

# SOUTH WAIRARAPA DISTRICT COUNCIL

31 JULY 2013

---

## AGENDA ITEM C6

### DRAFT MASTERTON AND SOUTH WAIRARAPA DISTRICT COUNCIL'S CONSOLIDATED BYLAWS 2012 – FINAL APPROVAL

---

#### **Purpose of Report**

To obtain approval for the Draft Masterton and South Wairarapa District Council's Consolidated Bylaws 2012.

#### **Recommendations**

Officers recommend that the Council:

1. *Receive the information.*
2. *Approve the Draft Masterton and South Wairarapa District Council's Consolidated Bylaws 2012 as detailed in this report.*

## **1. Background and Discussion**

In 2011 an initiative was made to align, where possible, the three Wairarapa District Council Bylaws. The Carterton District Council decided to opt out of the process and officers from the South Wairarapa and Masterton District Council's prepared a set of Draft Consolidated Bylaws.

The Bylaws which relate to the South Wairarapa District are as follows;

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	Beauty Therapists, Solarium Operators, Nail Technicians, Tattooists, and Skin Piercers

Part 16          Food Safety

The following Parts relate to the Masterton District only;

Part 7            Control of Dogs  
Part 10          Water Races  
Part 17          Liquor Control in Public Places  
Part 18          Airport

Parts 7, 10, and 17 are being developed as a separate process as they were issue and timing specific to the South Wairarapa.

The Draft Masterton and South Wairarapa District Council's Consolidated Bylaws were approved for public notification on the 8<sup>th</sup> August 2012 and publicly notified on the 24<sup>th</sup> November 2012 with the submission period closing on the 18<sup>th</sup> January 2013.

In total 14 submissions were received with 7 of these submissions relating to "Part 15 – Beauticians, Nail Technicians, Tattooists and Skin Piercers".

On the 27th June 2013 the Joint Planning Committee met and considered submissions made on the Draft Consolidated Bylaws.

The five submitters who had indicated that they wished to be heard had advised that their concerns had been addressed by the Officers Report and there were no submitters present at the hearing.

It was resolved that the Draft Consolidated Bylaws, with minor amendments, be adopted by the South Wairarapa and Masterton District Council's at their next Council meeting and that the Bylaws will take effect from the 1st September 2013.

Copies of the draft bylaws for approval are attached to this document as **Appendix 1**.

The meeting minutes noting the required amendments are attached at **Appendix 2**.

The submissions received and officer's report are attached at **Appendix 3**.

## **2. Recommendation**

The Joint Planning Committee recommended that after following the Special Consultative Procedure set out in s83 of the LGA 2002 Council resolves to adopt the Draft Consolidated Bylaws to take effect from the 1st September 2013.

Following adoption, Council Officers will publicly notify the date that the Bylaws will come into operation and where copies can be inspected and obtained pursuant to s157 of the LGA 2002.

### **3. Appendices**

Appendix 1 The Draft Masterton and South Wairarapa District Council's Consolidated Bylaws – Parts 1 -6, 8, 9, 11-16 – Amended by the Joint Planning Committee 27<sup>th</sup> June 2013.

Appendix 2 Notes from the Joint Planning Committee Meeting 27<sup>th</sup> June 2013

Appendix 3 Submissions and Officer's Report

Contact Officers: Bronwyn Johnson (Environmental Health Team Leader)  
and Russell Hooper (Resource Management Planner)

Reviewed by: Mark Allingham (Group Manager Infrastructure and Services)

**Appendix 1 – The Draft  
Masterton and South  
Wairarapa District Council's  
Consolidated Bylaws – Parts  
1-6, 8, 9, 11-16 – Amended  
by the Joint Planning  
Committee 27<sup>th</sup> June 2013.**

**Appendix 2 – Notes from the  
Joint Planning Committee  
Meeting 27<sup>th</sup> June 2013**

**NOTES OF THE JOINT PLANNING COMMITTEE MEETING TO DISCUSS THE  
MASTERTON DISTRICT COUNCIL AND SOUTH WAIRARAPA DISTRICT COUNCIL  
CONSOLIDATED BYLAWS 2012 HELD IN THE COMMITTEE ROOM, MASTERTON  
DISTRICT COUNCIL BUILDING ON THURSDAY 27 JUNE 2013 AT 9.00 AM**

**PRESENT**

Mayor Adrienne Staples (Chair), Councillors Dean Davies and Viv Napier (SWDC)  
Mayor Garry Daniell, Councillors Jonathan Hooker and Jane Terpstra (MDC).  
Officers: Russell Hooper, Bronwyn Johnson, Sue Southey, Lucy Brophy, Kaine Jaquier and Anne Major (Notetaker).

**INTRODUCTION**

The purpose of the meeting was to consider submissions on the Proposed Joint Bylaws and the changes in the draft document. Sue Southey advised that all submitters were now satisfied with the document.

Members considered and clarified the following matters:

**Part 1 – Introductory**

- Agreed to delete "in fact" from the Kennel definition on Page 13.
- Page 17: "Control of Dogs" (b) clarifies that the person in possession/caring for the dog is responsible for any problems.
- Page 20: "Public Place" (c) is from the Dog Control Act 1996 specifically for travelling.

**Part 2 – Public Places**

Trading and exempted stall sites? Section 2 gives exemptions for places in the CBDs where stalls can be located. The schedule did not include the new town square in Masterton because stalls were not wanted there. If that changed in the future the MDC bylaws could be changed by resolution.

**Part 7 – MDC Control of Dogs**

South Wairarapa and Masterton District Councils have separate bylaws.

**Part 8 – Keeping of Animals, Poultry and Bees**

Page 2 (3.2): Animal welfare? There are specific conditions under the Dog Control Act where issues are referred to the SPCA by officers.

Page 4 (7.1): Animal or human health? The word "dangerous" gives scope to cover both.

**Part 10 – MDC Water Races**

A request was made for some of the key roads to be named to more readily identify the position of the water races.

### **Part 12 – Trade Waste**

Sue Southey advised that the Application Form for Discharge of Trade Waste had been updated and would be inserted as a new Appendix A.

### **Part 13 – Traffic**

New features such as loading zones could be added to the Schedule by resolution of the councils.

### **Part 14 – Speed**

Russell Hooper to supply a map of Pah Road.

### **Part 15 – Beauty Therapists, Solarium Operators, Nail Technicians, Tattooists, and Skin Piercers**

Sub section (1c) of 4 - Exemptions is to become a separate paragraph as (2) so it applies to all exemptions.

Page 11 typos: delete "or" from second to top line and remove bracket from end of line fourth from bottom.

### **Part 16 – Food Safety Bylaw**

Agreed to add "Registered" to all food premises in Paragraph 2 - Scope to avoid any confusion. Officers advised that Page 11 of the Introduction defined food premises as registered under the Food Hygiene Regulations.

### **Part 17 – Liquor Control**

The new Act had been taken into consideration, this bylaw only referred to MDC with different times and areas. A special licence could be obtained for events in Queen Elizabeth Park.

### **SECTION 42 REPORT**

Sue Southey advised that determination reports for all the bylaws had been circulated in accordance with requirements of the Act.

Submitter 12, the Medical Officer of Health submission regarding the closure of food premises: Officers advised that this was not the responsibility of Territorial Local Authorities as it was a Health Act matter and responsibility of the DHB and members upheld the recommendation.

## **CONCLUSION**

Members noted that the Bylaws had to be adopted by resolution of the full councils at their next meetings. The changes would be incorporated into a final document and circulated for adoption, and the Bylaws would be advertised as operative on 1 September 2013.

Moved by Viv Napier/Garry Daniell – **That the changes as outlined in the Section 42 Report to the Masterton District Council and South Wairarapa District Council Consolidated Bylaws 2012, including the new Application Form for Trade Waste Discharge, a Pah Road Map and the inclusion of “Registered Food Premises” in Part 16, paragraph 2 be accepted.** CARRIED

Mayor Staples commended officers on the process and successful consultation with submitters.

**The meeting concluded at 9.45 am**



# **Appendix 3 – Submissions and Officer's Report**

# **SECTION 42 REPORT**



**THE MASTERTON DISTRICT COUNCIL AND SOUTH  
WAIRARAPA DISTRICT COUNCIL CONSOLIDATED BYLAWS  
2012**

**Section 42A Report**

**Part 2 – Public Places**

**Submitter 5 Scott Sutherland**

Mr Sutherland submits that there is no safe crossing point for children riding scooters to school who need to cross Lincoln Road, and that the Villa Street crossing is difficult for cars and children.

**Relief Sought**

That the area banning wheeled recreational devices be expanded to allow children to scooter down the even numbers side of Chapel Street or that scooters be permitted in all of Chapel Street between the hours of 8-8.30am and 3-4pm to access the safer crossings provided in Chapel Street.

**Discussion**

The area banning wheeled recreational devices does not include the even numbered side of Chapel Street.

Children coming from Lansdowne heading to one of the schools on the western side of Chapel Street can cross the road at the northern roundabout pedestrian crossing, then scooter down the eastern side of Chapel Street as far as King Street where, under the present Bylaw they would have to carry their scooter from King Street to Lincoln Road where there are safer crossing places.

If we lifted the wheeled recreational device ban between King Street and Lincoln Road then children could scooter all the way down to Lincoln Road where they could cross to the other side of Chapel Street using the median refuge or carry their scooter to the crossing at the Municipal Building.

This said, young children on scooters etc will need to be watching for vehicles exiting out of businesses along Chapel Street.

**Recommendation**

- a. **That the wheeled recreational devices ban be lifted on the eastern side of Chapel Street from King Street to Lincoln Road.**

## Part 3 – Trading in Public Places

### Submitter 14      South Wairarapa District Council

South Wairarapa District Council has requested that the First Schedule is amended to include maps setting out public areas within Featherston, Martinborough, and Greytown where it is considered appropriate for selling goods.

The maps will provide certainty for those wishing to sell goods in a public place.

#### Relief Sought

That Section 9 (c) be changed from –

*'Any market, stall or stand which has a current approval under any other Bylaw, legislation, resource consent or specific resolution of Council'*

To read

*'Any market, stall or stand which has current Council approval.'*

*Maps showing exempted sites are attached.*

#### **Recommendation**

**That Section 9 (c) be amended to read--**

**'Any market, stall or stand which has current Council approval.**

**(Maps attached in the First Schedule)**

## **Part 4 Solid Waste**

### **Submitter 12      Wairarapa DHB**

The submitter considers that adequate provisions for solid waste are an essential public health measure and that effective Bylaws are a critical part of such controls.

