

SOUTH WAIRARAPA DISTRICT COUNCIL

20 FEBRUARY 2019

AGENDA ITEM C5

BYLAW REVIEW STATEMENT OF PROPOSAL

Purpose of Report

To present to Council the Bylaw Review Statement of Proposal for adoption to allow for consultation with the community.

Recommendations

Officers recommend that the Council resolves:

1. *That, in accordance with section 155(1) of the Local Government Act 2002, the proposed bylaws are the most appropriate way of addressing the perceived problems; and*
2. *That, in accordance with section 155(2) of the Local Government Act 2002, the proposed bylaws are the most appropriate form of bylaw and can be justified as a reasonable limitation on people's rights and freedoms and therefore do not give rise to any implications under the New Zealand Bill of Rights Act 1990; and*
3. *To adopt the Bylaw Review Statement of Proposal (Appendix 1) and the draft bylaws (Appendix 2) for consultation, using the Special Consultative Procedure, as identified in Section 83 of the Local Government Act 2002, subject to Carterton District Council and Masterton District Council also adopting the bylaws for consultation; and*
4. *To approve the consultation timeframes and approach described in this report under Significance and Engagement; and*
5. *To delegate authority to the Wairarapa Policy Working Group to hear and consider submissions and make recommendations back to the three Councils on the final bylaws.*

1. Executive Summary

The Masterton and South Wairarapa District Councils Consolidated Bylaws are due for review. This report and the attached documents set out the process for the review and the suggested amendments to the bylaws.

2. Background

2.1 Legislation

Territorial Authorities are empowered by section 145 of the Local Government Act 2002 (LGA) to make bylaws for:

- protecting the public from nuisance;
- protecting, promoting and maintaining public health and safety; and
- minimising the potential for offensive behaviour in public places.

In accordance with section 158 of the LGA, bylaws are to be reviewed five years after they are first made, and every ten years thereafter. Since the Masterton and South Wairarapa District Council Consolidated Bylaws were first adopted in September 2013 they are due for review. Although the five year timeframe for review has passed, the LGA states that a bylaw is not revoked until two years after the due review date.

2.2 Review Process

The review process has been undertaken jointly with Masterton and Carterton District Councils. It should be noted that while the process is a bylaw review for Masterton and South Wairarapa District Councils, the process is the implementation of the consolidated bylaws for Carterton District Council.

The first stage of the process has involved staff from the three Wairarapa Councils reviewing the current consolidated bylaws and developing suggested amendments. The suggested changes were refined and discussed at two workshops held with the Wairarapa Policy Working Group on 12 November 2018 and 10 December 2018.

2.3 Wairarapa Policy Working Group

Council delegated the task of undertaking the Bylaw review to the Wairarapa Policy Working Group in June 2017. Membership of the group consists of:

- Cr Margaret Craig, SWDC
- Cr Ross Vickery, SWDC
- Cr Frazer Mailman, MDC (appointed Chairperson for the bylaw review)
- Cr Brent Goodwin, MDC
- Cr Tracey Callaghan, CDC
- Cr Rebecca Vergunst, CDC

The group is supported by the Technical Advisory Group which consists of senior staff members at each council.

3. Bylaw Review Statement of Proposal

The proposed changes to the bylaw are summarised in the attached Statement of Proposal. Full copies of the bylaws showing all the suggested changes have been circulated to each Council electronically.

The Wairarapa Policy Working Group endorsed the proposed changes for submission to each Council and confirmed in accordance with section 155 of the LGA that they are satisfied that:

- a bylaws is the most appropriate way of addressing the perceived problems;
- the proposed bylaws are the most appropriate form of bylaw; and
- the proposed bylaws do not give rise to any implications under the New Zealand Bill of Rights Act 1990.

4. Options Considered

A summary of the options considered is included in the table below.

Option	Advantages	Disadvantages
1 Make the amendments as set out in the Bylaw Review Statement of Proposal.	Updates the existing bylaw for clarity and better reflects the current legal and operational environment.	It may take time for the community and staff to become familiar with the new provisions.
2 Keep the current bylaw as it is.	No change to the current situation and no new rules for the community.	Does not provide recommended clarification and may create uncertainty.
3 Revoke the existing bylaw and do not replace.	Reduces MDC's enforcement activity requirements.	Does not meet the needs of the community. Removes MDC's ability to regulate.

Staff recommend Option 1 as it is considered the most effective way to manage the problems that the bylaws address. It provides an appropriate balance between regulatory control and people's rights and freedoms.

In addition, Option 1 is in alignment with the purpose of local government as stated in the LGA, which includes providing efficient and effective regulatory functions that are appropriate to present and anticipated future circumstances.

5. Significance and Engagement

As the proposal is to amend parts of the bylaws, Council is required under section 156 of the LGA to consult with the community using the Special Consultative Procedure.

If Council adopts the Statement of Proposal, the community consultation period will be from 4 March to 5 April 2019. CDC and MDC are making decisions on the Statement of Proposal on 20 February 2019 and 27 February 2019, respectively.

The Statement of Proposal will be different for each Council even though they will be considering the same bylaws. Such that SWDC are amending their bylaws but CDC will have a proposal to revoke their current bylaws and replace them with the proposed bylaws.

MDC will manage the submission process on behalf of CDC and SWDC with the associated costs being shared between the three Councils.

A community meeting is proposed for 3 April 2019. The meeting will run as a workshop to provide the Wairarapa community with an opportunity to discuss the bylaws with the elected members and staff.

A joint hearing with the three Councils is proposed for 1 May 2019. It is proposed that the hearing committee role be delegated to the Wairarapa Policy Working Group. The committee would then make recommendations back to the three Councils on the final bylaws.

6. Timeframes

If Council adopt the Bylaw Review Statement of Proposal, the following timeframes will apply.

Date	Activity/Milestone
4 March to 5 April 2019	Consult with the community on the Statement of Proposal, in accordance with the Special Consultative Procedure.
3 April 2019	Community meeting.
1 May 2019	Joint hearing with MDC, CDC and SWDC.
26 June 2019	Council adopts the proposed bylaw amendments.

7. Financial Implications

Work undertaken for the bylaws review project will be shared equally across the three Councils. This includes the resource that MDC utilises for the project on behalf of CDC and SWDC.

8. Statutory Requirements

All statutory requirements have been addressed as detailed throughout this report.

9. Impact on Māori

The proposed bylaw amendments have not been assessed as having impact specific to Māori communities.

However, several parts of the bylaws with an impact on Māori have been identified, namely the Beauty Therapy, Tattooing and Skin Piercing bylaw (in relation to Tā Moko practices) and the Public Places and Cemeteries and Crematoria Bylaws (in relation to scattering of ashes and Māori burials).

As part of the consultation period, we will seek the views of our Māori community in relation to the existing bylaw content.

10. Appendices

Appendix 1 - Bylaw Review Statement of Proposal

Appendix 2 – Draft Bylaws

Prepared by: Shane Sykes, Environmental Services Manager

Reviewed By: Russell O’Leary, Group Manager Planning and Environment

Appendix 1 - Bylaw Review Statement of Proposal

BYLAW REVIEW 2019

STATEMENT OF PROPOSAL

INTRODUCTION

South Wairarapa District Council (SWDC) is reviewing its bylaws to ensure they continue to meet the needs of our district.

This review is being undertaken jointly with Masterton District Council (MDC) and Carterton District Council (CDC) so that, wherever practical, there are consistent bylaws throughout the Wairarapa.

Each of the three Councils are consulting on the same proposed Wairarapa Consolidated Bylaw. However, to ensure the message to our respective communities is relevant and clear, each Council has developed its own Statement of Proposal.

To view the Statement of Proposal for MDC or CDC please visit the relevant Council's website or office.

What are bylaws and why are they important?

Bylaws are laws made by local government under national legislation that affect the way we live, work and play in certain areas. Bylaws are made in order to protect the public from nuisance, minimise offensive behaviour in public places, maintain public health and safety, and protect the environment.

Consequences of not complying with a bylaw can include fines, seizure of property and corrective action. Bylaws can be enforced by council staff or external agencies, such as the New Zealand Police.

Why are we reviewing the bylaws?

A bylaw made under the Local Government Act 2002 (LGA) must be reviewed five years after it is made, and then every 10 years after that. The Masterton and South Wairarapa District Council Consolidated Bylaw 2012 (the existing Consolidated Bylaw) was first adopted in 2013 and is therefore due for review.

The purpose of the review is to ensure our bylaws continue to be fit for purpose and meet legal requirements under the LGA.

What can I find in this document?

This document constitutes the Statement of Proposal for the purposes of Section 83(1)(a) and Section 86 of the LGA. This document includes:

- An overview of the review process to date...page 2
- A summary of the proposal...page 3
- Details of the proposed amendments...page 4
- An assessment against legal requirements...page 11
- The options considered...page 11
- Responses to frequently asked questions...page 12
- How you can have your say...page 13
- Where you can find more information...page 13
- A timeline of the bylaw review...page 13

REVIEW PROCESS SO FAR

We have worked alongside MDC and CDC to review the following 17 Parts of the existing Consolidated Bylaw:

- Part 1: Introductory
- Part 2: Public Places
- Part 3: Trading in Public Places
- Part 4: Solid Waste
- Part 5: Water Supply
- Part 6: Fires in the Open Air
- Part 8: Keeping of Animals, Poultry and Bees
- Part 9: Cemeteries and Crematoria
- Part 11: Wastewater Drainage
- Part 12: Trade Waste
- Part 13: Traffic
- Part 14: Speed
- Part 15: Beauticians, Nail Technicians, Tattooists and Skin Piercers
- Part 16: Food Safety

Parts 7, 10, 17, and 18 relate to Masterton District Council only bylaws and do not form part of the SWDC bylaws.

**August-
October
2018**

Staff from SWDC, MDC and CDC assessed each individual Part of the existing Consolidated Bylaws, to ensure they remain fit for purpose and meet the legal requirements under the LGA (refer page xx).

**November/
December
2018**

Proposed changes were discussed and refined during two workshops with the Wairarapa Policy Working Group, which includes elected members from SWDC, MDC and CDC.

**February
2019**

SWDC adopted this Statement of Proposal (including the proposed bylaws) at their meeting on 20 February 2019 for consultation with our community. CDC and MDC also adopted the proposed bylaws for consultation at their meetings on 20 February 2019 and 27 February respectively.

