safe way.

NGĀ KITENGA MATUA I Ā MĀTOU RANGAHAU A MURI

KEY FINDINGS FROM BACKGROUND RESEARCH

We identified five broad problems the Wairarapa Consolidated Bylaw intends to address:

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.

Overall, we found that the Bylaw is generally having the desired effect to address the problems identified. However, the bylaw is still needed because otherwise problems would return or get worse.

There is also evidence of some new local problems that have arisen since the Bylaw was made in 2019.

Further information is available in the Review Findings Report available on Council websites.

Feedback from stakeholders

We engaged with key stakeholders during the review including NZ Police, Fire and Emergency New Zealand, Medical Officer of Health, Greater Wellington Regional Council, Business Wairarapa and Industry Associations.

Key stakeholders advocated for:

- focused and easy to understand bylaws,
- proactive management of local problems,
- a consistent approach throughout Wairarapa,
- recognition of cultural practices,
- working in partnership with local businesses,
- clarification of roles between different enforcement agencies, and
- appropriate enforcement action to be undertaken.

TĀ TĀTOU TONO OUR PROPOSAL

On the whole, the Wairarapa District Councils consider Part Nine: Trade Waste to be working well. However, we have identified some improvements to ensure the bylaw still meets the needs of our communities and is easy to understand.

Part Nine: Trade Waste of the Wairarapa Consolidated Bylaw 2019 is renumbered as by Part Eleven: Trade Waste.

Updates to all parts of the Wairarapa Consolidated Bylaw

We are proposing to make a new Wairarapa Consolidated Bylaw with 11 parts. The parts are the same as the 2019 Bylaw but we have reordered them to improve the flow. This is because the proposed Bylaw does not include a part on Speed; this part was removed from the 2019 Bylaw due to a change in the way speed limits are set.

- Part One: Introductory
- Part Two: Public Places (including Parks and Reserves)
- Part Three: Sale of Goods in Public Places
- Part Four: Prevention of Nuisance or Health and Safety Risk from Fire and Smoke
- Part Five: Keeping of Animals, Poultry and Bees
- Part Six: Traffic
- Part Seven: Cemeteries and Crematorium
- Part Eight: Beauty Therapy, Tattooing and Skin Piercing
- Part Nine: Water Supply
- Part Ten: Wastewater
- Part Eleven: Trade Waste

Consultation on Parts One to Ten of the Wairarapa Consolidated Bylaw will open on 25 June 2025.

Local Water Done Well

The Government's Local Water Done Well programme provides a new direction for water. The Government's Local Water Done Well programme provides a new direction for water services, including drinking water and wastewater services. This has implications for parts nine, ten and eleven of the proposed Bylaw.

Keeping these parts within the Bylaw ensures the water supply and wastewater networks remain protected while the arrangements for delivering water services are still being confirmed. These parts may need to be reviewed earlier or removed from the Wairarapa Consolidated Bylaw in future.

WHAKARĀPOPOTOTANGA O NGĀ PANONI MATUA

SUMMARY OF KEY CHANGES

Part Eleven: Trade Waste

Part Eleven provides the necessary regulatory support to manage wastewater services for non-domestic uses (e.g. trade businesses).

This part ensures the wastewater network is not adversely impacted by customer activity which could cause potential damage to infrastructure or create health and safety and/or environmental concerns.

Bylaw Section	Description of Proposal	Reason for proposal
Foreword and Purpose	Amended foreword to state that the bylaw is made under section 145 of the LGA (in addition to section 146). Amended purpose to state Part Eleven provides for the protection of public health and safety, protection of the environment, and protection of the Wastewater Drainage Network against damage.	Section 145 of the LGA enables Councils to make bylaws to maintain public health and safety. The proposed bylaw and updated purpose aligns with this.
Hazardous Substances	Amendment to state if a hazardous substance leaks, spills or otherwise enters the Wastewater Drainage Network that the occupier of the premise must immediately notify the Wastewater Authority.	Notifying the Wastewater Authority ensures appropriate action is undertaken to protect the Wastewater Drainage Network.
Classification of Trade Waste (Prohibited Trade)	Amendment to state that the Wastewater Authority will not approve applications for prohibited trade waste.	- Prohibited trade waste is harmful to the wastewater drainage network. - No applications to accept prohibited trade waste have been received since the bylaw was made in 2019. - Consistent with approach of other councils.