Wairarapa Population Health suggests that Bylaws should give effect to current council strategies where possible.

#### **Relief Sought**

That the proposed Bylaw makes specific reference to both the Waste Minimisation Act 2008 and the Councils of the Wellington Region Waste Management and Minimisation Plan 2011-2017.

#### **Recommendation**

**That the following be added to the Foreword to read –**

**'Reference should be made to the Waste Minimisation Act 2008 and the Councils of the Wellington Region Waste Management and Minimisation Plan 2011-2017.'**

## **Part 12 – Trade Waste**

### **Submitter No. 1. Associate Minister of Health**

The Ministry supports the use of a trade waste bylaw as a means of reducing waste to Councils' sewage treatment plants.

The Ministry draws Council's attention to pharmaceutical liquid waste containing cytotoxic ingredients and recommends that these are added to Schedule D of the Trade Waste By-law.

It is noted that the recommended wording should be added to Schedule 1C – Controlled Discharge Characteristics.

#### Relief Sought

That the following be added to Schedule 1C of the Trade Waste Bylaw 2012

#### **Recommendation**

**That the following be added to Schedule 1C of the Trade Waste Bylaw 2012 as follows –**

#### **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

### **Submitter No. 3 The Manager, Fish**

#### Relief Sought

That the Bylaw is written in plain English and that someone come to him to explain it.

#### **Recommendation**

**That the Council's Senior Environmental Health Officer and Trade Waste Officer meet with the Manager of Fish to discuss how the Bylaws will affect the business and to answer any questions.**

## **Part 14 Speed**

### **Submitter 11          South Wairarapa District Council**

#### **Discussion**

South Wairarapa District Council has requested that the maps shown in Schedule B are replaced with new maps which are the most up to date.

In addition to the above it is requested that a section of Pah Road, Greytown is added to Schedule B5 – 50km/h, and corresponding plan LT0047/5 - Speed Restriction Plan Pah Road is included.

#### **Recommendation**

**That the maps shown in Schedule B be replaced with new maps as follows –**

<b>LT0047/1</b>	<b>Speed Restriction Plan Martinborough</b>
<b>LT 0047/2</b>	<b>Speed Restriction Plan Featherston</b>
<b>LT0047/3</b>	<b>Speed Restriction Plan Greytown</b>
<b>LT0047/4/1</b>	<b>Speed Restriction Plan South Featherston</b>
<b>LT0047/4/2</b>	<b>Speed Restriction Plan Pirinoa</b>
<b>LT0047/4/3</b>	<b>Speed Restriction Plan Lake Ferry</b>
<b>LT0047/4/4</b>	<b>Speed Restriction Plan Ngawi</b>
<b>LT0047/5</b>	<b>Speed Restriction Plan Pah Road</b>

### **Submitter 15          Masterton District Council**

#### **Discussion**

Masterton District Council advised that a map showing the speed restricted areas had been omitted from the Bylaw and should be inserted as Schedule A.

#### **Recommendation**

**That a map showing the speed restricted areas had been omitted from the Bylaw and should be inserted as Schedule A.**



## **Part 15 Beauticians, Nail Technicians, Tattooists and Skin Piercers**

### **Submitter 4 –The New Zealand Association of Registered Beauty Therapists**

#### Discussion

Vivian Engler advised that the executive committee had reviewed the draft document and suggested that the following changes be made –

#### Relief Sought

Substitute 'Beauty Therapists' for 'Beauticians' throughout the document and replace 'cosmetology' with 'beauty therapist in Section 6 Clause (3).

#### Discussion

Section 7 Records Clause (2) – Vivian considers that it is important as part of any professional practice to have written information about clients, including medical history of relevance, and the nature of the treatment. The consent forms should be signed by the client and the operator.

#### Relief Sought

Section 8 Physical Aspects of Premises Clause (2) should read –  
'the premises should be maintained in a sanitised, clean and tidy condition.

Section 9 Conduct Clause (1) (a) add 'or disposable gloves'.  
Clause (c) add 'Viraclean' to the types of cleansing agents.

Clause (d) should use the words 'sharps box as an example of an acceptable container.

Clause (3) add 'waxing and electrolysis' after tattooing.

Section 12 Sterilisation of Equipment Clause (4) (c) - consideration should be given to adding 'Viraclean' and removing the Advisory Note.

#### **Recommendation**

**That the changes proposed by The Association of Registered Beauty Therapists be implemented as follows:**

- a. **Substitute Beauty Therapists for Beauticians throughout the document.**
- b. **Replace 'cosmetology' with Beauty Therapist in Section 6 Clause (3).**
- c. **That consistent forms be sourced by the Council for use by all businesses.**
- d. **Section 8 Clause (2) should read –**

The premises shall be maintained in a sanitised, clean and tidy condition.

- e. Section 9 Clause (1) (a) add to end of sentence 'or disposable gloves'.
- f. Section 9 Clause (1) (d) add 'sharps box' after the word container.
- g. Section 9 Clause (3) add waxing and electrolysis' after tattooing.
- h. Section 12 Clause (4) (c) delete chlorine solution having a minimum strength of 500 parts per million and insert Viraclean.

### **Submitter 7 Universal College of Learning**

#### **Discussion**

UCOL runs courses which involve training of beauticians, nail technicians and the like in the Masterton and South Wairarapa area. UCOL considers that the Bylaw (Part 15) provides unnecessary and unreasonable constraints to the continued running of such courses in the area.

UCOL consider that the wording of Section 6 Clauses (3) and (4) will prevent them from teaching as the students are not qualified. They should be an exempted organisation.

#### **Relief Sought**

That training institutions be listed as 'Exemptions' under Part 15, Section 4 of the Consolidated Bylaws 2012. UCOL requests that a further exemption (e) be provided in Section 4 Exemptions as follows –

- (e) *Any tertiary education institution authorised to train persons to become qualified in the practices of cosmetology/beauty therapy and/or nail technology.*

#### **Recommendation**

That an additional clause (e) be added to Part 4 Exemptions as follows –

- (e) *Any tertiary education institution authorised to train persons to become qualified in the practices of beauty therapy and/or nail technology.*

### **Submitter 8 Angels and Unspeakables**

#### **Discussion**

Tannith Billing suggests that having a sink in the clean sterile area for cleaning contaminated tools is not necessarily the best place as there could be cross contamination. A separate area for clean and a separate area for dirty is ideal.

This suggestion was noted.

Mobile Piercing – As a tattooing and piercing studio they do not agree with mobile businesses as this opens up unclean and dirty environments. Officers considered that the issue of mobile premises was a trade issue and that provided the business complied with the Bylaw then it should be allowed.

Foot and Arm taps – Do not believe that food and arm taps are necessary as antiseptic products and gloves are used which is more hygienic than using taps.

Relief Sought

That foot and arm lever taps be deleted from Section 8 Clause 8.4.

### **Recommendation**

**That Section 8 Physical Aspects of Premises Clause 8.4 be amended by Deleting the words –**

**'long lever/foot operated taps and'**

### **Submitter 9 The Villa Beauty Therapy**

#### Discussion

Colleen Sharp from The Villa Beauty Therapy wanted all people providing a beauty service to be covered by the Bylaw including nurses.

Officers consider that Colleen has misinterpreted Section 4. Clause (1) Exemptions. The exemption only applies where registered doctors, nurses etc are working in practices with a different purpose e.g. medicine or nursing.

To ensure that Clause 1 (a) is clearer it is intended to move the last part of the clause which reads '*where the practices are carried out in the practice of medicine, dentistry, nursing, physiotherapy, pharmacy or podiatry respectively*' to the beginning of the clause.

### **Recommendation**

**a. Reword Section 4 Clause 1 (a) to read**

- (1) The provisions of section 7 (3) of this Bylaw shall not apply:**
- (a) Where the practices are carried out in the practice of medicine, dentistry, nursing, physiotherapy, pharmacy or podiatry respectively, to 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, or a Pharmacist registered under the Medical Auxiliaries Act 1966**

#### Discussion

Colleen has requested that the word beauticians be removed from Section 6 General Conditions of Operation Clause 4 and that it be altered to indicate that all operators must be trained.

Officers agree with this request.

#### **Recommendation**

**Reword Section 6 Clause (4) to read:**

**The operation of devices and/or application of products such as, but not limited to, IPL/laser, electrolysis, cosmetic tattoo and facial peels can only be conducted by personnel who have completed the relevant training standards for the procedures.**

#### Discussion

Colleen raised some questions regarding the type of forms that may be used to collect client information and consent. It was agreed to investigate whether the Ministry of Health had any forms which could be tailored for use.

Once the wording of forms was agreed Section 7 Clause (2) would be altered to state – *for invasive treatment refer to Form A, and for non-invasive treatment refer to Form B.*

#### **Recommendation**

- a. **That Officer's investigate whether the Ministry of Health has any relevant forms which can be tailored for use.**
  
- b. **That once the wording on the forms is finalised Section 7 Clause (2) will be altered to read:  
'for invasive treatment refer to Form A, and for non-invasive treatment refer to Form B.'**

#### Discussion

Section 12 Clause (2) – Colleen has asked whether she could continue disposing of all 'sharps' at Duncan's Pharmacy,

Officers agreed that disposal of sharps at Duncan's Pharmacy was permitted as long as they have an approved waste disposal method. Information would be provided to premises concerning the disposal of medical waste.

#### **Recommendation**

**That the submitter be advised that disposal of their sharp containers at Duncan's Pharmacy is permitted, as long as they have an approved waste disposal method.**

#### Discussion

Colleen pointed out that her premises would have to have an exemption from Section 8 Clause (1) The Clause needs to be deleted as a great number of buildings where these businesses are established will have been built before the Building Act 2004 came into being.

### **Recommendation**

**That Clause (1) of Section 8 Physical Effects be deleted and the Section renumbered.**

### Discussion

Section 9 Clause (1) (c) -Colleen pointed out that not all clients skin can tolerate alcohol based products and there should be others that can be used.

### **Recommendation**

**That Section 9 Clause (1) (c) be altered to read:**

**Prior to commencing any procedure, cleanse client's skin by swabbing with a hospital grade cleansing agent.**

### Discussion

Other suggestions made by Colleen include tag testing of machinery, liability insurance, membership of an industry organisation, certifications visible for clients and authorising officers.

Officers noted that Section 9 Clause 4 covered the machinery, and that the issue of insurance and membership of industry organisations was a matter for business owners and their staff. Having certifications visible is already a normal procedure.

Section 12 Clause (3) Colleen raised the issue of increased costs for the disposal of wax/hair follicles (medical waste) and suggested that businesses be given a 6 month lead in period to prepare for the extra costs incurred.