SUMMARY OF THE PROPOSAL

As a result of the bylaw review process, we are proposing to:

1. Make key amendments to the following Parts of the existing Consolidated Bylaws:

- Part 2: Public Places
- Part 5: Water Supply
- Part 6: Fires in the open Air
- Part 9: Cemeteries and Crematoria
- Part 11: Wastewater Drainage
- Part 15: Beauticians, Nail Technicians, Tattooists and Skin Piercers

2. Make minor amendments to the following Parts of the existing Consolidated Bylaws:

- Part 1: Introductory
- Part 3: Trading in Public Places
- Part 4: Solid Waste
- Part 8: Keeping of Animals, Poultry and Bees
- Part 12: Trade Waste
- Part 13: Traffic
- Part 14: Speed

3. Revoke the following Part of the existing Consolidated Bylaws:

- Part 16: Food Safety

4. Revise the title and structure of the existing Consolidated Bylaws to incorporate the changes above. The proposed structure of the new Wairarapa Consolidated Bylaws is:

- Part 1: Introductory
- Part 2: Public Places
- Part 3: Sale 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
- Part 12: Beauty Therapy, Tattooing and Skin Piercing

5. Remove the following Part of the existing Consolidated Bylaw and continue as standalone bylaws:

- Solid Waste

PROPOSED WAIRARAPA CONSOLIDATED BYLAW

Key Changes

The proposed Wairarapa Consolidated Bylaw has 12 Parts. Most of the proposed changes are minor. The Parts where the proposed changes have an effect on the meaning or intent of the existing bylaw are detailed below.

Part 2: Public Places (including Parks and Reserves)

Public spaces are open to everyone to enjoy. This means that competing interests can create obstructions, health and safety concerns, or a negative environmental impact. This Part addresses problems relating to damage to public facilities, as well as activities within public places that may have an adverse effect on the facilities, or the health and safety of the people that use them.

Proposed change	Reason for proposal	Implications of not making the change
Title: Amend from 'Public Places' to 'Public Places (including Parks and Reserves).'	For clarity that the bylaw applies to parks and reserves.	It will not be immediately clear that the bylaw applies to parks and reserves.
Clauses 3.1(d) and (e): Split clause 3.1(d) into two, to state that vehicles must be driven on formed roads, except wheeled recreational devices and mobility devices; and that no vehicle should be driven in a dangerous or inconsiderate manner.	The bylaw uses the same definition for 'vehicle' that is used in the Land Transport Act 1998. Under this definition, 'vehicle' includes mobility devices and wheeled recreational devices such as skateboards and roller skates. The proposed amendment will clarify that there is no requirement that these devices only be used on formed roads (noting that there are some prohibitions on wheeled recreational devices in particular areas).	Using mobility devices, skateboards or roller skates anywhere other than on a formed road, would be an offence under the bylaw.
Clause 6.1: Add prohibition of sowing or scattering the seed of any plant.	To ensure that planting in public places is managed by Council and to prevent any adverse impacts from unauthorised planting.	Council will have less ability to control planting in public places. Unauthorised planting may have an adverse impact on the environment and result in additional costs for Council to rectify the impact.
Section 7: Remove content relating to signage, and refer to signage requirements within the Wairarapa Combined District Plan (WCDP).	Signage requirements are covered under the WCDP.	Unnecessary duplication between the WCDP and the bylaw, increasing the risk of contradictory information being published.
Clause 17.2: Add circumstances where animals may be allowed on reserves.	For clarity that animals may be allowed on reserves under certain circumstances e.g. several reserves are noted in the MDC Control of Dogs Bylaw as dog exercise areas.	The circumstances where animals may be allowed on reserves will not be clear.
Clause 17.6: Add Council's right to seize and contain any animal found loose on public land.	The current bylaw only refers to Council securing stock that is found wandering. The amendment clarifies Council can seize any animal found wandering in breach of this Part or any other Council instruction.	Council's right to seize an animal found loose on public land will not be clear.
Clause 17.7: Amend to state that animals may only be grazed on a rural road verge.	To ensure that stock are not grazed on urban road verges.	Lack of clarity regarding where Council may approve grazing of road verges.

Proposed change	Reason for proposal	Implications of not making the change
Section 18: Amend overhanging cutback minimum height from 2.1 metres to 2.7 metres.	The mounting height for signs is between 2-2.5 metres. Amending the minimum cutback height will prevent vegetation from interfering with the view of street signs or lighting.	Council will not have the ability to enforce the cut-back height to the level necessary to ensure street signs are not obstructed.
Section 20: Amend to state Council may set fees to claim any animal or item impounded under this Part of the bylaw.	For accuracy. SWDC's Schedule of Fees includes fees for claiming impounded animals (dogs or stock).	Lack of clarity regarding what Council may set fees for in relation to this Part.

Part 4: 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 risk caused from fire and smoke.

Proposed change	Reason for proposal	Implications of not making the change
Revoke Part 6: Fires in the Open Air	<p>The Fire and Emergency New Zealand Act 2017 (the Act) moved the responsibility to manage fire hazards from councils to Fire and Emergency New Zealand (FENZ). Under the Act, a bylaw must be revoked or amended if it:</p> <ul style="list-style-type: none"> relates to the removal of fire hazards; declares prohibited or restricted fire seasons; prohibits or otherwise regulates or controls the lighting of fires in the open air; or relates to the prevention of the spread of fires involving vegetation. <p>A review of the current bylaw identified that all clauses are addressed by the Act, with the exception of smoke nuisance.</p>	The bylaw would be inconsistent with the Fire and Emergency New Zealand Act 2017.
Replace with Part 4: Prevention of Nuisance from Fire and Smoke.	The ability to address smoke nuisance is not covered in any other Part of the bylaw.	Council would have no ability to respond to community concerns regarding smoke nuisance or risk to health or safety.

Part 5: Water Supply

The water supply network can be adversely impacted by customer activity, creating health and safety and/or environmental concerns. This Part provides the necessary regulatory support to manage the supply of water to the district and to protect the supply from damage, misuse or interference.

Proposed change	Reason for proposal	Implications of not making the change
Section 1: Clarify the scope of the Part.	To ensure the purpose of the Part is clear to our community.	Lack of clarity about the purpose of the bylaw.
Clause 4.5: Amend to state that ordinary water use will be metered in each of the three council districts.	Each of the three Council's has previously had different approaches to water use monitoring.	Lack of clarity about how water use is monitored in each district.

Part 7: Cemeteries and Crematoria

Cemeteries and crematoria are important to our community and a balance is needed between pragmatic management and meeting the needs of the community. This Part provides the necessary regulatory support for achieving acceptable management and protocols within cemeteries and the operation of crematoria.

Proposed change	Reason for proposal	Implications of not making the change
Clause 3.6: Add statement that the exclusive right of burial will not be sold in respect of any plot in those portions of a cemetery reserved exclusively for natural internments.	The nature of natural burials does not warrant exclusivity being granted in perpetuity.	Space available for natural burials will become limited over the long-term.
Section 4. Add requirements for natural burials.	Requests for natural burials are increasing and this is expected to increase in the future. This section provides controls around the provision of natural burial sites.	Council will have no regulations to manage requests for natural burials.
Clause 7.3: Add requirement that applications to erect a memorial must be accompanied by written permission from the plot owner (or their assignee).	To give Council assurance that the owner or assignee is in agreement that a memorial be erected.	Council may not have the necessary assurances to support resolution of disputes.
Section 8: Add new section for provisions for how adornments will be managed.	To ensure that all areas of a cemetery are safe for the public and no nuisances are created by adornments.	Council will have reduced ability to manage adornments within cemeteries that may create a risk or cause a nuisance.
Section 9: Add new section for how plots are to be maintained.	To ensure that all areas of a cemetery are safe for the public and no nuisances are created.	Council will not have the ability to enforce plot maintenance requirements.

Part 8: Wastewater

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. This Part provides the necessary regulatory support for managing wastewater drainage in the district.

Proposed change	Reason for proposal	Implications of not making the change
Revoke Part 11: Wastewater Drainage and replace with the Carterton District Council's current Wastewater Bylaw.	The CDC bylaw is clearer than the current MDC/SWDC Wastewater Drainage bylaw.	Lack of clarity on the meaning of the bylaw, which may affect Council's ability to enforce.

Part 12: Beauty Therapy, Tattooing and Skin Piercing

Procedures carried out by beauty therapists, tattooists and skin piercers come with potential risk of infection if appropriate controls are not in place. This Part provides the necessary regulatory support to manage hygiene standards in commercial practices where there is a risk of infection of communicable diseases.

Proposed change	Reason for proposal	Implications of not making the change
Title: Rename from "Beauty Therapists, Solarium Operators, Nail Technicians, Tattooists and Skin Piercers" to "Beauty Therapy, Tattooing and Skin Piercing".	To improve readability.	Poor readability.

Proposed change	Reason for proposal	Implications of not making the change
Section 2: Add definition for 'premises', 'mobile premises' and 'mobile operators' for clarity that this bylaw applies to mobile premises and to people who operate without a premises.	It is not clear in the current bylaw that the requirements apply to mobile premises and mobile operators.	Uncertainty whether the bylaw applies to mobile premises and mobile operators.
Clause 3.3: Add requirement that a Certificate of Registration must be prominently displayed at the premises.	For clarity that certification needs to be displayed in the premises.	Council could not enforce the requirement for service providers to display their certificate of registration.
Clause 10.1(a): Add required pressure levels.	To ensure operators are sterilising equipment at the appropriate pressure level, as identified in the New Zealand Standard for reusable medical devices.	Council will have less ability to ensure equipment is effectively sterilisation.
Clause 12.9: Amend requirement to retain medical waste disposal records from six months to 12 months.	For consistency with other record retention requirements stated in this Part.	Inconsistency in record retention requirements which may cause confusion.
Section 13: Add registered acupuncturists and commercial ear-piercing services provided by a registered pharmacy to the bylaw exemptions.	These services are monitored through their own regulation processes.	Lack of clarity on the bylaw exemptions.

Minor Changes

Part 1: Introductory

This Part of the bylaw includes definitions and provisions of a general nature which apply to all Parts of the Consolidated Bylaw. This Part removes the need to repeat general content in every Part of the Consolidated Bylaw, which reduces the possibility of contradiction throughout the bylaw.

Proposed change	Reason for proposal	Implications of not making the change
Clause 1.1: Amend the title of the bylaw from the 'Masterton and South Wairarapa Consolidated Bylaw 2012' to the 'Wairarapa Consolidated Bylaw 2018'.	The title needs to be updated to include Carterton District Council.	The title would not accurately reflect the scope of the bylaw.

Part 3: Sale of Goods or Services in Public Places

Public spaces are open to everyone to enjoy. This means that competing interests can create obstructions, health and safety concerns, or a negative environmental impact. This Part requires any person who sells goods or services in a public place, to have first obtained a licence. This allows Council to balance trading with the needs of the environment and ensure that the activity doesn't create any adverse effects.