Part Eleven: Trade Waste

Bylaw Section	Description of Proposal	Reason for proposal
Tankered Wastes	Amendment to state a person wishing to operate a Tankered Waste trucking system must be certified by the New Zealand Trade and Industrial Waters Forums as complying with the Liquid and Hazardous Wastes Code of Practice, hold a Certificate of Registration for Offensive Trade or resource consent, and hold a consent to discharge trade waste under this part of the bylaw.	• Clarifies minimum standards under the Liquid and Hazardous Wastes Code of Practice, Resource Management Act 1991 and other regulatory requirements.
Fees and Charges	Removed reference to the specific manner in which Council will undertake invoicing and stated Council will undertake invoicing in accordance with its standard practice.	• Simplifies the bylaw.
Authorised Officer Service of Documents Schedule – Summary of Discharge Characteristics	Removed these sections from this bylaw part.	• Removes duplication as these sections are covered by the LGA, or Part One – Introductory. • Removing the Summary of Discharge Characteristics Schedule minimises risks of contradictory information between the schedule and bylaw. It also minimises risk of a person considering that compliance with this schedule fulfils compliance with the full bylaw requirements.

Changes to all parts of the Bylaw

Amendments that do not change the intent have been made to improve the flow and readability. This includes restructuring to improve the flow, simplifying and modernising the drafting language, defining key terms, updating definitions to align with legislation where applicable, and updating references to outdated legislation or documents.

Explanatory notes have also been added throughout the Bylaw to improve understanding. These notes do not form part of the Bylaw and may be updated or removed at any time without any formality.

TIKA ANA TE TURE Ā-ROHE? **IS THE BYLAW APPROPRIATE?**

Section 155 of the LGA requires councils to determine that:

- a bylaw is the most appropriate way of addressing the perceived problem
- the proposed bylaw is the most appropriate form of bylaw, and
- the proposed bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990.

Alternative strategies for addressing the perceived problems have been considered. This included reviewing controls in existing legislation and bylaws, other Council plans and policies (e.g. Wairarapa Combined District Plan), and other non-regulatory approaches such as education, signage, partnership arrangements and voluntary guidance. Information on the perceived problems and an assessment of the alternative strategies is available in the Review Findings Report available on Council websites.

Wairarapa District Councils consider a Bylaw the most appropriate because it provides Council a regulatory tool and the ability to take appropriate action which is not offered by alternative strategies. Often the Bylaw works alongside other non-regulatory strategies. In most cases, a bylaw is the anticipated mechanism for managing the perceived problems identified under the LGA and other relevant Acts. It is also consistent with the current approach which is familiar to staff and the community.

The existing Bylaw has generally operated well but the review has identified some improvements to address new problems that have arisen and to make the Bylaw easier to understand.

Overall, the Bylaw is certain, reasonable and proportion and enables responsive decision-making for the controls included in the Bylaw. The Bylaw also supports a consistent approach across Wairarapa but includes regional differences where these are justified and appropriate to local circumstances. The ability of each Council to maintain its own schedules means each district can respond appropriately to the needs of its own communities.

Implications under the New Zealand Bill of Rights Act 1990

The New Zealand Bill of Rights Act 1990 (NZBORA) provides for certain rights and freedoms relating to life and the security of people, democratic and civil rights, non-discrimination and minority rights, and search, arrest and detention. The Wairarapa District Councils think the proposed Bylaw is not inconsistent with the NZBORA.

The full list of NZBORA implications is available in the Council Agenda of 14 May 2025 Adoption of the Draft Wairarapa Consolidated Bylaw and Statement of Proposal for Consultation available on Council websites.

The broader purpose of the Bylaw is to protect, promote and maintain public health and safety, and protect the environment and Council assets (Wastewater Drainage Network). We consider the limitations identified are proportionate to the broader purpose of the Bylaw and are fair and reasonable in the interest of public health and safety.

NGĀ MEA I WHAKAAROTIA E NGĀ KAUNIHERA

OPTIONS CONSIDERED BY THE COUNCILS

All reasonably practicable options have been considered as required by section 77 of the LGA. The advantages and disadvantages of each option are detailed below. The Wairarapa District Councils are proposing to proceed with Option 1.

Option 1: Adopt the proposed Part Eleven: Trade Waste of the Wairarapa Consolidated Bylaw.