Officers discussed whether there was a need to dispose of wax covered gauze as medical waste.

It was agreed that where there is the presence of blood then waste products should be disposed of as medical waste.

It was also agreed that 6 months notice be given to all businesses captured by Part 15 before the bylaws are enforced.

### Relief Sought

That changes be made to the Bylaw to reflect the issues discussed above.

### **Recommendation**

#### **Section 3 Registration of Premises**

- a. **That a new Clause (3) be added to Section 3 to read:  
That 6 months' notice will be given to businesses before compliance with Part 15 of the bylaw is required.**
- b. **Section 12 Clause (3) be altered to read "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. The words 'hair follicles' be deleted.**

## **Submitter 10                      Headquarters**

### **Discussion**

Leia Cooper considers that Beauticians and nail technicians are completely different to tattooists and skin piercers and should be treated differently. Beauty therapists and nail technicians are a pampering and relaxing service first and foremost.

Carpets provide a luxurious quiet atmosphere and should be permitted provided that they are kept clean. There should be exemptions for existing premises.

Leia believes that mobile, home salons and registered nurses should all be treated the same. We should be encouraging permanent premises not penalising them.

For personal privacy reasons details of the procedures should not be on the forms, records are kept private. Forms are filled out at the first visit and cover future procedures.

Officers noted that the matters raised by Leia had also been raised by The Villa and recommended changes were set out under Submitter 9.

Leia uses UV sterilisation all day every day and questions how records can be kept for a constant process.

It was agreed that systems needed to be in place to ensure the safe sterilisation of utensils and the recording of that sterilisation.

### **Recommendation**

**That the recommendations proposed under Submitter 9, The Villa Beauty Therapy, and submitter 4, The New Zealand Association of Registered Beauty Therapists address those raised by Headquarters.**

## **Submitter 13 Alluminus Beauty Therapy**

### **Discussion**

Latasha Boyce considers that there has not been enough exposure of the Bylaw or time to respond.

Latasha considers that there are different ways of keeping hygienic and safe work environments that are affordable.

It was noted that all premises would still have to comply with Section 2 "That the premises shall be maintained in a state of good repair and in a clean and tidy condition".

She also raises the question of needle disposal, exemptions for nurses, what constitutes medical waste and sterilisation.

All of these matters have been raised by other submitters and changes recommended.

#### **Recommendation**

**That the recommendations proposed under Submitter 9, The Villa Beauty Therapy, and submitter 4, The New Zealand Association of Registered Beauty Therapists, address those raised by Headquarters.**

#### **Submitter 12 Wairarapa DHB**

The DHB congratulated the Masterton District Council and South Wairarapa District Council on the introduction of this new Bylaw.

The DHB recommends that a statement be added to the scope stating that the bylaw should be read in conjunction with the Ministry of Health Guidelines for the safe piercing of skin 1998 and subsequent revisions.

The DHB also sought the widening of the scope to include solaria (sunbeds)

#### **Recommendation**

- a. **That the words 'This Bylaw should be read in conjunction with the Ministry of Health Guidelines for the safe piercing of skin 1998 and subsequent revisions' be added as an additional Clause to Section 1 Scope.**
- b. **That 'solaria' be inserted into Section 1 Clause 4 and Section 3 Registration of Premises Clause 1.**
- c. **That no change be made to Section 14 Cleansing.**

The DHB considered that practitioners of traditional Maori or Pacific Island tattooing should not be exempt from the ByLaw.

#### **Recommendation**

**That Clause (d) is deleted from Section 4 Exemptions.**

The DHB requests that the Smokefree Environments Act 1990 be adhered to and that the word smoke be deleted from Section 6 General Conditions of Operation, Clause 5.

#### **Recommendation**

**That Section 6 General Conditions of Operation, Clause 5 be altered to read:-**

**'No person shall eat or drink on the premises except in a part of the premises that is clearly separate from the area where a beautician, skin piercing or tattooist practice is carried out.'**

Section 7 Records Clause (5) is the requirement to collect information about clients before undertaking procedures.

This has already been considered as part of the Villa's submission and the proposal is to use a form specially tailored for use by all premises. This form will note that the operator will actively request the information on the application.

Conduct Section 9 Clause (4)

**Recommendation**

**Clause (4) to be altered to read:**

**"Any equipment used must be calibrated, serviced and operated according to manufacturer specifications and for no other purpose other than that given in the instructions".**

The DHB consider that all needles should be single use and that the reference to the sterilisation of needles be removed from the Bylaw.

**Recommendation**

**Section 10 Tattooing, Clause 1 is to be amended by deleting the word 'needles'.**

**Recommendation**

**Beauty Therapy/Skin Piercing/Epilation Section 11 Clause (3) be amended to read:**

**(b) Ensure all jewelery used for piercings is sterile"**

The DHB's recommendations for Section 7 Records, includes reference to the servicing and calibration of autoclave equipment and the keeping of records.

The requirement for servicing of the autoclave equipment is contained in Section 12 (Sterilisation of Equipment). It was agreed that records should be kept for 12 months instead of the proposed 6 months.

**Recommendation**

**That Section 12 Clause (1) (a) 3<sup>rd</sup> para be amended to read.....for a minimum period of 12 months.**

The DHB recommends that operators should follow the manufacturers' instructions on cleaning products.

Officers agreed with this and suggested that concentrations and used by dates should also be checked.

**Recommendation**

**That the words "Operators should follow manufacturer's instructions on cleaning products, in particular concentration and use by dates" be inserted as an Advisory Note to Section 12 Clause (4).**

The DHB considered that there should be a provision in the Bylaw to expediently close a premise where there is an outbreak or there are serious



concerns of harm from poor infection control or process unrelated to disrepair of the premises.

It was noted that this was a Health Act matter and the DHB's responsibility, not the Local Authority.

**Recommendation**  
**No action required.**

## **Part 16 Food Safety**

### **Submitter 2          Breadcraft**

Adie Long, QA Manger Breadcraft (Wai) Ltd advised that they would not make a submission but appreciated the opportunity to do so.

### **Submitter 6 –          Whakataki Hotel**

Raewyn Voice was critical of the rules and their ability to add costs onto small business. She asked that we provide free standard policy to adopt to gain exemption and free courses for employers and employees.

She was particularly concerned about the scenario where having 200 meals to cook her trained cook is sick. Does this means she has to close for the day because she does not have another trained cook?

#### **Discussion**

Council officers agreed that there needed to be a degree of flexibility and that the suggestions made in the Wairarapa District Health Board's submission regarding Section 3.2 were helpful. It was agreed that the inclusion of a short transition period of 3 months after commencement of employment to allow for training to be completed by new food workers would be incorporated into the Bylaw.

An exemption to 3.1 is also being drafted so that instead of all food workers at any food premises having to be certified with Unit Standard 167 or 168, that premises who have successfully implemented the Ministry for Primary Industry Food Control Plan could nominate a manager/senior staff member to undergo the required certification and training and that manager/senior staff member could educate other staff members who in turn would not have to undergo the certification. This would be a more cost effective way of ensuring food premises meet their requirements.

In response to a suggestion that Councils could provide food hygiene training, it was noted that you would have to be careful not to step on the toes of businesses that provide the training for their living. However, if Councils saw this as an area of benefit for the community, then Environmental Health Officers could deliver a basic food hygiene course that would cover 167 and 168 requirements for a fee to cover costs.

It was noted that the certification doesn't include front of house staff, but people who are handling or preparing food. It was also discussed whether 'food worker' was the best description.

#### **Recommendation:**

**That Section 3 Clause 1 is amended to read;**

**Any new or replacement food worker will have a 3 month transition period to undergo training to become qualified in Unit 167, or an**

**equivalent qualification. It shall be the duty of the occupier of every food premise to oversee their training while on the premises.**

After the 3 month transition period is up, the new staff member shall be certified with Unit Standard 167 or an equivalent qualification unless they fall under the proposed exemption in Section 3.1.

**Submitter 12      Wairarapa District Health Board**

**Discussion**

The DHB suggests that a purpose statement is added to Section 2 Scope to indicate that the overarching purpose of the Bylaw is to ensure safe and suitable food in all premises in Masterton and South Wairarapa. It was agreed that the scope be widened to include a purpose statement.

**Recommendation**

**That the following alterations be made to Section 2 Scope:**

**The purpose of this Bylaw is to ensure that safe food is available in all food premises in Masterton and South Wairarapa, and to make provision for food workers employed in Masterton and South Wairarapa to have successfully completed a recognised course in food hygiene. It also enables the Principal Environmental Health Officer to close food premises where necessary.**

The DHB recommended that the Bylaw include an interpretation section stating the ongoing consistency with the various Acts.

Officers considered that this was unnecessary as Part1 Introductory provided the interpretations. Reference to Acts is not used as members of the public need to be able to see the meaning of the various words and statements without having to reference the relevant legislation.

**Recommendation**

**That no change be made to include reference to the Acts.**

The DHB supported Section 4 Closure of Premises, and Section 5 Sickness Policy.

**Part 17 Liquor Control in Public Places (MDC Only)**

**Submitter 12      Wairarapa District Health Board**

The DHB noted that the Sale and Supply of Liquor Act 2012 was passed in December 2012 and that it widens the ability to control the consumption and possession of liquor in public places.

The DHB recommended that the Council separate the Liquor Control Bylaw from other Masterton District Council Bylaws.

Discussion:

It was noted that the consumption of liquor ban within the Masterton Business District has been considerably extended to incorporate Kuripuni and to include the McDonalds carpark, with McDonalds approval. (We are aware that the McDonalds area is not legal until December)

The ban has also been extended to 24/7 in the Masterton Business District and McDonalds.

These new areas and hours were included after consultation with the Police and believe cover the areas of concern to them.

In officers opinion it would be counterproductive to hold this Bylaw up.

**Recommendation:**

**The Masterton District Council has noted the new provisions of the Local Government (Alcohol Reform) Act 2012 and has made changes accordingly - no further action required.**

Local Alcohol Policies (LAPs)

The DHB recommends MDC revisit the Wairarapa Alcohol Harm Reduction Strategy and initiate discussions with its neighbouring territorial authorities on the development of a joint LAP in consultation with Licensing Inspectors, Police, Medical Officer of Health and the community.

Discussion

The outcome of the Sale and Supply of Liquor Act 2012 act has already been reported to Council and the matter of a Local Alcohol Policy will be taken up with the other Wairarapa Councils by elected representatives. This is not a bylaw issue.