Proposed change	Reason for proposal	Implications of not making the change
Title: Rename from 'Trading in Public Places' to 'Sale of Goods or Services in Public Places'.	The term 'trade' can have variations in meaning. Renaming the Part removes any ambiguity.	Uncertainty regarding the meaning of 'trade'.
Clause 4.3: Add statement that in the South Wairarapa district, trading in a public place may only be authorised to occur at the specific sites described in the first schedule.	To restrict trading to dedicated urban areas only which have been previously assessed to be appropriate by SWDC.	Uncertainty about where trading is allowed and the scope of approval required.

Proposed change	Reason for proposal	Implications of not making the change
Clause 7.1(c): Amend to clarify that an exemption is allowed to any market, stall or stand, that has current approval <u>under any bylaw, legislation, resource consent or specific resolution of Council.</u>	To clarify what form of approvals are appropriate for exempting a person from this bylaw.	Lack of clarity about the exemptions under the bylaw.

Part 8: Keeping of Animals, Poultry and Bees

Keeping animals can cause a nuisance or health and safety risk to the community. This Part provides the necessary regulatory support to achieve acceptable standards of amenity and community safety through the control of animals, poultry and bees.

Proposed change	Reason for proposal	Implications of not making the change
Clause 7.1: Amend to state that “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.”	Enforcing the bylaw only where there is a demonstrated nuisance or annoyance is considered a fairer and more measured approach.	Council would have the ability to enforce the bylaw in situations where there is potential for nuisance.

Part 9: Trade Waste

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. This Part provides the necessary regulatory support to manage wastewater services for non-domestic uses.

Proposed change	Reason for proposal	Implications of not making the change
Section 13: Remove content regarding complaints.	Content is redundant. Complaints relating to any council decision should be managed under each council’s complaints policy.	Inconsistency between this Part and internal policy.

Part 10: Traffic

Controls are required to manage the safe and efficient operation of the local road network. This Part provides the necessary regulatory support to manage traffic and parking in the district.

Proposed change	Reason for proposal	Implications of not making the change
Clause 1.2(b): Amend reference to ‘taxi stands’ to ‘small passenger service vehicle stand’.	For consistency with the Land Transport Amendment Act 2017.	Inconsistency with the Land Transport Amendment Act 2017.
Clause 21.3: Clarify that following any resolution to amend a schedule, the traffic control schedules must be updated and road markings and signage will be installed in accordance with the Land Transport Rule: Traffic Control Devices 2004.	For clarity on the steps required to implement a resolution to change a traffic schedule.	Less clarity on the requirements to implement a resolution.
Clause 22.1: Add statement that Masterton, Carterton and South Wairarapa District Council will each maintain the schedules of traffic	Each Council is likely to amend its traffic control schedules from time to time. Having each Council maintain their own schedule electronically,	Increased risk of contradicting information being published.

Proposed change	Reason for proposal	Implications of not making the change
control measures in their respective districts.	reduces the risk of contradicting information being published.	
Schedules: Remove as attachment to the bylaw and maintain electronically on respective council website.		

Part 11: Speed

Controls are required to manage the safe and efficient operation of the local road network. This Part provides the necessary regulatory support to manage speed limits in the district (excluding State Highways).

Proposed change	Reason for proposal	Implications of not making the change
Clause 3.1: Clarify the potential penalties associated with a breach of the Part.	For consistency with other Parts of the bylaw. To ensure our community understands that breach of a bylaw is an offence.	The community may not fully understand the consequences for breaching the bylaw.
Clause 4.2: Clarify that where Council amends the bylaw or schedules by resolution, consultation will be undertaken in accordance with NZTA's Land Transport Rule: Setting of Speed Limits 2017.	The current bylaw implies Council can make any changes to the schedules by resolution. While the schedules can be amended by resolution, consideration must first be given to whether the change requires consultation and, if so, consultation must occur before the amendment is made.	It may not be clear to staff or elected members that consideration must be given to consultation requirements before any part of the bylaw, including the schedules, is amended.
Clause 4.3: Clarify that following any resolution to amend a schedule, the Speed Schedules must be updated and road markings and signage installed in accordance with the Land Transport Rule: Setting of Speed Limits 2017.	For clarity on the steps required to implement a resolution to change a speed schedule.	Less clarity on the requirements to implement a resolution.
Clause 5.1: Add statement that Masterton, Carterton and South Wairarapa District Council will each maintain the Speed Schedules for their respective districts.	Each Council is likely to amend its speed schedules from time to time. Having each Council maintain their own schedule electronically, reduces the risk of contradicting information being published.	Increased risk of contradicting information being published.
Schedules: Remove as attachment to the bylaw and maintain electronically on respective council website.		

BYLAWS PROPOSED TO BE REVOKED

Part 16: Food Safety

Proposed change	Reason for proposal	Implications of not making the change
Revoke Part 16: Food Safety	The Food Act 2014 gives Council staff the powers they currently have under the bylaw. This means the bylaw is unnecessary duplication.	The bylaw would be inconsistent with the test required under the LGA that a bylaw is the most appropriate way to address the relevant problem.

STANDALONE BYLAWS

Masterton and South Wairarapa District Council Solid Waste Bylaw

This bylaw provides the necessary regulatory support to ensure solid waste is managed and disposed, while achieving acceptable standards of amenity.

Other than the change below and the minor amendments detailed further below no amendments are proposed to this bylaw.

Work on a Solid Waste Bylaw that would apply to the whole Wellington region is expected to start in the first part of 2019. For this reason, the full review of the existing Solid Waste Bylaw has been deferred. The community will be consulted when the joint Wellington regional bylaw is drafted.

Proposed change	Reason for proposal	Implications of not making the change
Remove Part 4: Solid Waste from the existing Consolidated Bylaw and maintain as a standalone bylaw.	Removing the Part from the Consolidated Bylaw means the subsequent review and potential revoking and replacement of the Solid Waste bylaw will not affect the Consolidated Bylaw.	Unnecessary work would be completed.

MINOR CHANGES TO ALL BYLAWS

The changes below have been made throughout all Parts of the proposed Wairarapa Consolidated Bylaw and the proposed standalone bylaws.

Proposed change	Reason for proposal	Implications of not making the change
Add definitions previously included under Part 1 – Introductory.	For ease of use. Having relevant definitions within the Part means readers do not have to refer to other documents.	Interpreting the bylaw would be more difficult.
Add content clarifying that breach of the Part is an offence and specifying the potential penalty.	To ensure our community understands that breach of a bylaw is an offence.	The community may not fully understand the consequences for breaching the bylaw.
Add clarification that where Council amends a Part's schedules by resolution, consultation will be undertaken as required, in accordance with s.156 of the LGA.	The current bylaw implies Council can make any changes to schedules by resolution only. While schedules can be amended by resolution, consideration must first be given to whether the change requires consultation and, if so, consultation must occur before the amendment is made.	It may not be clear to staff or elected members that consideration must be given to consultation requirements before any part of the bylaw, which includes the schedules, is amended.
Minor amendments to remove repetition, improve clarity and readability, and correct references to legislation and clauses	To ensure the bylaw is accurate and to aid understanding.	The bylaw may be difficult for our community to understand, which may lead to confusion.

Refer to page 13 for details of where you can find full copies of the proposed Wairarapa Consolidated Bylaw and the proposed standalone bylaw.

ASSESSMENT AGAINST LEGAL REQUIREMENTS

Section 145 of the LGA provides councils with general powers to make and amend bylaws. Section 160 of the LGA requires the council when reviewing bylaws to consider whether:

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

The bylaw is the most appropriate way to address the problem

SWDC considers the proposed Wairarapa Consolidated Bylaw and the standalone bylaw to be the most appropriate way to address the relevant problems and achieve the provisions of Section 145 of the LGA, namely to:

- protect the public from nuisance;
- protect, promote and maintain public health and safety; and
- minimise the potential for offensive behaviour in public places.

The bylaw is the most appropriate form of bylaw

SWDC has considered the proposed Wairarapa Consolidated Bylaw and the standalone bylaw and agree each is the most appropriate form of bylaw.

The existing Consolidated Bylaw has generally operated well without major issues to date. The review has identified various improvements (as outlined on pages 4-10) that will make the bylaw more robust and easier to read and understand.

Implications under the New Zealand Bill of Rights Act 1990

The New Zealand Bill of Rights Act 1990 details rights and freedoms in relation to life and security of people; democratic and civil rights; non-discrimination and minority rights; search, arrest, and detention; criminal procedure and right to justice.

SWDC does not consider that the proposed Wairarapa Consolidated Bylaw, or the standalone bylaw, give rise to any implications under the New Zealand Bills of Rights Act 1990.

OPTIONS CONSIDERED BY COUNCIL

In accordance with Section 77 of the LGA, SWDC has considered all reasonably practicable options available. The advantages and disadvantages associated with each option are detailed in the table below. SWDC is proposing to proceed with Option 1.

Option	Advantages	Disadvantages
1 Make the amendments and restructure the bylaw as set out in this document. This is SWDC's preferred option.	Updates the existing bylaw for clarity and to better reflect the current legal and operational environment.	It may take time for the community and staff to become familiar with the new provisions.
2 Keep the current bylaw as it is.	No change to the current situation and no new rules for the community.	Does not provide recommended clarification and may create uncertainty. Does not reflect best practice.
3 Revoke the existing bylaw and do not replace.	Reduces SWDC's enforcement activities requirements.	Does not meet the needs of the community. Removes SWDC's ability to regulate.

FREQUENTLY ASKED QUESTIONS

Do we have consistent bylaws across the Wairarapa?

The existing Consolidated Bylaw was adopted by SWDC and MDC in July 2013 and August 2013 respectively. CDC has participated in the 2018 review, which means wherever practical, bylaws across the Wairarapa will be consistent.

What about a Freedom Camping Bylaw?

South Wairarapa District Council has a standalone freedom camping bylaw known as Camping in Coastal Areas 2009. This bylaw was reviewed in 2013.

Why isn't the Solid Waste Bylaw being considered as part of this review?

One of the strategic actions in the Wellington Region Waste Management and Minimisation Plan 2017-23, is to develop and implement a solid waste bylaw for the Wellington region. Work on this bylaw is expected to begin in the first half of 2019.

For this reason, we have deferred the full review of our Solid Waste Bylaw.

Why is the Water Races Bylaw not included in the proposed Wairarapa Consolidated Bylaw?

There are differences in how SWDC, CDC and MDC manage the water races in their district and each Council faces different challenges. The management of water races will also be impacted by the Proposed Natural Resources Plan (PNRP). For this reason, there is no proposal for a joint Wairarapa Water Races Bylaw.