This would involve revoking the Wairarapa Consolidated Bylaw 2019 and replacing it with the Wairarapa Consolidated Bylaw. **This our preferred option**

Advantages	Disadvantages
• It provides a regulatory tool to protect the public and, promote public health and safety. • It protects critical infrastructure so services can be provided to the community e.g. protecting the water supply network so we can provide safe drinking water. • The proposed Bylaw has been developed based on the findings of research and feedback from stakeholders. • A Wairarapa Consolidated Bylaw is consistent with the existing approach which is familiar to the community. Proposed changes are intended to meet the changing needs of our communities and to improve understanding. • Provides a consistent approach throughout the Wairarapa region.	• It may take time for the community and staff to become familiar with the new provisions. • Resources required to enforce the Bylaw.

Option 2: Make changes to the proposed Part Eleven: Trade Waste of the Wairarapa Consolidated Bylaw.

This would involve adopting a Wairarapa Consolidated Bylaw with different controls than those proposed (e.g. reduced or increased controls).

Advantages	Disadvantages
• Advantages would depend on the proposed controls.	• The proposed Bylaw has been developed based on the findings of research and feedback from stakeholders. Amendments may be inconsistent with stakeholder feedback or not address new problems that have arisen. • May not meet legal tests required to make a Bylaw. • May be less familiar to the community. • May require further community consultation and delay the review.

Option 3: Do not adopt Part Eleven: Trade Waste of the Wairarapa Consolidated Bylaw (or do nothing and allow the Bylaw to lapse automatically next year)

The Wairarapa Consolidated Bylaw 2019 will revoke in June 2026 if not replaced. This option would involve relying on other non-regulatory approaches such as education, or developing Council policies or plans.

Advantages	Disadvantages
• Reduced administration and enforcement, reducing costs for Council.	• Reduces the Councils ability to regulate to protect the health and safety of the public. A voluntary compliance approach may not provide adequate incentive for people to comply. • Council have determined a bylaw is the most appropriate way to address the problems based on research and stakeholder feedback. • Inconsistent with existing approach. May result in different approaches throughout Wairarapa.

TE ĀHUA O TŌ TUKU KŌRERO

HOW YOU CAN HAVE YOUR SAY

We welcome your feedback on the proposed Part Eleven: Trade Waste of the Wairarapa Consolidated Bylaw. **Submissions close 4.00pm Friday 25 July.** The rest of the Wairarapa Consolidated Bylaw will go out for consultation on 25 June 2025.

Masterton District Council is managing submissions on behalf of Carterton and South Wairarapa District Councils.



Complete our online submission form at: mstn.govt.nz, cdc.govt.nz, or swdc.govt.nz.



Download a fillable pdf submission form from any of the above websites and email to: submissions@mstn.govt.nz



Pick up a submission form from one of our libraries or customer service centres or print out our printer-friendly form from the websites above. Post it to Masterton District Council, Freepost 112477, PO Box 444, Masterton 5840, or drop it off to one of our libraries or customer service centres.

Masterton District Council	161 Queen Street, Masterton
Carterton District Council	28 Holloway Street, Carterton
South Wairarapa District Council	19 Kitchener Street, Martinborough



Phone the Masterton team on 06 370 6300 between 9am and 4pm Monday to Friday (excluding public holidays) and tell us what you think.

Hearing

A hearing will be held on **Thursday 14 August 2025**. This is an opportunity for any person or organisation who makes a written submission to present their views.

You will need to tell us on your submission form that you would like to attend the hearing and include an email address or phone number. We will contact you to arrange a time.

Want more information?

The proposed Part Eleven: Trade Waste of the Wairarapa Consolidated Bylaw is included as part of this Statement of Proposal and on each of the Council websites.

The Wairarapa Consolidated Bylaw Review Findings Report, the proposed Part One: Introductory of the Wairarapa Consolidated Bylaw (where relevant definitions are), and Council report identifying people's rights and freedoms affected by the proposed Bylaw are available on the Council websites.

What happens next?

Following the consultation period and hearing, all feedback will be considered by the Wairarapa Policy Working Group at a deliberations meeting.

The Wairarapa District Councils will then meet to adopt the Bylaw. If adopted, the bylaw will take effect from October 2025.

Date	Milestone
23 May 2025	Consultation on Part Eleven: Trade Waste opens
25 June 2025	Consultation on the remaining Parts (One to Ten) of the Wairarapa Consolidated Bylaw opens.
25 July 2025	Submissions close on all Parts
14 August 2025	Hearings
19 August 2025	Deliberations
September 2025	Wairarapa District Councils decide whether to adopt the Bylaw
1 October 2025	If adopted, the Bylaw comes into effect



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