**Recommendation:**

**No action required as this will be a separate Council decision**

District Licensing Committees

The DHB recommends that the selection of members should be in consultation with the Police, Licensing Inspectors and the Medical Officer of Health. Suggest consulting WDHB to assist in identifying potential appointees for the District Licensing Committee.

**Recommendation**

**No action required. Consultation will be carried out in accordance with the Act. This is not a bylaw issue.**

**ADDENDUM TO OFFICERS SECTION 42 REPORT.**

**Section 15 Beauty Therapists, Nail Technicians, Tattooists and Skin Piercers**

Submitter 12 WDHB and Submitter 7 Universal College of Learning had differing requirements for Part 15 in relation to some exemptions for training institutions.

Officers have worked with both parties to come to an agreed position and the proposed amended wording is attached.

Copies of the correspondence from Wairarapa DHB and UCOL is also attached.

29 May 2013

## Submitter 7 Universal College of Learning

### Discussion

UCOL runs courses which involve training of beauticians, nail technicians and the like in the Masterton and South Wairarapa area. UCOL considers that the Bylaw (Part 15) provides unnecessary and unreasonable constraints to the continued running of such courses in the area.

UCOL consider that the wording of Section 6 Clauses (3) and (4) will prevent them from teaching as the students are not qualified. They should be an exempted organisation.

### Initial Relief Sought

That training institutions be listed as 'Exemptions' under Part 15, Section 4 of the Consolidated Bylaws 2012. UCOL requests that a further exemption (e) be provided in Section 4 Exemptions as follows --

- (e) *Any tertiary education institution authorised to train persons to become qualified in the practices of cosmetology/beauty therapy and/or nail technology.*

### Proposed new Relief Sought

Public Health and Masterton District Council agree that the wording in Section 6 Clauses (3) and (4) will create difficulties for the tertiary institutions to comply with the bylaw and to provide teaching. However by adding any tertiary education institution into the exceptions section of the bylaw Masterton District Council is exempting the institution from all provisions of the bylaw.

The intent is to only exempt the tertiary education institution from the provisions of section 6 clauses (3) and (4) therefor we propose to remove section 4 (e) and change to the wording of section 6 (3) and (4) as follows-

- (3) *No person shall allow or carry out any beautician, nail augmentation practice unless they have been trained and qualified in the practices of cosmetology and nail technology that is " acknowledged by a recognised training standard, NZA 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) *The operation of devices and/or application products such as but not limited to IPL/Laser, electrolysis, cosmetic tattoo and facial peels can only [be] conducted by beauticians that have had training with recognised training standards in the applicable procedures. **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.***

Because infection risks are no different in commercial operations than in tertiary institutions, Public Health and Masterton District Council envisage industry and tertiary institutions within the district maintaining the same uniform standard. Therefore all other sections of the bylaw would apply equally to both sectors. This would mean all tertiary institutions within the district would be required to register with the council (proposed annual fee of \$133) and be inspected annually against the bylaw.

# SUBMISSIONS





## MDC SWDC Consolidated Bylaws 2012

Filetrak No.	Letter Received	Organisation	Name	Address 1	Address 2	Type of document	Heard/Not Heard	Concerning	Issue	Comments
280508 ①	7 December 2012	Office of Hon Jo Goodhew	Associate Minister of Health	Private Bag 18041	WELLINGTON 6160	letter		Part 12 - Trade Waste		Drawing attention to the disposal of liquid waste from pharmacies which are generally products that have been returned by customers in accordance with the Health and Disability Services Standards. The Ministry recommends that in Schedule 1D of your bylaw, cytotoxic waste is prohibited and controls are placed on the disposal of liquid antibiotics.  Noted Matamata-Piako District Council has recently prepared new trade waste bylaws and, after consultation with the Ministry and the Pharmacy Guild of NZ, has included a provision prohibiting the discharge of any pharmaceutical liquid waste containing cytotoxic ingredients.
280558 ②	10 December 2012	Breadcraft Wairarapa	Adie Long	PO Box 352	MASTERTON 5840	letter	Not Heard	Part 16 - Food Safety		Do not wish to make a submission, happy with the bylaw.
280653 ③	11 December 2012	Fish	The Manager	C/- 31 French Street	MASTERTON 5810	comment	Not Heard	Part 12 - Trade Waste	The manager needs the bylaw to be explained.	
280693 ④	13 December 2012	The NZ Association of Registered Beauty Therapists	Vivien Engler	PO Box 62528	Greenlane, AUCKLAND 1546	submission	Not Heard	Part 15 – Beauticians, Nail Technicians, Tattooisists and Skin Piercers		Please make wording changes to the draft document as detailed in submission.
280905 ⑤	18 December 2012		Scott Sutherland	25 Queen Alexandra Street	MASTERTON 5810	submission	Heard	Part 2 - Public Places	Wheeled recreational devices ban boundary - schedule 1.	No safe crossing point for kinds riding scooters to school who need to cross Lincoln Road which has high traffic flows. The Villa Street crossing is difficult for cars let alone kids. I request that the ban area be amended to permit kids to scooter down the even numbers side of Chapel Street or that scooters be permitted in all of Chapel Street between set hours of 8-8.30am and 3-4pm. This would support Councils goal of promoting healthy communities and participation by reducing the number of kids driven to school as a result of road safety concerns.
281510 ⑥	14 January 2013	Whakataki Hotel	Raewyn Voice	Whakataki Hotel, R D 9	MASTERTON 5889	submission	Not indicated	Part 16 - Food Safety		Concern at having to have a qualified cook at all times. If this bylaw is accepted, request that Council provides free standard policy to adopt to gain exemption and free courses for all employers and employees.
281541 ⑦	15 January 2013	Universal College of Learning (UCOL)	Steve Sorsby	Private Bag 11022	Manawatu Mail Centre, Palmerston North 4442	submission	Heard	Part 15 – Beauticians, Nail Technicians, Tattooisists and Skin Piercers	UCOL considers that Bylaw Part 15 provides unecessary and unreasonable constraints to the continued running of such courses in the area.	Seeking to have training listed as Exemptions under Part 15, Section 4 of the Consolidated Bylaws 2012. Request that further exemption '(e)' be provided in Section 4 'Exemptions' as:  e) Any tertiary education institution authorised to train persons to become qualified in the practices of cosmetology/beauty therapy and/or all nail technology.
281666 ⑧	16 January 2013	Angels & Unspeakables	Tannith Billing	42 Queen Street	Masterton 5810	submission	Not indicated	Part 15 – Beauticians, Nail Technicians, Tattooisists and Skin Piercers	Cleaning Instruments and equipment, mobile piercing and footarms.	4) Foot and arm taps: Not necessary as we use antiseptic alcohol-based prodcust after we wash our hands and before we put on gloves and when we change gloves.  5) Cleaning Instruments and equipment: To stop cross-contamination, a separate area to clean dirty equipment is ideal.  Mobile piercing: Do not agree with this procedure as piercings have higher chance of infections than beauty therapy.

## MDC SWDC Consolidated Bylaws 2012

281667 (9)	17 January 2013	The Villa Beauty Therapy	Colleen Sharp	12 Cooper Street	Masterton 5810	-	Not indicated	Part 15 – Beauticians, Nail Technicians, Tattooists and Skin Piercers	Nurses Exempt	<p>All people providing a beauty services should be covered by the bylaw including nurses.</p> <p>6.4) All operators must be trained (take out beautician).</p> <p>7) Records, can we operate a sign in sheet.</p> <p>7.4) Currently all sharp containers get emptied at Duncan's Pharmacy, will this still be ok?</p> <p>8) We will need to apply for an exemption as we have been working out of Villa since 2007.</p> <p>9.C) Many clients have irritations to alcohol based products. Will need approval of other products used.</p> <p>Other suggestions:</p> <ul style="list-style-type: none"> <li>- Machinery to be tag tested on an annual basis.</li> <li>- All operators to have liability insurance.</li> <li>- Be members of their industry organisation.</li> <li>- Give us at least 6 months notice before bylaw commences to allow for price increases due to increased costs for disposal of wax/hair follicles.</li> <li>- Operator certifications must be visible for clients/authorising officers.</li> </ul>
281708 (10)	18 January 2013	Headquarters	Leia Cooper	111 High Street	Carterton 5713	Submission	Heard	Part 15 – Beauticians, Nail Technicians, Tattooists and Skin Piercers	Parts of the proposed bylaw are unrealistic in our industry.	<p>Beauticians/nail technicians are different from tattooists/skin piercers with different client requirements. If beauty therapy performs electrolysis it should be licenced differently.</p> <p>Everyone should be treated the same - mobile, home and registered nurses should all have to comply otherwise it makes it hard for established beauty therapies premises to compete financially.</p> <p>Consider exemption on every beauty-therapy that is already an established business.</p> <p>For personal and privacy reasons, any procedure performed should not be detailed in the permission form, records are kept but are private. Permission forms filled out on the first visit that covers future procedures.</p> <p>Sterilisation is done all day every day in a UV cabinet, how do you keep a record when it is a constant process. Are UV Sterilisers not up to standard anymore?</p> <p>How do you get records of medical waste disposal when there is no disposal company in the Wairarapa?</p> <p>We have new carpet put down in September when I opened which is cleaned regularly and it wasn't an issue then. This should not be concurrent.</p> <p>Conduct C - swabbing with 70% alcohol prior to any procedure - some clients have sensitive skin and it isn't required before all procedures e.g facial, eyelash-tint etc.</p> <p>I realise my business doesn't come under this bylaw yet, but I'm sure it will in the future so would like this opportunity to comment.</p>
281734 (11)	17 January 2013	South Wairarapa District Council	Russell Hooper	PO Box 6	Martinborough 5741	Submission	Not Heard	Part 14 - Speed	Amendments are requested because the speed restrictions plans superseded the speed restriction plans included with the bylaws (as notified).	<p>The maps shown in Schedule B are replaced with the corresponding maps attached to this submission, described as:</p> <p>LT0047/1 - Speed Res Plan <b>Martinborough</b></p> <p>LT0047/2 - Speed Res Plan <b>Featherston</b></p> <p>LT0047/3 - Speed Res Plan <b>Greytown</b></p> <p>LT0047/4/1 - Speed Res Plan <b>Sth Featherston</b></p> <p>LT0047/4/2 - Speed Res Plan <b>Pirinoa</b></p> <p>LT0047/4/3 - Speed Res Plan <b>Lake Ferry</b></p> <p>LT0047/4/4 - Speed Res Plan <b>Ngawi</b></p> <p>In addition to the above, it is requested that a section of Pah Road, Greytown is added to "Schedule B5 - 50km/h" and corresponding Plan "LT0047/5 - Speed Restriction Plan Pah Road" is included.</p>