Feedback Form: Wairarapa Bylaw Review 2019

CONTACT DETAILS

Name: _____

Organisation: _____

Postal Address: _____

Telephone: _____

Email Address: _____

Please note, for your submission to be valid we must have your name and a way of contacting you. All submissions are public documents and will be made available to the media and general public. Your contact details will not be published.

YOUR SUBMISSION

Which Council's Statement of Proposal does your submission relate to?

The proposed bylaw amendments are the same for all three Councils, but there are differences between the supporting Statement of Proposal. This is because the actions and explanations for each district are not the same in every case.

Masterton District Council Carterton District Council South Wairarapa District Council

Do you wish to present your views in person?

Please note that the hearing is scheduled for 1 May 2019, at the Carterton Events Centre. We will contact you after submissions close in early April to arrange a time for you to present.

Yes No

SUPPORT FOR BYLAW PROPOSAL

Do you support the proposal set out in the Wairarapa Consolidated Bylaw Statement of Proposal?

- Yes, I fully support the proposal.
- I generally support the proposal but have suggestions for amendments. *Please describe your suggested amendments and reasoning in the space provided overleaf. If you have changes to specific bylaws, please include the title of the bylaw you would like amended.*
- No, I do not support the proposal. *Please explain why in the space provided overleaf.*

RETURNING YOUR SUBMISSION

Please return this form to Masterton District Council, for the attention of Kylie Smith, by:

Scanning and emailing to: submissions@mstn.govt.nz



Posting to: Freepost 112477, PO Box 444, Masterton

Delivering to MDC at 161 Queen Street, Masterton; CDC at 28 Holloway Street,
Carterton; or SWDC at 19 Kitchener Street, Martinborough

Submissions must be received by 4:30pm on Friday 5 April 2019.

COMMENTS

Please provide your feedback below. If your feedback relates to a specific Part of the bylaw, please note the Part that you are referring to. Please attach additional pages if more space is required.

ABOUT YOU

We would appreciate if you could answer the following questions as it helps us understand which sectors of our community are providing feedback. This information will not be made public with your submission. Only collated data will be reported to Council.

Gender

- Male Female

Ethnicity

- NZ European Māori Pacific Islander Asian
 Other

Age

- Under 20 20-35 36-50 51-65 65+

HAVE YOUR SAY

Submissions on the bylaw review proposal are welcome from any person or organisation who wishes to give feedback. Submissions close at **4:30pm on Friday 5 April 2019**.

Written Submissions

Written submissions can be made using either our submission form, sending us an email or writing a letter. Please note that MDC is managing submissions on behalf of CDC and SWDC.

Submissions can be:

Completed online: www.mstn.govt.nz/current-consultations

Emailed: submissions@mstn.govt.nz

Posted: Masterton District Council, Attn Kylie Smith, Freepost 112477, PO Box 444, Masterton

Delivered: Masterton District Council, 161 Queen Street, Masterton, Attn: Kylie Smith

Delivered: To your local Council office.

Community meeting

A community meeting is being held to give the community an opportunity to learn more about the bylaws and share their views with elected members and staff.

Date, Time	Location
Wednesday 3 April 2019 (TBC)	TBC, Masterton

This meeting will be run as workshop, to ensure everyone who attends has an opportunity to be heard. All feedback will be recorded and submitted to the Council alongside formal written submissions, for consideration before making their final decision.

You do not need to have made a written submission to attend or speak at this meeting.

Hearing

A joint hearing with MDC, CDC and SWDC will be held on Wednesday 1 May 2019. Any person or organisation who makes a written submission will be given an opportunity to be heard at that meeting.

We will contact anyone who wishes to speak at the hearing after submissions close in early April to arrange a time. Hearings will be held at the Carterton Events Centre.

MORE INFORMATION

The full proposed Wairarapa Consolidated Bylaw 2019 and the proposed standalone bylaw, are available:

- to download via MDC's website: www.mstn.govt.nz
- from SWDC's office at 19 Kitchener Street, Martinborough
- by contacting us on 06 306 9611

If you have any questions about the proposed changes to the Consolidated Bylaw or the consultation process, please contact Kylie Smith at submissions@mdc.govt.nz or phone 06 370 6300.

TIMELINE

4 March 2019: Submissions open.

3 April 2019: Community meeting.

5 April 2019: Submissions close.

1 May 2019: Joint MDC, CDC and SWDC hearing.

26 June 2019: Council adopt.

Appendix 2 – Draft Bylaws



Wairarapa Consolidated Bylaw 2019

DRAFT

Part One
Introductory

Commencement

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

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
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	12
6. Officers to Continue in Office	13
7. Serving of Orders and Notices	13
8. Powers of Entry	13
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 1952
- Land Transport Act 1998
- Local Government Act 2002
- Reserves Act 1977
- Reserves and Domains Act 1953

DRAFT

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
11	Speed
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 **DATE**.

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.

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 irrespective of the designation given to that officer or agent and includes 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 1952.

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 or any other Act.

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 determinands 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:

- a) 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;
- b) 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;
- c) 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.

Speed Limit: Means:

- the maximum speed at which a vehicle may legally be operated on a particular road, but does not mean the maximum permitted operating speed for classes or types of vehicle specified in any legislation, regulation or rule;
- for a minimum speed limit, the minimum speed at which a vehicle may legally be operated in a specified lane of a road; and
- an urban, rural, permanent, holiday, temporary, variable or minimum speed limit.

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, 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 effected 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, on the special application of that person, 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 under the provisions of the LGA or any other enactment that authorises the Council to charge a fee.
- 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, in accordance with section 163 of the LGA; and/or
 - b) seize and impound property, in accordance with 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, in accordance with 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 according to the true intent and meaning of this bylaw, ought to be done by that person at the time and in the manner provided by this bylaw;
 - c) does not refrain from doing anything which under this bylaw they are required to abstain from doing;
 - d) knowingly permits or suffers any condition of or things to exist contrary to any provision contained in this bylaw;
 - e) refuses or neglects to comply with any notice given to that person under this bylaw;
 - f) 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
 - g) 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. In accordance with section 162 of the LGA, the Council may apply to the District Court for an injunction to restrain a person from committing a breach of this bylaw.



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 **TBC**.

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
Carterton District Council		

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.....	5
7. Placing of Articles on Public Places.....	6
8. Control of Wheeled Recreational Devices.....	6
9. Exposing Articles for Sale.....	6
10. Vehicular Crossings.....	7
11. Trenching and Minor Earthworks.....	7
12. Assembly.....	7
13. Awnings and Blinds.....	7
14. Projections on Public Places not Permitted.....	8
15. Restrictions on Use of Barbed Wire and Electrified Fences	8
16. Road and Building Identification	8
17. Animals in Public Places.....	9
18. Overhanging Vegetation Liable to Obstruct.....	10
19. Additional Requirements for Reserves.....	10
20. Power to Set Fees	10
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

DRAFT

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.

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 200W.

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:
- 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;
 - deposit in or around a public litter receptacle any household or trade refuse;
 - interfere with any refuse which is awaiting collection by an authorised collector;
 - drive any vehicle (excluding wheeled recreational devices and mobility devices) except on a formed road;
 - drive any vehicle in a manner that is dangerous or inconsiderate to pedestrians or other vehicles;
 - cause or allow any material, good, or thing to be deposited;
 - leave any work, hole or excavation in a manner that could be a danger to anyone entering or using that public place;
 - solicit any subscription, collection or donation, preach, lecture, perform, use a loud speaker, amplifier or similar device, or undertake any busking;
 - distribute any printed or written material advertising any product, service or entertainment;
 - fly from or land any aircraft, parachute or similar, except in an emergency;
 - consume, inject or inhale any mind-altering substances or offer or sell such substances to any person;
 - 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;
 - 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. In this context camping shall include the use of any vehicle for sleeping whether or not it is specially set out for sleeping.
- 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. No person shall ride a wheeled recreational device on any footpath outside areas defined in the First Schedule, without due care to ensure no damage is caused to any property or without reasonable consideration 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 in accordance with the 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 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.

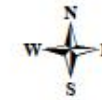
DRAFT

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





Wairarapa Consolidated Bylaw 2019

DRAFT

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 **TBC**.

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
Carterton District Council		

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 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.

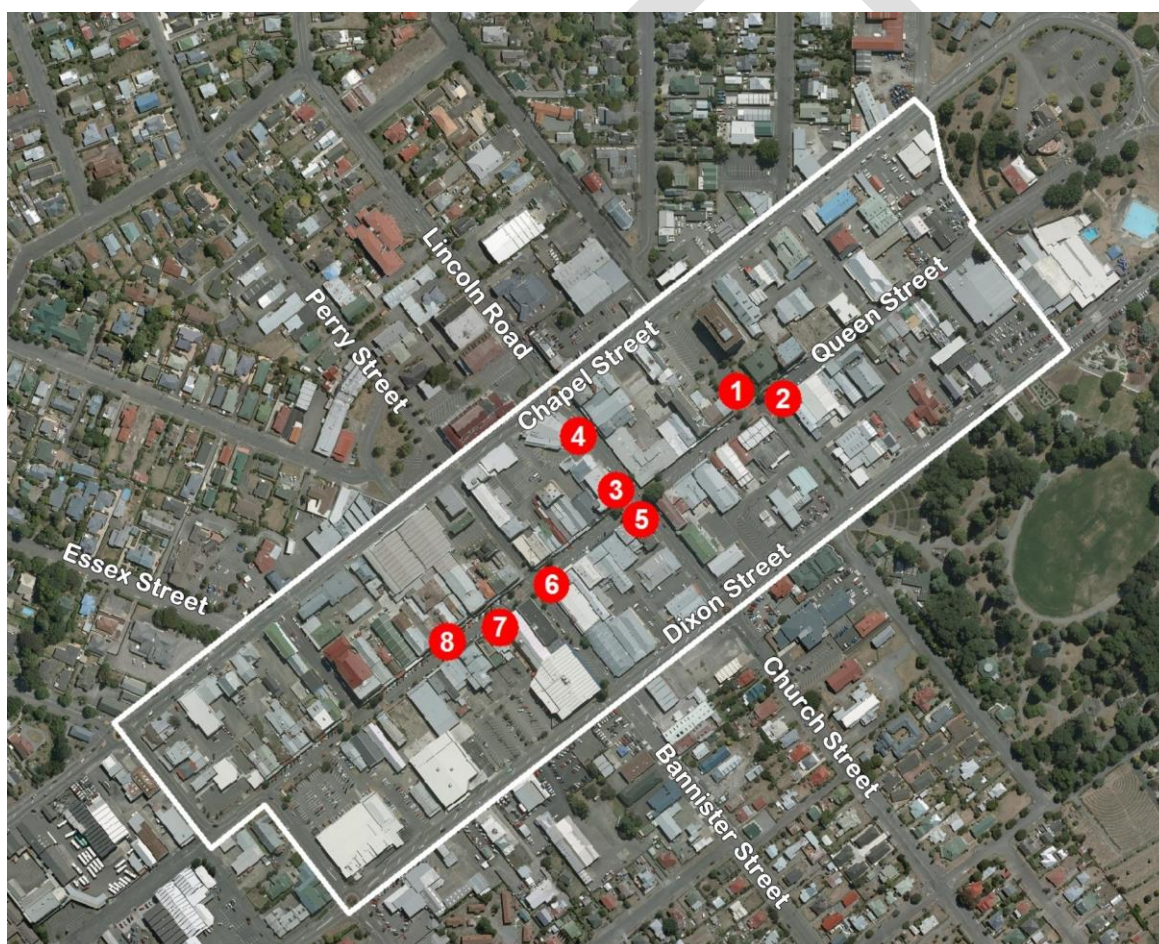
10. Power to Amend by Resolution

- 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





DRAFT



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.

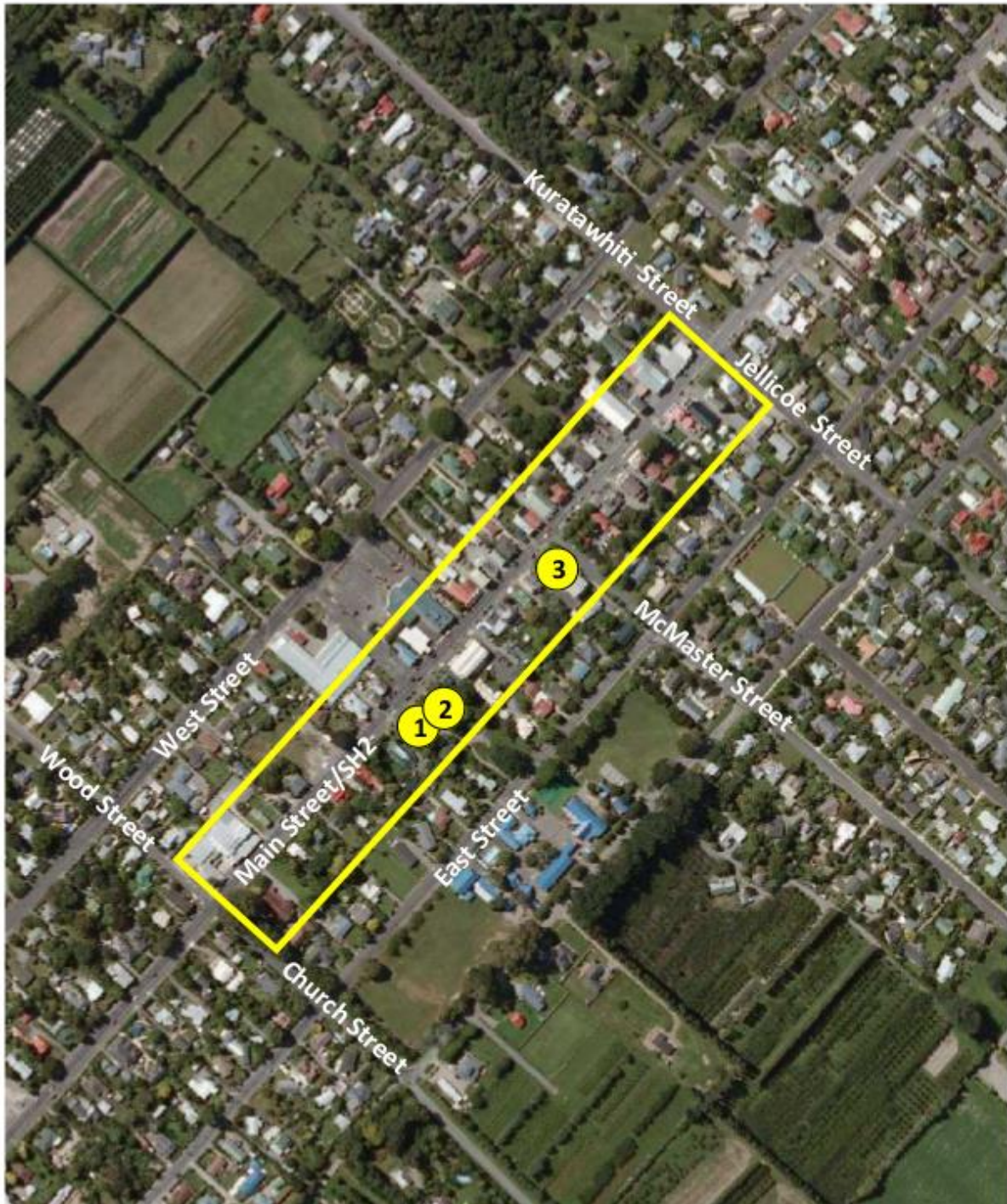


Greytown

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).





Wairarapa Consolidated Bylaw 2019

DRAFT

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 **TBC**.

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
Carterton District Council		

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
- Health 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 and Safety Risk from Fires or Smoke

- 3.1. No person may light, or allow to remain lit, a fire that creates a nuisance, health risk, or safety 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, health risk, or safety 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 for details of what constitutes a breach of this Part.
- 4.2. Under section 187 of the LGA, Council may recover any costs it incurs as a result of acting under this Part of the bylaw.

DRAFT



Wairarapa Consolidated Bylaw 2019

DRAFT

Part Five Water Supply

Commencement

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

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
Carterton District Council		

DRAFT

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:
 - reservoirs, dams, bores, tanks, and pipes; and
 - 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.

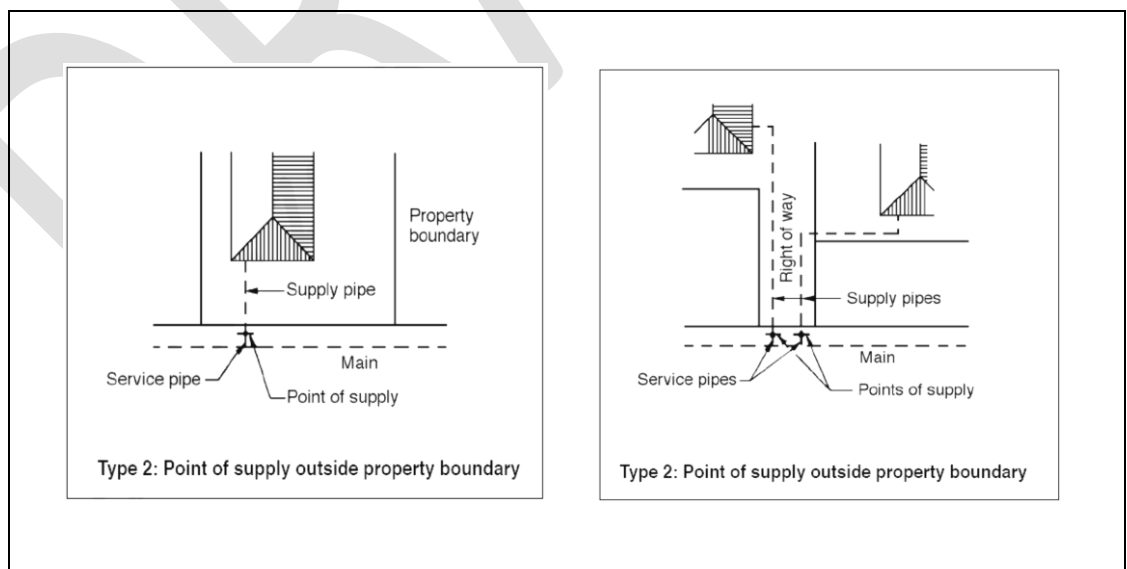


Figure 1 – Point of supply location – Individual customers

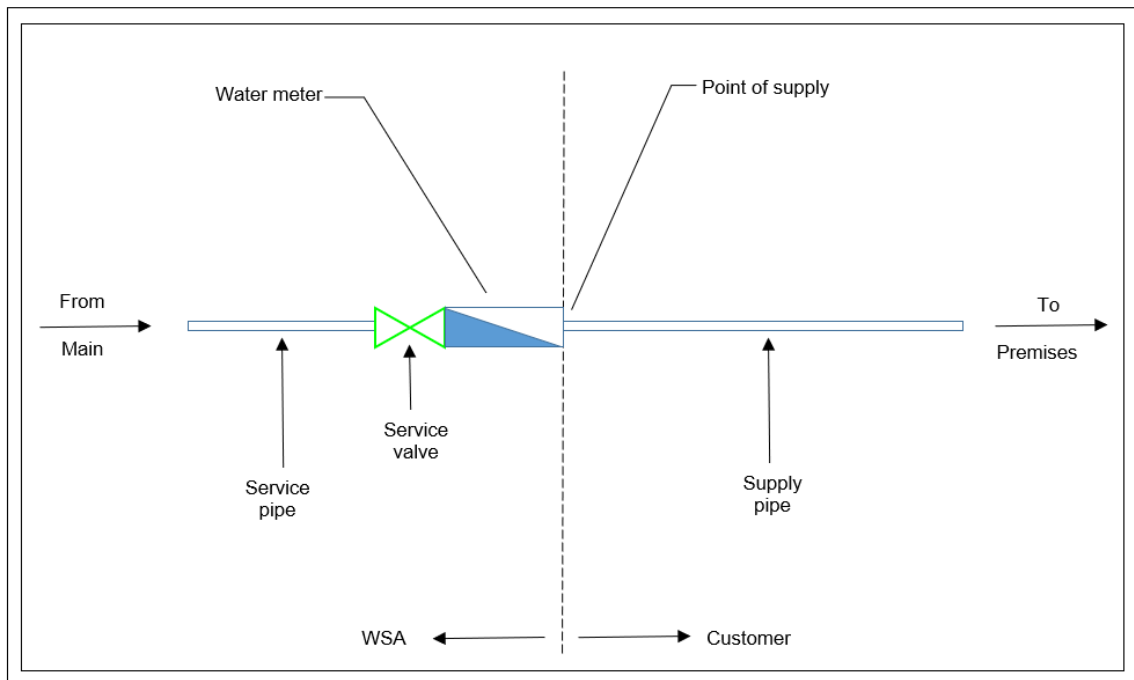


Figure 2 – Typical layout at point of supply

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 premise 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 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 premise 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 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.



Wairarapa Consolidated Bylaw 2019

DRAFT

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 **TBC**.

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
Carterton District Council		

Wairarapa Consolidated Bylaw 2019

Part 8 – 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

Kept Animal: Any animal of any age or sex that is kept in a state of captivity or is dependent on human beings for its care and sustenance.