281771	18 January 2013	Wairarapa District Health Board	Campbell Gillam	PO Box 96	Masterton 5840	Submission	Heard	Part 4 - Solid Waste	Part 15 - Beauticians, Nail Technicians, Tattooists and Skin Piercers	Part 16 - Food Safety	Part 17 - Liquor Control in Public Places (MDC only)	<p>We wish to make the following recommendations:</p> <p><b>Part 4</b> -Makes specific reference to both the Waste Minimisation Act 2008 and the Councils of the Wellington Region Waste Management and Minimisation Plan 2011-2017. We note the wording in Section 2 Title: incorrectly titles the bylaw as a Water Supply Bylaw this should be corrected to the Solid Waste Bylaw.</p> <p><b>Part 15</b> - That there is a statement in this scope section stating that the bylaw should be read in conjunction with the Ministry of Health Guidelines for the safe piercing of skin 1998 and subsequent revisions. The scope of the proposed bylaw should be widened to include commercial solaria and sunbeds</p> <p>4) (1c) The inclusion of practitioners of traditional Maori or Pacific Island Tattoo in the bylaw.</p> <p>6) The wording be amended to fulfill the SFEA requirements.</p> <p>7) (3) This section includes reference to the requirement for the servicing and calibration of autoclave equipment.</p> <p>7) (5) Recommend section 7 (5) be expanded to also make it incumbent on the operator to actively seek such information from the client.</p> <p>9) (4) Any equipment used must be <b>calibrated, services and operated</b>....</p> <p>10) (1) All needles should be single use. We suggest that the reference to the sterilisation of needles be removed.</p> <p>10(1a) Results of chemical indicator strips in the autoclaves are recorded each day with the time, temperature pressure recordings and are kept for a minimum period of 12 rather the 6 months.</p> <p>11) (3) Inclusion: 'Ensure all jewellery used for piercings is sterile'</p> <p>12) (4) Inclusion of wording to the effect of Operators should follow manufacturers instructions on cleaning products, in particular concentration and use by dates.</p> <p>14) Provision within the bylaw to expediently close a premise where there is an outbreak or there are serious concerns of harm from poor infection control or process unrelated to disrepair of premises.</p> <p><b>Part 16</b> - A brief statement could encapsulate all relevant interpretation and enable ongoing consistency with the Local Government Act 2002, Food Act 1981 and health act 1956.</p> <p>3) Consideration of inclusion of a short transition period after commencement of employment for training to be completed by new food workers.</p> <p>Supports: 4) the closure of premises proposal and 5) the sickness policy proposal.</p> <p>Part 17 - Take into consideration the new provisions of the Local Government (Alcohol Reform) Act 2012, when drafting the present Liquor Control Bylaw. Separating the Liquor Control Bylaw from other MDC bylaws.</p> <p>(LAPs) Revisit the Wairarapa Alcohol Harm Reduction Strategy and initiate discussions with its neighbouring territorial authorities on the development of a joint LAP in consultation with Licensing Inspectors, Police, Medical Officer of Health and the community.</p> <p>District Licensing Committees - That a selection of members should be in consultation with the Police, Licensing Inspectors and the Medical Officer of Health. Suggest consulting WDHB to assist in identifying potential appointees for the District Licensing Committee.</p>
--------	-----------------	---------------------------------	-----------------	-----------	----------------	------------	-------	----------------------	---	-----------------------	--	--

281772 (13)	18 January 2013	Alluminus Veauty Therapy	Latasha Boyce	146B Main Street	Greytown 5712	Submission	Not indicated	Part 15 – Beauticians, Nail Technicians, Tattoists and Skin Piercers	<p>There are different ways of keeping hygeinic and safe work environments that are affordable.</p> <p>Needle disposal is an issue as there is no well known readily available way for Beauty Therapist to dispose of needles.</p> <p>I do not believe that if a nurse is present on the premises that the clinic should be exempt.</p> <p>Do not agree that used wax strips are a medical waste, what about home wax strips?</p> <p>Mobile Therapist, how can they clean their equipment after each client on the road?</p>
281773 (14)	22 January 2013	South Wairarapa District Council	Glenn Bunny	PO Box 6	Martinborough 5741	Submission	Heard	Part 3 - Trading in Public Places	<p>Two changes are requested:</p> <p>1. The provision of maps setting out specific locations for selling in public places. It is requested that the First Scheduke is amended to include maps setting out public areas within Featherston, Martinborough and Greytown which are appropriate for selling goods. The rproposed maps will provde a greater amount of certainty for people wishing to sell goods in public places and also contain public sales to specific and approriate areas.</p> <p>2. Amend Section 9c from:</p> <p><i>Any makret, stall or stand which has a current approval under any other Bylaw, legislation, resource consent or specific resolution of Council.</i></p> <p>to</p> <p><i>Any market, stall or stand which has current Council approval.</i></p>



Office of Hon Jo Goodhew

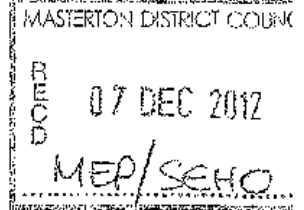
MP for Rangitata  
Minister for the Community and Voluntary Sector  
Minister for Senior Citizens

280508  
40.07

Minister of Women's Affairs  
Associate Minister of Health

6 DEC 2012

Ms Susan Southey  
Manager Environment and Planning  
Masterton District Council  
PO Box 444  
Masterton 5840



Dear Ms Southey

Thank you for your letter of 20 November 2012 enclosing the proposed Trade Waste Bylaw for Masterton District Council and South Wairarapa District Council. I am responding as the matters you raise fall under my portfolio responsibilities as Associate Minister of Health.

The Ministry of Health supports the use of trade waste bylaws as a means of reducing waste to councils' sewage treatment plants. These bylaws also protect the sewerage system, sewerage workers and the environment. I note that your Council's Trade Waste Bylaw is comprehensive and largely follows the requirements set by the New Zealand Standard (NZS) Model Bylaw for Trade Waste, and exceeds the requirements in places.

The Ministry has asked me to draw to the Council's attention the disposal of liquid waste from pharmacies. These are generally products that have been returned by customers in accordance with the Health and Disability Services Standards - Pharmacy Services Standard NZS 8134.7: 2010. However, the Ministry also recommends that in Schedule 1D of your bylaw, cytotoxic waste is prohibited and controls are placed on the disposal of liquid antibiotics.

You may be interested to learn that the Matamata-Piako District Council has recently prepared new trade waste bylaws and, after consultation with the Ministry and the Pharmacy Guild of New Zealand, has included a provision prohibiting the discharge of any pharmaceutical liquid waste containing cytotoxic ingredients. The Council, as suggested by the Pharmacy Guild of New Zealand, has decided that the amount of liquid pharmaceutical waste discharged monthly will not exceed the following volumes and concentrations of active ingredients:

Volume Limit	Active Concentration
10 Litres	125mg / 5 ml
5 Litres	250mg / 5 ml
3 Litres	Above 250mg / 5ml



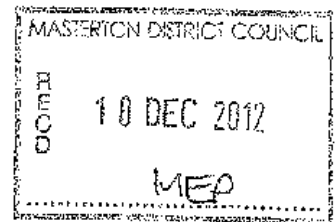


2

Breadcraft Wairarapa Ltd  
Judds Road, PO Box 552 Masterton.  
Tel: (06) 370 0260 Fax: (06) 378 8873  
enquires@breadcraft.co.nz

6<sup>th</sup> December 2012

Ms Susan Southey  
Masterton District Council  
PO Box 444  
Masterton 5840



280558  
40-07

Dear Ms Southey

Thank you for your letter regarding the Masterton District Council and South Wairarapa Council Consolidated Bylaw - Part 16- Food Safety.

I have read the bylaw on the Masterton District Council website and discussed with Peter Rewi.

From a food professional point of view we do not wish to make a submission as believe that the bylaw covers what is expected for a food premises operating within the district.

As a food manufacturer we are exempt from the Food Hygiene Regulations 1974 and therefore this bylaw, as we have an approved Food Safety Programme in place. The premises are 3<sup>rd</sup> party audited annually and I have attached these certificates for your file. However, we do appreciate the notification of the proposal.

Thank you.

Kind regards

Adie Long

QA Manager  
Breadcraft (Wai) Ltd





## APPROVED FOOD SAFETY PROGRAMME

This Certificate is issued to  
**Cockburn Bakery Holdings Ltd**  
for  
**Bakery**  
at the premises of  
**Breadcraft (Wai) Ltd**  
85 Judds Road  
MASTERTON

Signed:

A handwritten signature in black ink, appearing to read "T. J. Knox".

Dated: 15th August 2005

**Timothy J Knox**  
Director,  
Domestic & Imported Food Group

Exemption Number  
HUT-STAR-5YDRVR

This approval exempts the above named premises from  
the provisions of the Food Hygiene Regulations 1974  
This programme meets the requirements of section 8F of the Food Act 1981  
and is subject to the conditions below

#### Audit

Audit by an approved auditor shall be carried out not less than annually.

A request for an audit or partial audit, by a designated officer of the Director-General of Agriculture and Forestry, may be made from time to time where there is reason to believe any uncontrolled hazard as defined in *Codex Alimentarius* exists so as to cause a potential risk to public health. Such audits shall be conducted and reported in the time specified by the designated officer.

The owner of the exemption shall require and authorise the auditor to supply a report to *Regional Public Health Hutt Valley District Health Board* within seven working days of the completion of each audit specifying any non-compliance, together with the agreed remedial actions and timeframe for completion.

The owner of the exemption shall require and authorise the auditor to supply an immediate report to *Regional Public Health Hutt Valley District Health Board* where in the opinion of the auditor an uncontrolled hazard of immediate public health exists.

#### Scope of the Food Safety Programme

The range of foods or processes described in the food safety programme shall not be changed without submitting an amended programme in accordance with the requirements of the Act. Insignificant changes, that is those which do not affect the critical controls or procedures, are not included in this requirement. When any person named as having a particular function in the food safety programme is permanently replaced, the Food Safety Co-ordinator, *Regional Public Health Hutt Valley District Health Board* shall be notified.

#### Compliance with the Food Safety Programme

Subject to any approved amendments mentioned above, the exemption holder shall ensure compliance with all the provisions of the food safety programme as submitted to, and approved by, the New Zealand Food Safety Authority.

#### Exemption not Transferable

This exemption applies only to the premises named above. When ownership of the business changes hands the owner shall surrender the exemption.



*This is to Certify*

## *Breadcraft Wairarapa Ltd*

85 Judds Road, Masterton

Has been assessed by AssureQuality Limited and found to comply with the requirements of the:

### **FOOD ACT 1981**

(plus amendment No 2, 1996) incorporating the requirements of  
Codex Alimentarius, Alinorm 97/13 for a:

### **HACCP Based Food Safety Programme**

For the following products:

Manufacture of Bakery Products

Certificate No:	FSP02532
Date of Issue:	2 May 2012
Valid Until:	1 May 2013

**Kelvan Smith**  
*Interim Chief Executive Officer*

**IAS-ANZ**



Accreditation by the Joint Accreditation System  
of Australia and New Zealand, Inc (JAS)

**12630902NH (INSPECTION)**  
www.jas.nz.org/igq/inter

*A world-class provider of food  
safety and biosecurity services*

This certificate remains the property of AssureQuality Ltd  
8 Pacific Rise, Mt Wellington, Auckland 1741, New Zealand  
0064 9 573 8000, [www.assurequality.com](http://www.assurequality.com), [info@assurequality.com](mailto:info@assurequality.com)





MASTERTON DISTRICT COUNCIL  
SERVING THE COMMUNITY

64 Chapel Street  
P O Box 444  
MASTERTON 5840  
DX PA 89022  
Tel: (06) 370-6300  
Fax: (06) 378-8400  
www.msta.govt.nz

28 November 2012

The Manager  
Fish  
c/- 31 French Street  
Masterton 5810

Dear Sir/Madam

**MASTERTON DISTRICT COUNCIL AND SOUTH WAIRARAPA COUNCIL  
CONSOLIDATED BYLAW 2012 – PART 12 – TRADE WASTE**

Masterton District Council and South Wairarapa District Council have determined and, as is required in terms of Section 155 of the LGA 2002, that a Bylaw is the most appropriate way of achieving the Councils' objectives in relation to the control and standards for trade wastes within their districts. The Councils determined that the draft Part 12 - Trade Waste Bylaw 2012 is the most appropriate form and does not give rise to any implications under the New Zealand Bill of Rights Act 1990. The draft Part 12 - Trade Waste Bylaw 2012 has been publicly notified, as required under the LGA 2002 Special Consultative Procedure, for a period of public submissions from 3 November 2012 to 18 January 2013.

This draft Trade Waste bylaw is based significantly on the New Zealand Standard Model General Bylaw "Trade Waste" 2004 from the NZS9201 series and will replace the Masterton District Council and South Wairarapa Trade Waste Bylaws. The proposed amendment has no significant procedural or enforcement changes from the current Trade Waste Bylaw.

Please find enclosed the Determination Report and Statement of Proposal. Submissions will be received up until 4.00 pm Friday 18<sup>th</sup> January 2013. If you wish to make a submission on the draft Trade Waste Bylaw this should be in writing. Submission forms are available from the Council offices or can be downloaded from the Councils' websites. Please include your telephone number and indicate whether or not you want to appear in person to speak about your submission.

A copy of the draft bylaw may be inspected free of charge at the Masterton District Council Offices, 64 Chapel Street, Masterton and the Masterton District Library or viewed on the website.

Yours faithfully

Susan T Southey  
**MANAGER ENVIRONMENT AND PLANNING**

MASTERTON DISTRICT COUNCIL  
3  
11 DEC 2012  
MEP/SEHO

ENGLISH PLEASE....  
PLAIN FUCKING ENGLISH !!!!!!!  
I HAVE NO IDEA WHAT THIS MEANS.  
SEND SOMEONE ROUND TO EXPAIN IT.

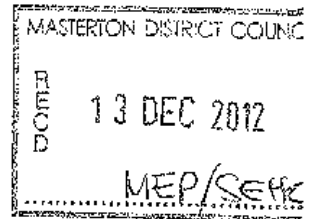
280653  
40.07



THE NEW ZEALAND ASSOCIATION OF

registered beauty therapists  
INC.

4



11 December 2012

Masterton District Council  
PO Box 444  
Masterton 5840

Attention: Susan Southey

Dear Susan

**Re: Submission Form – MDC and SWDC Consolidated Bylaws 2012**

The Executive Committee members have reviewed the MDC and SWDC Consolidated Bylaws Draft document.

There are several changes which we feel should be made and these have been noted on the Submission Form enclosed. I have also enclosed a copy of the draft document showing the changes/additions/deletions we would like to be made.

We do not use the expression 'beautician' and where this word is used in the title and throughout the draft we would like it to be replaced with the relevant terminology – either 'beauty therapist' or 'beauty therapy'. We also suggest that you replace the word 'cosmetology' used in Item 6 - General Condition of Operation 3), with 'beauty therapist'.

Although I have completed the enclosed Submission Form, I thought it would be best if I also included a copy of the draft document showing where we would like changes/additions/deletions to be made. If you have any questions please do not hesitate to contact me.

We appreciate the opportunity to be involved in this process.

Kind regards

Vivien Engler  
Association Manager/Secretary  
Encl. Submission Form, Draft of Bylaws 2012

280693  
40.07





MASTERTON DISTRICT COUNCIL AND  
SOUTH WAIRARAPA DISTRICT COUNCIL  
CONSOLIDATED BYLAWS 2012



**Submission Form**

**Have Your Say On: MDC and SWDC Consolidated Bylaws 2012**

Your submission on this document is welcome. Please drop your submission off to the Council Offices at the Masterton District Council Building, 64 Chapel Street, Masterton or mail your submission to:

Consolidated Bylaws 2012  
Masterton District Council  
PO Box 444  
MASTERTON 5840  
or Fax: (06) 378-8400 or E-mail admin@mstn.govt.nz

**Submissions must all be in by 4.00pm on Friday 18<sup>th</sup> January 2013**

The following details are required to enable use to contact you if there are any queries with regard to clarity of the submission or to establish your interest in speaking about your submission at a hearing. The information will be used for this purpose and this purpose alone. Please be aware that this is an open and public consultative procedure and that your submissions will ultimately be copied and made available in the Masterton District Library for perusal in the form of an agenda (as required by section 83 (1)(e) of the Local Government Act 2002).

Full Name VIVIEN C. ENGLER - MANAGER  
Organisation (if any) The NZ ASSOCIATION OF REGISTERED BEAUTY THERAPISTS INC  
Postal Address PO BOX 62528, GREENLANE, AUCKLAND 1546  
Phone (day) 09 918 6347 (evening) 09 575 0574

PLEASE WRITE HERE

My Submission relates to PART 15 - Beautyicians, nail Technicians Tattooists and Skin Reciers  
Issue November 2012

Comments The Executive Committee reviewed the draft document referred to above and suggest the following changes be made:  
Substitute 'Beauty Therapists' for Beautyicians where this word appears throughout your draft document and in 2 - Title - and replace the word cosmetology with 'beauty-therapist' in 6 (3)

*Please continue over*

I do /  I do not wish to be heard in support of my submission.  
(cross out which does not apply).



PLEASE CONTINUE YOUR SUBMISSION HERE:

No 7 Records - Item 2 - first sentence - change to:

As part of any professional practice it is important to have written and signed information about clients and the nature of the treatment.

Third Paragraph - under 'Information that must be recorded'  
3rd line change to 'Consent that is signed by the client and the operator'

Add another line: Medical history

No 8 Physical Aspects of Premises

(a) change to: the premises shall be maintained and in a sanitised, clean and tidy condition

No 9 Conduct

1) a) add the words 'or disposable gloves' at the end

c) add the word 'Viradlean' before 'or similar cleansing agents'

d) add 'in a sharps box' after 'puncture resistant container'

3) add 'waxing & electrolysis' after 'tattooing'

No 12 Sterilisation of Equipment

(4) (c) substitute 'Hospital grade disinfectant' for this line

(d) add 'i.e. Viradlean' - remove Advisory Note

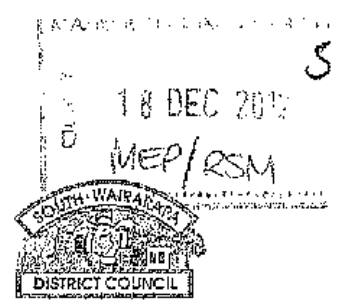
I have attached a copy of your draft showing the suggested changes recorded in this submission

Neer, Eyles

Continue on separate sheets (if necessary)



MASTERTON DISTRICT COUNCIL AND  
SOUTH WAIRARAPA DISTRICT COUNCIL  
CONSOLIDATED BYLAWS 2012



**Submission Form**

Have Your Say On: MDC and SWDC Consolidated Bylaws 2012

280905  
40.07

Your submission on this document is welcome. Please drop your submission off to the Council Offices at the Masterton District Council Building, 64 Chapel Street, Masterton or mail your submission to:

Consolidated Bylaws 2012  
Masterton District Council  
PO Box 444  
MASTERTON 5840  
or Fax: (06) 378-8400 or E-mail admin@mstn.govt.nz

**Submissions must all be in by 4.00pm on Friday 18<sup>th</sup> January 2013**

The following details are required to enable use to contact you if there are any queries with regard to clarity of the submission or to establish your interest in speaking about your submission at a hearing. The information will be used for this purpose and this purpose alone. Please be aware that this is an open and public consultative procedure and that your submissions will ultimately be copied and made available in the Masterton District Library for perusal in the form of an agenda (as required by section 83 (1)(e) of the Local Government Act 2002).

Full Name ..... Scott Sutherland .....

Organisation (if any) .....

Postal Address ..... 25 Queen Alexandra St .....

..... Masterton .....

Phone (day) ..... 021 252 0685 ..... (evening) ..... 06 378 8765 .....

PLEASE WRITE HERE

My Submission relates to Public Places Bylaw

Issue Wheeled recreational devices ban boundary - Schedule 1

Comments .....

There is no safe crossing point for kids riding scooters to school who need to cross Lincoln Rd. Lincoln Rd has high traffic flows, the Villa street crossing is difficult for cars let alone kids.  
I request that the ban area be amended to permit kids to scooter down the even numbers side of Chapel Street, or that scooters

Please continue over

I do / I do not wish to be heard in support of my submission.  
(cross out which does not apply).

I would like to be heard if this adds any weight to my submission, otherwise I am happy for this submission to be in writing only.

PLEASE CONTINUE YOUR SUBMISSION HERE:

be permitted in all of Chapel St between set hours (perhaps 8-8:30 and 3-4) to allow kids to use the safer road crossings provided along Chapel St.

This would support the Council's goal of promoting healthy communities and participation by reducing the number of kids driven to school as a result of road safety concerns.