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.

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 poultry, caged or otherwise (which shall include geese, ducks, pigeons, turkeys, and domestic fowls of all descriptions), shall be kept in an urban area, except in a properly constructed poultry house covered in with a rainproof roof and provided with a floor of concrete or other approved material with a surrounding nibwall, to which a poultry run may be attached. Any alternative arrangement may be approved by an authorised officer.
- 6.2. No person shall keep more than 12 poultry in an urban area without the approval of an authorised officer.
- 6.3. No poultry house or poultry run shall be erected or maintained, so that any part of it is within 10 metres from any dwelling, or any other building, whether wholly or partially occupied, or within two metres of the boundary of adjoining premises.
- 6.4. All poultry runs in urban areas shall be enclosed to confine the poultry.
- 6.5. Every poultry house and poultry run shall be maintained in good repair, in a clean condition free from any offensive smell or overflow and free from vermin.
- 6.6. No rooster shall be kept in an urban area without the approval of an authorised officer.

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 any noisy animal, bird, or poultry which causes a nuisance to residents in the neighbourhood in an urban area only.

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.
- 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 for details of what constitutes a breach of this Part.



Wairarapa Consolidated Bylaw 2019

DRAFT

Part Seven Cemeteries and Crematoria

Commencement

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

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
Carterton District Council		

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

DRAFT

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, and his or her assignee, the exclusive right of burial 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 their assignee) 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 internment 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 reinterment 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 reinterment 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 for details of what broadly constitutes a breach of this Part.



Wairarapa Consolidated Bylaw 2019

DRAFT

Part Eight
Wastewater

Commencement

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

Adoption

Council	Bylaws	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

DRAFT

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.

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 premise.

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: Water or other liquid, including waste matter in solution or suspension, discharged from a premises to a sewer. Also called sewage.

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 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 deleterious 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.

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:
- 1.5 metres from the centre of any main or sewer; or
 - 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:
- 1.5 metres from the centre of any public sewer; or
 - 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 8.2, 8.3 and 8.4 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:
- 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.

4.12. 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

- 4.13. 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).
- 4.14. No person shall place any additional material over or near a public sewer without approval.
- 4.15. 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

- 4.16. 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;
- 4.17. Approval given under clause 4.16 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.

Trade Waste Application

7.11. Application for acceptance of trade wastes into the public wastewater drainage network is the subject of a separate bylaw.

Prescribed Charges

- 7.12. 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.