Continue on separate sheets (if necessary)

2815106  
40.07



MASTERTON DISTRICT COUNCIL AND  
SOUTH WAIRARAPA DISTRICT COUNCIL  
CONSOLIDATED BYLAWS 2012



**Submission Form**

Have Your Say On: MDC and SWDC Consolidated Bylaws 2012

Your submission on this document is welcome. Please drop your submission off to the Council Offices at the Masterton District Council Building, 64 Chapel Street, Masterton or mail your submission to:

Consolidated Bylaws 2012  
Masterton District Council  
PO Box 444  
MASTERTON 5840  
or Fax: (06) 378-8400 or E-mail admin@mstn.govt.nz

MASTERTON DISTRICT COUNCIL  
RECD  
14 JAN 2013  
MEP/SEHC

Submissions must all be in by 4.00pm on Friday 18<sup>th</sup> January 2013

The following details are required to enable use to contact you if there are any queries with regard to clarity of the submission or to establish your interest in speaking about your submission at a hearing. The information will be used for this purpose and this purpose alone. Please be aware that this is an open and public consultative procedure and that your submissions will ultimately be copied and made available in the Masterton District Library for perusal in the form of an agenda (as required by section 83 (1)(e) of the Local Government Act 2002).

Full Name ..... Raelyn Voice  
Organisation (if any) ..... Whakataki Hotel  
Postal Address ..... R D 9 Masterton  
  
Phone (day) ..... 06 3726747 ..... (evening) .....

PLEASE WRITE HERE

My Submission relates to Part 16 Food Safety

Issue November 2012

Comments Once again you assume NO ONE has any common sense and carelessly throw the cost of your rules on to small businesses. One of these rule WILL be the straw which breaks the business!

Please continue over

I do / I do not wish to be heard in support of my submission.  
(cross out which does not apply).

PLEASE CONTINUE YOUR SUBMISSION HERE:

If you insist on making this law and I KNOW you will then the least you can do is provide a FREE Standard Policy to adopt to gain exemption AND FREE courses for ALL employers and employees.

Clearly none of you have ever run a business. Think of the scenario when my Cook (trained) is sick. I have 200 meals to cook.

Should I close for the day because I don't have a qualified staff member. I won't be permitted to drag in family & friends to help out. Yes I believe you will destroy businesses with your rules that you create to keep YOU employed.

Maybe I will close up my business & get a job at the Council

I also note that this was presented at the busiest possible time avoiding too

Continue on separate sheets (if necessary)

many hospitality businesses having time to make submission.

14 January 2013



Consolidated Bylaws 2012  
Masterton District Council  
PO Box 444  
MASTERTON 5840

To whom it may concern:

**RE: Masterton District Council and South Wairarapa District Council –  
Consolidated Bylaws 2012**

Please find enclosed a submission from the Universal College of Learning (UCOL) on the Consolidated Bylaws 2012 document.

We wish to be heard in support of this submission.

Yours faithfully

Steve Sorsby  
**ACTING EXECUTIVE DEAN  
FACULTY OF HUMANITIES AND BUSINESS**





MASTERTON DISTRICT COUNCIL AND  
SOUTH WAIRARAPA DISTRICT COUNCIL  
CONSOLIDATED BYLAWS 2012



**Submission Form**

**Have Your Say On: MDC and SWDC Consolidated Bylaws 2012**

Your submission on this document is welcome. Please drop your submission off to the Council Offices at the Masterton District Council Building, 64 Chapel Street, Masterton or mail your submission to:

Consolidated Bylaws 2012  
Masterton District Council  
PO Box 444  
MASTERTON 5840  
or Fax: (06) 378-8400 or E-mail admin@mstn.govt.nz

**Submissions must all be in by 4.00pm on Friday 18<sup>th</sup> January 2013**

The following details are required to enable use to contact you if there are any queries with regard to clarity of the submission or to establish your interest in speaking about your submission at a hearing. The information will be used for this purpose and this purpose alone. Please be aware that this is an open and public consultative procedure and that your submissions will ultimately be copied and made available in the Masterton District Library for perusal in the form of an agenda (as required by section 83 (1)(e) of the Local Government Act 2002).

Full Name Steve Sorsby, Acting Executive Dean .....

Organisation (if any) Universal College of Learning (UCOL) .....

Postal Address Private Bag 11022, Manawatu Mail Centre, Palmerston North 4442 .....

Phone (day) 06 952 7075 ..... (evening) .....

PLEASE WRITE HERE

My Submission relates to Refer to attached document .....

Issue Refer to attached document .....

Comments Refer to attached document .....

.....  
.....  
.....  
.....  
.....

*Please continue over*

I do /  I do not wish to be heard in support of my submission.  
(cross out which does not apply).



**SUBMISSION BY THE UNIVERSAL COLLEGE OF LEARNING (UCOL) ON THE MASTERTON DISTRICT COUNCIL AND SOUTH WAIRARAPA DISTRICT COUNCIL CONSOLIDATED BYLAWS 2012**

**My submission relates to:**

The Masterton District Council and South Wairarapa District Council Consolidated Bylaws 2012  
Part 15: Beauticians, Nail Technicians, Tattooists and Skin Piercers

**Issue:**

UCOL was founded in 1902 as a Technical Institute, and over the years has continued to meet the growing needs of its communities and industry by providing tertiary level training. UCOL's regional reach was extended in January 2001 when the Wairarapa Regional Polytechnic was incorporated into the college, followed by the integration of Wanganui Regional Community Polytechnic in 1 April 2002.

UCOL runs courses which involve training beauticians, nail technicians and the like in the Masterton and South Wairarapa area. UCOL considers that the Bylaw (Part 15) provides unnecessary and unreasonable constraints to the continued running of such courses in the area.

**Comment:**

Section 6 of the Bylaw provides constraints to UCOL being able to continue to run beauty therapy and nail augmentation courses in the area. This section stipulates the following:

*3) No person shall allow or carry out any beautician, nail augmentation practice unless they have been trained and qualified in the in the practices of cosmetology and nail technology that is acknowledged by a recognised training standard, NZQA or industry training organisation.*

*4) The operation of devices and/or application products such as but not limited to IPL/Laser, electrolysis, cosmetic tattoo and facial peels can only [be] conducted by beauticians that have had training with recognised training standards in the applicable procedures.*

In this instance, UCOL is the 'industry training organisation' and therefore the above provisions provide a 'Catch 22' situation. It is considered that UCOL (and other recognised training organisations) ought to be in the same category as the other exempted organisations.

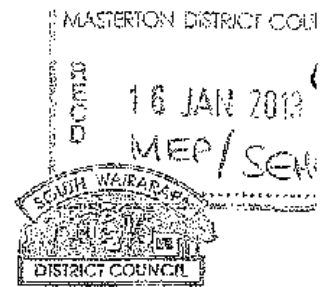
**Relief Sought:**

For the above reasons, UCOL seeks to have training institutions listed as 'Exemptions' under Part 15, Section 4 of the Consolidated Bylaws 2012. It requests that a further exemption "(e)" be provided in Section 4 'Exemptions', as follows:

*e) Any tertiary education institution authorised to train persons to become qualified in the practices of cosmetology/beauty therapy and/or nail technology.*



MASTERTON DISTRICT COUNCIL AND SOUTH WAIRARAPA DISTRICT COUNCIL CONSOLIDATED BYLAWS 2012



Submission Form

Have Your Say On: MDC and SWDC Consolidated Bylaws 2012

281666  
40-07

Your submission on this document is welcome. Please drop your submission off to the Council Offices at the Masterton District Council Building, 64 Chapel Street, Masterton or mail your submission to:

Consolidated Bylaws 2012  
Masterton District Council  
PO Box 444  
MASTERTON 5840  
or Fax: (06) 378-8400 or E-mail admin@mstn.govt.nz

Submissions must all be in by 4.00pm on Friday 18<sup>th</sup> January 2013

The following details are required to enable use to contact you if there are any queries with regard to clarity of the submission or to establish your interest in speaking about your submission at a hearing. The information will be used for this purpose and this purpose alone. Please be aware that this is an open and public consultative procedure and that your submissions will ultimately be copied and made available in the Masterton District Library for perusal in the form of an agenda (as required by section 83 (1)(e) of the Local Government Act 2002).

Full Name Tannith Billing

Organisation (if any) Angels and Unspeakables

Postal Address .....

Phone (day) 06 3708649 (evening) 027 921 5975

PLEASE WRITE HERE

My Submission relates to Tattooing & Body piercing

Issue cleaning instruments & equipment mobile piercing

Comments ✓ foot arm taps.

(5) Cleaning instruments & equipment

A sink in the clean sterile area where your procedure has been taken place to clean your contaminated tools is not nessery place to have

Please continue over

I do / I do not wish to be heard in support of my submission.  
(cross out which does not apply).

PLEASE CONTINUE YOUR SUBMISSION HERE:

this sink as we do not want to cross-contaminate dirty equipment with clean sterilised equipment in the same room. So to stop cross-contaminate a separate area to clean dirty equipment is ideal.

Mobile Piercing.

As a tattoo & piercing studio we do not agree with this procedure as piercings have higher chances of infections than beauty therapy & should not be a mobile service as this opens up unclean & dirty environments to work in.

(4) Foot & arm taps.

I believe these are not necessary as we use antiseptic alcohol-based products after we wash our hands before we put on gloves & when we change gloves so a arm/foot taps are not a necessary item to have if you follow these steps then you are being more hygienic than just washing hands & not touching a tap.

Continue on separate sheets (if necessary)



MASTERTON DISTRICT COUNCIL AND SOUTH WAIRARAPA DISTRICT COUNCIL CONSOLIDATED BYLAWS 2012



RECORDED  
17 JAN 2013  
MEP/SEN

**Submission Form**  
Have Your Say On: MDC and SWDC Consolidated Bylaws 2012

281667  
4007

Your submission on this document is welcome. Please drop your submission off to the Council Offices at the Masterton District Council Building, 64 Chapel Street, Masterton or mail your submission to:

Consolidated Bylaws 2012  
Masterton District Council  
PO Box 444  
MASTERTON 5840  
or Fax: (06) 378-8400 or E-mail admin@mstn.govt.nz

Submissions must all be in by 4.00pm on Friday 18<sup>th</sup> January 2013

The following details are required to enable use to contact you if there are any queries with regard to clarity of the submission or to establish your interest in speaking about your submission at a hearing. The information will be used for this purpose and this purpose alone. Please be aware that this is an open and public consultative procedure and that your submissions will ultimately be copied and made available in the Masterton District Library for perusal in the form of an agenda (as required by section 83 (1)(e) of the Local Government Act 2002).