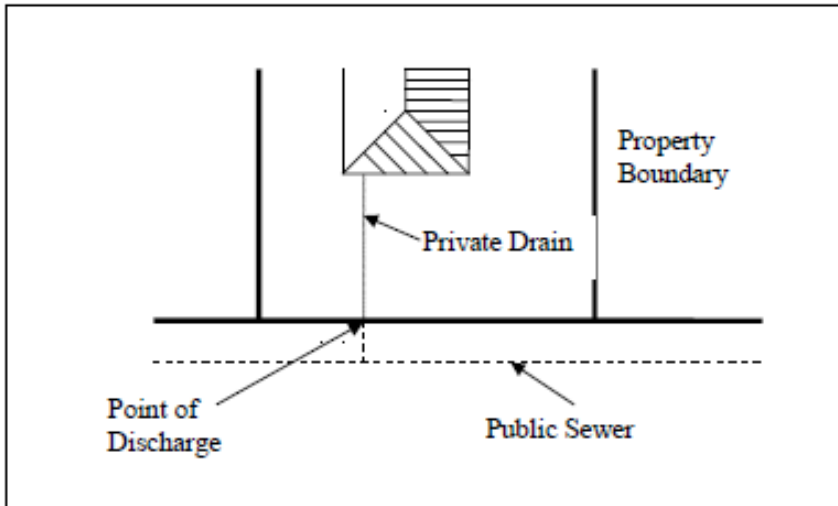


FIGURE 1 - POINT OF DISCHARGE LOCATION - WITH STREET FRONTAGE

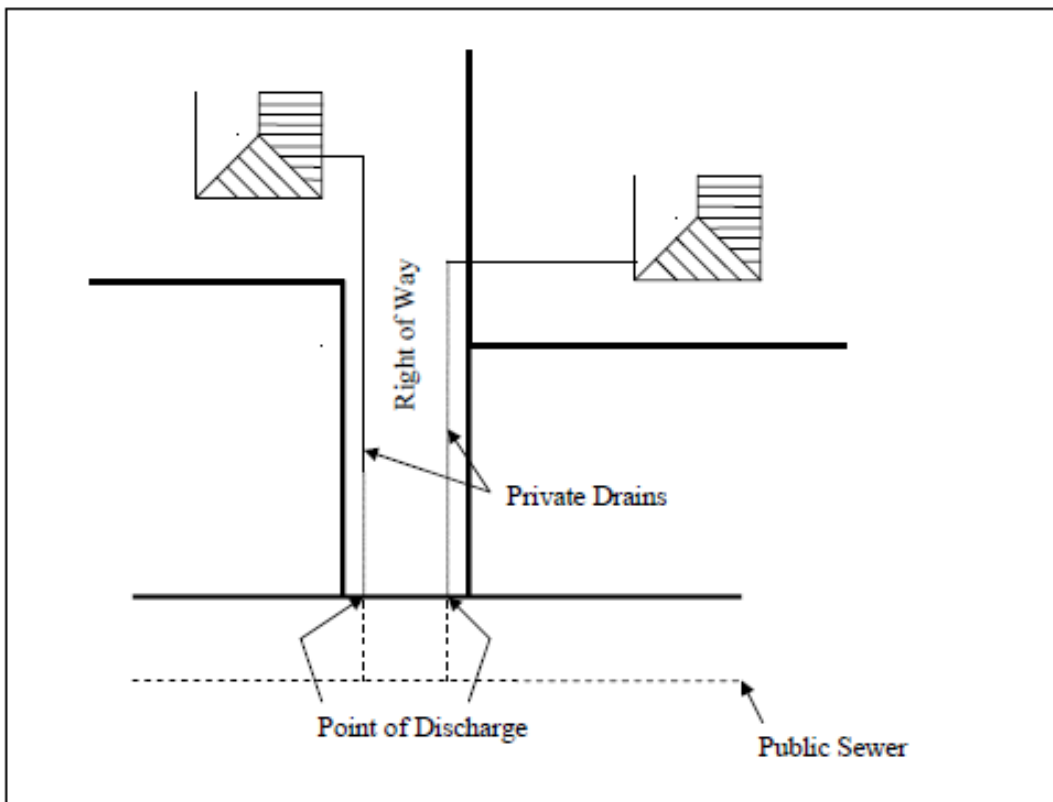


FIGURE 2 - POINT OF DISCHARGE LOCATION - REAR LOTS

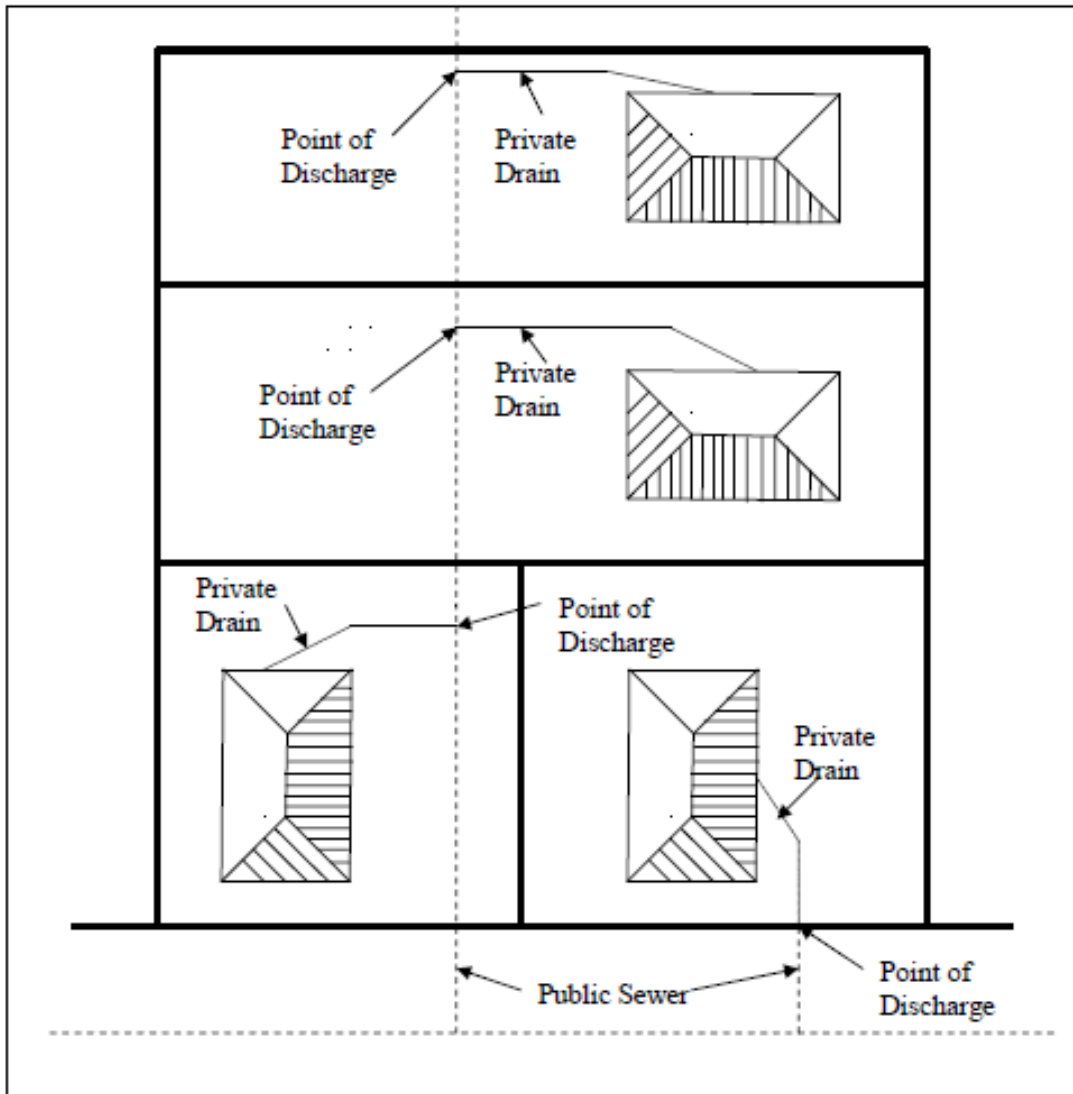


FIGURE 3 - POINT OF DISCHARGE LOCATION - PUBLIC SEWER ON PRIVATE PROPERTY



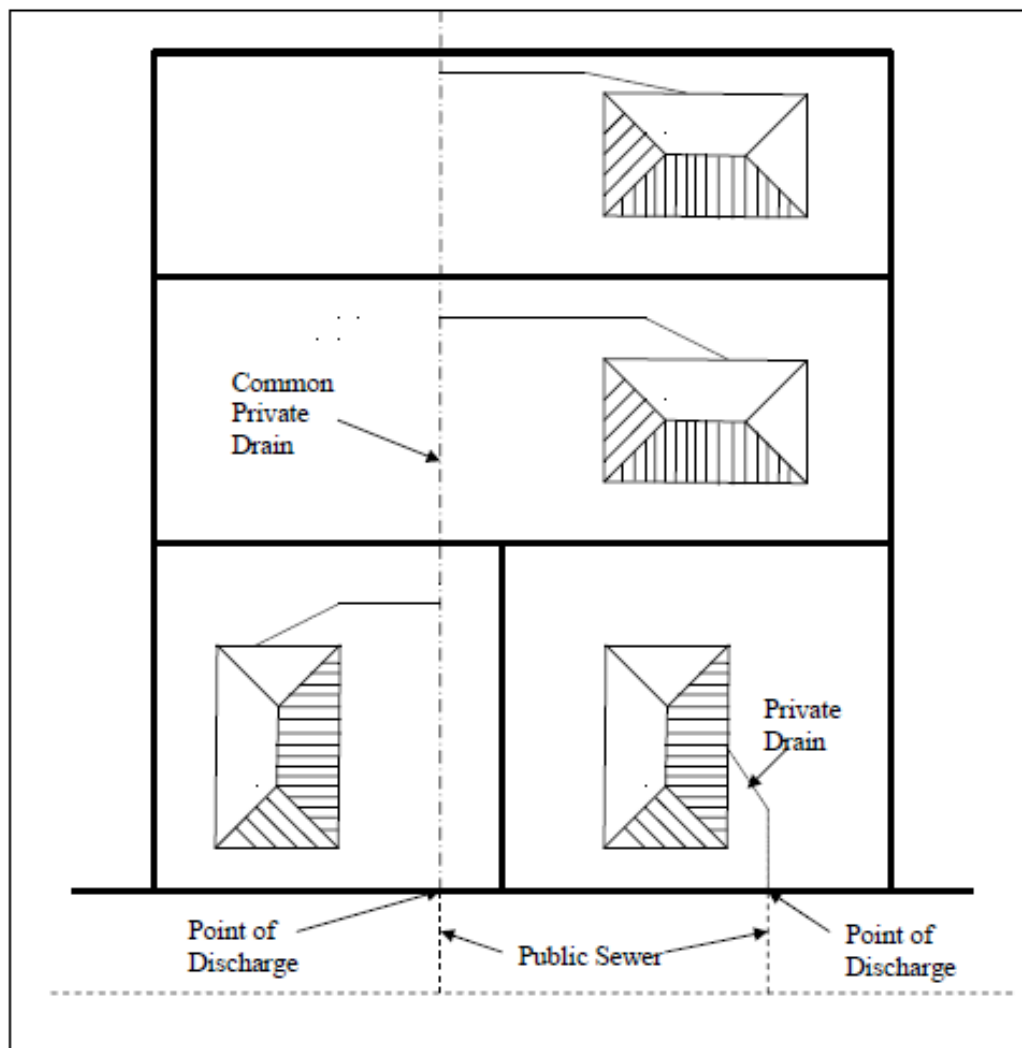


Figure 4 - Point of Discharge Location - Common Private Drain

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 WSA 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 premise 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. A customer overflowing or has other reasons to suspect a blockage, 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.
- 9.9. 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

- 9.10. 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.
- 9.11. 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

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

No Guarantee

- 9.13. 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

- 9.14. 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.
- 9.15. 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

- 9.16. 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.
- 9.17. 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.
- 9.18. Such restrictions shall be publicly notified.

Defect Notices

- 9.19. 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

- 9.20. 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 for details of what broadly constitutes a breach of this Part.

DRAFT



Wairarapa Consolidated Bylaw 2019

DRAFT

Part Nine
Trade Waste

Commencement

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

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
Carterton District Council		

DRAFT

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 Consent.....	10
7. Conditions of Trade Waste Consent.....	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.....	22
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
 - Part 11A:1992: Free surface flow in closed conduits – Methods of measurement
 - 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
 - Part 3:1997: Methods for determining principal characteristics of single mechanical water meters (including test equipment)
- BS 6068: Water quality
 - Part 6: Sampling
 - 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 consent 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 consent 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 consent 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 consent.

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 consent.

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.

Tankered 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 consent.

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/m³	grams per cubic metre
GST	goods and services tax
H₂S	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
m³	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 consent; 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 consent.

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 Consent 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 consent (Controlled Consent) 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 consent (Conditional Consent) to discharge subject to specific conditions additional to the general conditions. Council reserves the right to decline a conditional consent to discharge.
 - c) Prohibited (not consentable).
- 5.2. The WWA is not obliged to accept any trade waste. No application for a trade waste consent 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 Consent

- 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 consent to discharge that has previously been granted;
- c) vary the conditions of consent to discharge that has previously been granted; or
- d) significantly change the method or means of pre-treatment for discharge under an existing consent;

shall, if required by the WWA, complete an application in the prescribed form for the consent 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 consent holder (whether for reward or not) in making any such application shall be deemed to be an act of the consent 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 consent 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:
 - 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;

- 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;
 - 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 consent and inform the applicant of the decision by issuing the appropriate notice;
 - b) grant the application as a conditional trade waste discharge consent and inform the applicant of the decision and the conditions imposed on the discharge by issuing the appropriate notice of consent to the discharge; 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 consent to discharge from any trade premises or tankered waste into the sewerage system and in imposing any conditions on such a consent, 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 Consent

- 7.1. Any trade waste consent 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 consent holder, at the consent holder's expense, of screens, grease traps, silt traps or other pre-treatment works to control trade waste discharge characteristics to the consented levels of solids or grease; and
 - h) the provision and maintenance by the consent holder, at the consent 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 consent 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 consent 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 consent 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 consent 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 consent 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 consent 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. Consents for controlled discharges shall be renewed annually and may remain in force indefinitely or 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, after appropriate consultation, the person shall apply within 10 working days of this change occurring for a conditional consent, in accordance with section 6. This application shall be approved prior to the occurrence of any new discharge.

Conditional Consents

- 7.4. Subject to sections 8 and 13, conditional consents under this Part of the bylaw may remain in force indefinitely subject to the following:
- a) conditional consents shall be renewed annually and be granted to a consent 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 consent holder has a demonstrated ability to meet the conditions of the consent 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 consent 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 consent holder compliance, including any accidents including spills or process mishaps;
 - matters pertaining to the WWA's resource consents 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 consent holder or the owner of the premises changes, or there is a change of use, a new application for a conditional trade waste consent shall be made. It shall be the responsibility of the consent holder to lodge the new application; and
 - c) The conditions on resource consents 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 consent in accordance with clauses 7.2 and 7.3.
- 7.6. The WWA may at any time during the term of a trade waste consent, by written notice to the consent 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 consent. 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 consent holder may at any time during the term of a consent, by written application to the WWA, seek to vary any condition of consent, 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 consent or right to discharge at any time following 20 working days' (during which consultation has occurred) notice to the consent holder or person discharging any trade waste:
- a) for the failure to comply with any condition of the consent;
 - b) for the failure to maintain effective control over the discharge;
 - c) for the failure to limit in accordance with the requirements of a consent 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 consent;
 - 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 consent conditions.

Summary Cancellation

- 8.3. Further to clause 8.1 any trade waste consent or discharge may at any time be summarily cancelled by the WWA on giving to the consent 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 consent 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 consent of the appropriate authority.

Mass Limits

- 9.4. A conditional trade waste consent 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 consent 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 consent 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 consent 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 consent 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 consent 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 discharge complies with the provisions of this bylaw;
 - a discharge is to be classified as a controlled, conditional, or prohibited, refer to Section 5;
 - a discharge complies with the provisions of Schedule 1C for controlled discharge and any consent to discharge; and
 - trade waste consent 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:
- taking readings and measurements;
 - carrying out an inspection; and/or
 - 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 consent discharge monitoring may be carried out as follows:
- 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;
 - the sampling procedure will be appropriate to the trade waste and the analysis;
 - the WWA will audit the sampling and analysis carried out by a self-monitoring trade waste discharger. Analysis will be performed by an approved laboratory. Inter-laboratory checks are to be part of this process;
 - 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
 - the WWA will audit the trade waste consent conditions including any management plans.

12.6. At the discretion of the WWA all costs of monitoring shall be met by the discharger 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 discharger 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 consent 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 consent 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 consent 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 consent 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 consent, then the WWA may review the consent under clauses 7.5 to 7.7 or may require the consent holder, within 20 working days of the date such requirement is notified to the consent 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 consent.

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 consents and for the conveyance, treatment and disposal of trade waste.
- 14.2.
- 14.3. Fees shall be levied in accordance with the Council's Revenue and Financing Policy.

Invoicing

- 14.4. All charges determined in accordance with clause 15.1 of this Part of the bylaw shall be invoiced as follows:
- a) conditional consent holders – 12 monthly or as otherwise required. The occupier shall pay this invoice by the 20th day of the next month.
 - b) other consent holders – 12 monthly or as otherwise required. The occupier shall pay this invoice by the 20th day of the next month.
- 14.5. 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

- 14.6. 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

- 14.7. 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 consent to discharge shall be issued in the name of the given consent holder. The consent 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 consent;
- 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 consent 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 consent, 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 consent 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 consent 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 consent holder then that shall be deemed to be service on, or delivery to the consent 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 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 consent 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 consent 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 consent, the occupier must apply for a variation to this consent.
- 4) A consent can be cancelled if the occupier fails to comply with any condition of the consent, 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 consent, 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 consent 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 consent being changed to a higher risk category and there may be an increase in consent fees and associated monitoring costs.
- 21) The consent 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 CONSENT NUMBER TO DISCHARGE CONTROLLED OR CONDITIONAL TRADE WASTE TO THE COUNCIL WASTEWATER DRAINAGE SYSTEM

1. Point of discharge

This consent 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 consent 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 Discharged 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 consent.

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.

<p>Flow</p> <p>a) The 24 hour flow volume shall be less than 5m³.</p> <p>b) The maximum instantaneous flow rate shall be less than 2.0L/s.</p>	<p>Flows larger than the guideline values should be a conditional trade waste consent. Conditional consents will be dependent on contaminant concentration/mass load.</p>
<p>Temperature</p> <p>The temperature shall not exceed 40°</p>	<p>Higher temperatures:</p> <ul style="list-style-type: none"> • 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. <p>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.</p> <p>A lower maximum temperature may be required for large volume discharges.</p>
<p>Solids</p> <p>a) Non-faecal gross solids shall have a maximum dimension which shall not exceed 15mm.</p> <p>b) The suspended solids content of any wastewater shall have a maximum concentration which shall not exceed 2000g/m³.</p> <p>c) The settleable solids content of any wastewater shall not exceed 50mL/L.</p> <p>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.</p> <p>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.</p>	<p>Gross solids can cause sewer blockages. In case of conditional consents fine screening may be appropriate.</p> <p>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.</p> <p>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.</p>
<p>Oil and grease</p> <p>a) There shall be no free or floating layer.</p> <p>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</p>	<p>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.</p> <p>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.</p>

<p>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.</p> <p>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.</p> <p>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.</p>	<p>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.</p> <p>If quick break detergents are being used, it should be ensured that proper separation systems are being used by the consent holder. If not, oil will reappear in drainage systems as a free layer.</p>
<p>Solvents and other organic liquids There shall be no free layer (whether floating or settled) of solvents or organic liquids.</p>	<p>Some organic liquids are denser than water and will settle in sewers and traps.</p>
<p>Emulsions of paint, latex, adhesive, rubber, plastic or similar material</p> <p>a) Where such emulsions are not treatable, they may be discharged into the sewer subject to the total suspended solids not exceeding 1000g/m³.</p> <p>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).</p> <p>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.</p>	<p>‘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.</p> <p>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.</p> <p>Emulsion may colour the WWA treatment plant influent such that % UVT is unacceptably reduced.</p> <p>Emulsions will coagulate when unstable and can sometimes cause sewer blockage. Emulsions are stable when dilute or in the correct pH range.</p>
<p>Radioactivity Radioactivity levels shall not exceed the National Radiation Laboratory Guidelines.</p>	<p>Refer National Radiation Laboratory Code of safe practice for the use of unsealed radioactive materials NRL C1.</p>

<p>Colour</p> <p>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 final effluent discharge consent.</p>	<p>Colour may cause aesthetic impairment of receiving waters, and adverse effects on lagoon treatment processes and ultra-violet disinfection. Where potential for such problems exists, a level of colour which is rendered not noticeable after 100 dilutions may be used as a guideline. Where UV disinfection is used special conditions may apply.</p>
<p>Inhibitory substances</p> <p>Should any characteristic of a discharge be found to inhibit the performance of the wastewater treatment process, such that the WWA is significantly at risk or prevented from achieving its environmental statutory requirements, then the WWA reserves the right to amend the corresponding consent summarily.</p>	
<p>Chemical Characteristics pH value</p> <p>pH value The pH shall be between 6.0 and 10.0 at all times.</p>	<p>In the setting of restrictions for chemical characteristics the WWA shall be mindful of the production of harmful or noxious waste streams from some tests, such as chemical oxygen demand and total kjeldahl nitrogen. The need to set such restrictions and therefore the requirement to undertake the associated testing shall be determined by the WWA.</p> <p>Extremes of pH:</p> <ul style="list-style-type: none"> • can adversely affect biological treatment processes • can adversely affect the safety of operations and/or maintenance personnel • cause corrosion of sewer structures • increase the potential for the release of toxic gases such as H₂S and HCN. <p>Relaxation of these limits to 5.5 and 11.0 is acceptable for low volume premises which discharge into a large flow. Significant industries may need to be restricted to limits between 6.0 and 9.0.</p>

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/m^3 . For significant industry this may be reduced to 600g/m^3 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 consent 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/m^3 .

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 consent holder more flexibility to adopt cleaner production techniques which may produce an effluent which allows the WWA to consider consenting 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 consents); 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 consent 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.

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 consent 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 consent.

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 Consent

Approved stormwater discharged to sewer
Automotive Servicing Facilities
Automotive/whiteware - small plant services
Bakeries
Beverage manufactures (including wineries)
Building services
Cafe/takeaway food vendor
Car wash/valet
Chemists/pharmaceutical waste including cytotoxic ingredients.
Churches (with catering facilities)
Clothing manufacture
Concrete batching plants
Dairy products processing
Dentists
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

Stockyards
Swimming pools/spa facilities
Takeaway premises
Tankered Wastes
Tanneries and leather finishing
Textile fibre and textile processing
Timber processing
Truck wash facilities
Vaccine manufacturers
Vehicle wash facilities
Veterinary surgeries
Waste management processors
Wholesalers/retailers including butchers, green grocers and fishmongers
Woolscourers

Schedule 1F: General chemical characteristics table

Characteristic	Maximum Concentration (g /m ³)	Reason for limits
MBAS (Methylene Blue Active Substances)	500	<p>MBAS is a measure of anionic surfactants.</p> <p>High MBAS can:</p> <ul style="list-style-type: none"> adversely affect the efficiency of activated sewage sludge plants impair the aesthetics of receiving waters. <p>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.</p>
Ammonia (measured as N) <ul style="list-style-type: none"> free ammonia ammonium salts 	50 200	<p>High ammonia:</p> <ul style="list-style-type: none"> may adversely affect the safety of operations and maintenance personnel may significantly contribute to the nutrient load to the receiving environment
Kjeldahl nitrogen	150	<p>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.</p>
Total phosphorus (as P)	50	<p>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.</p>
Sulphate (measured as SO ₄)	500 1500 (with good mixing)	<p>Sulphate:</p> <ul style="list-style-type: none"> 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	<p>Sulphite has potential to release SO₂ gas and as SO₂) thus adversely affect the safety of operations and maintenance personnel.</p> <p>It is a strong reducing agent and removes dissolved oxygen thereby increasing the potential for anaerobic conditions to form in the wastewater.</p>

General chemical characteristics continued		
Characteristic	Maximum Concentration (g/m³)	Reason for limits
Sulphide – as H ₂ S on acidification	5	<p>Sulphides in wastewater may:</p> <ul style="list-style-type: none"> • 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. <p>Under some of the conditions above sulphide should be <2.0g/m³.</p>
Chlorine (measured as Cl ₂) – free chlorine – hypochlorite	3 30	<p>Chlorine:</p> <ul style="list-style-type: none"> • can adversely affect the safety of operations and maintenance personnel • can cause corrosion of sewer structures <p>ARMCANZ/ANZECC guidelines for sewerage systems utilise a figure of 10g/m³.</p>
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: <ul style="list-style-type: none"> • 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) <ul style="list-style-type: none"> - 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: <ul style="list-style-type: none"> • 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

DRAFT

Part Ten
Traffic

Commencement

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

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
Carterton District Council		

DRAFT

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

DRAFT

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 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:
 - the nature of the area;
 - the nature of the parking restriction;
 - traffic patterns into and within the area; or
 - the nature and number of entry points to the area; and
 - 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 Schedule F 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 so as to be legible through the front window where fitted, or visible on the vehicle where no front window is fitted, on a motor vehicle parked in the parking area.

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 metered spaces as follows:
 - a) Monday to Friday, 9.00am to 5.00pm
 - b) Saturday 9.00am to 12.00 midday
- 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. The maximum period for parking is two hours.
- 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 16.1 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 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 18.1 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. A person is not in breach of this Part of the bylaw if that 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 21.1, consultation will be undertaken as required, in accordance with section 156 of the LGA.
- 20.3. After making a resolution under clause 21.1, 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



Wairarapa Consolidated Bylaw 2019

DRAFT

Part Eleven

Speed

Commencement

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

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
Carterton District Council		

Wairarapa Consolidated Bylaw 2019

Part 11 – Speed

Contents

Foreword	2
1. Scope	2
2. Setting of Speed Limits	2
3. Offences and Penalties	2
4. Power to Amend by Resolution	2
5. Speed Schedules	3

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 (Road user) Rule 2004
- Land Transport Rule: Setting of Speed Limits 2003
- Local Government Act 2002

Foreword

This Part of the bylaw is made under section 22AB of the Land Transport Act 1998, and section 145 of the Local Government Act 2002 (LGA). This Part of the bylaw draws from the New Zealand Standard 9201 part 28. 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, then the provisions of this Part prevail.

1. Scope

- 1.1. The purpose of this Part of the bylaw is to set speed limits on any road within the jurisdiction of the local authority, other than state highways controlled by New Zealand Transport Agency (NZTA).

2. Setting of Speed Limits

- 2.1. The roads or areas described in the Masterton, Carterton or South Wairarapa District Council's speed schedules, or as shown on a map referenced in the schedules, are declared to have the speed limits specified in the schedules and maps.
- 2.2. The speed limits come into force on the date specified in the speed schedules.

3. Offences and Penalties

- 3.1. 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 for details of what constitutes a breach of this Part.

4. Power to Amend by Resolution

- 4.1. The Council may by resolution publicly notified:
 - a. add schedules;
 - b. make additions or deletions from the schedules; or
 - c. substitute new schedules.
- 4.2. Where Council intends to make a resolution under clause 4.1, consultation will be undertaken in accordance with requirements of the New Zealand Transport Agency's Land Transport Rule: Setting of Speed Limits 2017.

- 4.3. After making a resolution under clause 4.1, the Council shall:
- a) record the matter in its Speed Schedules; and
 - b) mark the roads and install signs in accordance with the Land Transport Rule: Setting of Speed Limits 2017.

5. Speed Schedules

- 5.1. The Masterton, Carterton and South Wairarapa District Councils will maintain schedules of the speed limits in their respective districts.

DRAFT



Wairarapa Consolidated Bylaw 2019

DRAFT

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 **TBC**.

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
Carterton District Council		

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	4
6. Mobile Premises and Mobile Operators.....	5
7. Conduct.....	6
8. Tattooing.....	6
9. Beauty Therapy/Skin Piercing/Epilation.....	7
10. Sterilisation of Equipment	7
11. Cleansing and Repair	8
12. Records	8
13. Exemptions	9
14. Offences and Penalties	9

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, processes such as epilation (eg waxing and electrolysis), pedicures, manicures, solarium, paraffin treatment and comedone extractions. Where relevant this includes businesses such as jewellers, beauty therapists, nail technicians, tattooists and hairdressers.

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 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 an 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 6.1(k), approved dishwashing facilities means to the same standard required for eating-houses in section 35 of the Food Hygiene Regulations 1974.

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 alcoholbased 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 container 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. All dyes, pigments, or solutions used for tattooing shall be obtained from approved sources and 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 (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 (15psi) 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 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) iracleen 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 13.1(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 for details of what broadly constitutes a breach of this Part.