Full Name ..... Colleen Sally Sharp  
Organisation (if any) ..... The Villa Beauty Therapy  
Postal Address ..... 12 Cooper St, Masterton  
Phone (day) ..... 06 370 4561 (evening) ..... 0274 91005

PLEASE WRITE HERE

My Submission relates to Part 15 Bylaw Exemptions.  
Issue Nurses Exempt.  
Comments All people providing a beauty service should be covered by the bylaw including nurses.  
(6.4) All operators must be trained (takes out beautician)  
7.) Records: - Can we operate a sign in sheet e.g

Please continue over

I do / I do not wish to be heard in support of my submission.  
(cross out which does not apply).

PLEASE CONTINUE YOUR SUBMISSION HERE:

Date: Name: Signature with a disclaimer at the top?  
for records?

7.4 - Currently all sharps containers get emptied at Duncan's pharmacy (in their sharps container for disposal) - will this still be OK?

8. We will need to comply for an exemption as have been working out of villa since 2007.

9.c. Many clients have irritations to alcohol based products - we will need to give you the names of what is used for authorising officer to approve.

Other Suggestions:

- Machinery to be tag tested on an annual basis
- All operators to have liability insurance
- Be members of their industry organisation
- ~~Allow this bylaw~~ Give us at least 6 months notice before bylaw commences to allow for price increases due to increased costs for disposal of wax/hair follicles (the medical waste disposal)
- Operator Certifications must be visible for Clients/Authorising officers.

Continue on separate sheets (if necessary)



MASTERTON DISTRICT COUNCIL AND  
SOUTH WAIRARAPA DISTRICT COUNCIL  
CONSOLIDATED BYLAWS 2012

MASTERTON DISTRICT COUNCIL  
18 JAN 2013  
10  
SE HO/  
MEP  
DISTRICT COUNCIL  
40.07 281708

**Submission Form**

**Have Your Say On: MDC and SWDC Consolidated Bylaws 2012**

Your submission on this document is welcome. Please drop your submission off to the Council Offices at the Masterton District Council Building, 64 Chapel Street, Masterton or mail your submission to:

Consolidated Bylaws 2012  
Masterton District Council  
PO Box 444  
MASTERTON 5840  
or Fax: (06) 378-8400 or E-mail admin@mstn.govt.nz

**Submissions must all be in by 4.00pm on Friday 18<sup>th</sup> January 2013**

The following details are required to enable use to contact you if there are any queries with regard to clarity of the submission or to establish your interest in speaking about your submission at a hearing. The information will be used for this purpose and this purpose alone. Please be aware that this is an open and public consultative procedure and that your submissions will ultimately be copied and made available in the Masterton District Library for perusal in the form of an agenda (as required by section 83 (1)(e) of the Local Government Act 2002).

Full Name ... Leia Cooper .....

Organisation (if any) ... HEADQUARTERS .....

Postal Address ... 111 High St .....

... Carterton .....

Phone (day) 06 3797772 ..... (evening) 06 3789331 .....

PLEASE WRITE HERE

My Submission relates to Beauticians, Nail Technicians, Tattooist + skin piercers Bylaw 2012  
Issue parts of the proposed By-law are unrealistic in our Industry.  
Comments \_\_\_\_\_

\* Beauticians, Nail Technicians are a completely different Industry, and clients requirements are different from Tattooists + skin piercers, our industry is a pampering and relaxing service first and foremost  
if a beauty therapy performs electrolysis it should be licenced differently.

*Please continue over*

I do / ~~do not~~ wish to be heard in support of my submission.  
(cross out which does not apply).

PLEASE CONTINUE YOUR SUBMISSION HERE:

- \* Everyone should be treated the same, Mobile, Home and Registered Nurses etc should all have to comply otherwise it makes it hard for Beauty therapists with established premises to compete price wise ~~otherwise it makes it hard for Beauty therapists with established premises to compete price wise~~ permanent premises should be encouraged not penalised.
  - \* Exemption should be considered on every beauty therapy that is already an established business, eg: basins in every room, ~~the~~ <sup>clean</sup> carpet
  - \* for personal privacy reasons, any procedure performed should not be detailed in the provision form, Records are kept but are private.
  - \* Provision forms filled out on the first visit that covers future procedures.
  - \* Sterilisation is done all day everyday in a UV Cabinet, how do you keep a record when it is a constant process
  - \* How do you get records of medical waste disposal when there is no company in the Wairarapa?  
Can find the dispose of Beauty therapy waste
  - \* We have New Carpet down, it is cleaned regularly there are no marks, it was put down so my clients feel like its luxurious and quiet when they have services done, ~~I~~ I just opened in September and when i spent \$5000 on Carpet it wasn't a issue then
- Continue on separate sheets (if necessary)
- this should not be concurrent, as long as it is kept cleaned regularly.

PLEASE CONTINUE YOUR SUBMISSION HERE:

- \* Conduct (C) Swabbing with 70% alcohol Prior to any procedure - Some clients have sensitive skin and it isn't required before all Procedures eg: facial, Eyelash tint etc
- \* Are UV sterilisers not up to standard Anymore - some utensils cant ~~more~~ survive extreme heat.

\* I believe that for future <sup>Beauty Rooms</sup> ~~room~~ setting up, these requirements should be followed but it should be taken in to consideration that it is a large expense for establish businesses and as long as the Rooms and equipment are kept clean and sterilised and of a high stand there should be allowances ~~and~~ Exemptions available.

I Realise my business doesnt come under this bylaw yet but im sure i will in future so would like this opportunity to have a comment

Continue on separate sheets (if necessary)





SOUTH WAIRARAPA DISTRICT COUNCIL  
17 JAN 2013  
MEP / RSM

**Ruth Cox**

**From:** Russell Hooper- Resource Management Planner <Russell.Hooper@swdc.govt.nz>  
**Sent:** Thursday, 17 January 2013 2:48 p.m.  
**To:** Ruth Cox  
**Cc:** Lucy Brophy  
**Subject:** Consolidated Bylaws 2012  
**Attachments:** Submission on Bylaw Part 14 - Speed.pdf; SpeedRestrictionPlan\_Featherston.jpg; Speed Restriction Plan\_Greytown.JPG; Speed Restriction Plan\_Lake Ferry.JPG; Speed Restriction Plan\_Martinborough.JPG; Speed Restriction Plan\_Ngawi.JPG; Speed Restriction Plan\_Pah Road.JPG; Speed Restriction Plan\_Pirinoa.JPG; Speed Restriction Plan\_South Featherston.JPG

281734  
4007

Good afternoon,

Please find attached a submission on the Consolidated Bylaws 2012 submitted on behalf of the South Wairarapa District Council.

**Russell Hooper**  
Resource Management Planner



South Wairarapa District Council  
06 306 9611 x 852  
PO Box 6 Martinborough 5741  
19 Kitchener Street Martinborough 5711  
[www.swdc.govt.nz](http://www.swdc.govt.nz)

consider the attachments before printing this e-mail  
if this message is intended solely for the recipient and may contain  
confidential or privileged information, I have no responsibility  
for its content. please notify the sender and delete



17<sup>th</sup> January 2013

Consolidated Bylaws 2012  
Masterton District Council  
PO Box 444  
**MASTERTON**  
(Emailed to [admin@mstn.govt.nz](mailto:admin@mstn.govt.nz))

**MASTERTON AND SOUTH WAIRARAPA DISTRICT COUNCIL  
CONSOLIDATED BYLAWS 2012**

This submission relates to Consolidated Bylaw "Part 14 – Speed" and is made on behalf of the South Wairarapa District Council.

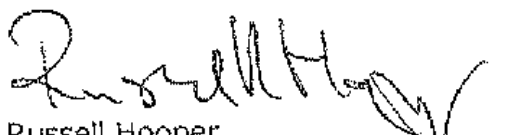
It is requested that;

- The maps shown in Schedule B are replaced with the corresponding maps attached to this submission. The maps attached are described as follows;
  - LT0047/1 – Speed Restriction Plan **Martinborough**.
  - LT0047/2 – Speed Restriction Plan **Featherston**.
  - LT0047/3 – Speed Restriction Plan **Greytown**.
  - LT0047/4/1 – Speed Restriction Plan **South Featherston**.
  - LT0047/4/2 – Speed Restriction Plan **Pirinoa**.
  - LT0047/4/3 – Speed Restriction Plan **Lake Ferry**.
  - LT0047/4/4 – Speed Restriction Plan **Ngawi**.
- In addition to the above, it is requested that a section of Pah Road, Greytown is added to "Schedule B5 – 50km/h" and corresponding Plan "LT0047/5 – Speed Restriction Plan **Pah Road**" is included.

These amendments are requested because the above Speed Restriction Plans superseded the Speed Restriction Plans included with the bylaws (as notified).

I do not wish to be heard in support of this submission.

Yours sincerely

  
Russell Hooper  
**Resource Management Planner**  
[Russell.Hooper@swdc.govt.nz](mailto:Russell.Hooper@swdc.govt.nz)

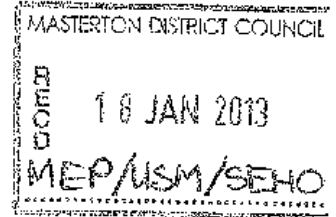


**Wairarapa DHB**  
 Wairarapa District Health Board  
 Te Fonu Hauora a-rihia o Wairarapa

**Regional Public Health**  
 Better Health For The Greater Wellington Region



281771  
40.07



18 January 2013

Consolidated Bylaws 2012  
 Masterton District Council  
 PO Box 444  
 Masterton 5840

admin@mstn.govt.nz

Dear Sir/Madam

**Masterton District Council and South Wairarapa District Council Consolidated Bylaws 2012**

Thank you for the opportunity to comment on the bylaw review. This submission is on behalf of Regional Public Health and Wairarapa Population Health

A key public health function is to improve, promote and protect the health of people and their communities. Contributing to submissions affecting local populations is one of the ways we do this.

In Wairarapa these functions are carried out by delegation from Regional Public Health to Wairarapa Population Health, the public health provider for the Wairarapa District Health Board.

We would appreciate the opportunity to make an oral submission. In the meantime we are happy to provide further advice or clarification on any of the points raised in our submission. The contact point is:

Campbell Gillam  
 Health Protection and Food Act Officer  
 Wairarapa Population Health  
 PO Box 96  
 Masterton 5840  
 Phone: 06 946 9800 x 6209  
 or 027 241 5906  
 Email: [campbell.gillam@wairarapa.dhb.org.nz](mailto:campbell.gillam@wairarapa.dhb.org.nz)  
 or [Healthprotection@huttvalleydhb.org.nz](mailto:Healthprotection@huttvalleydhb.org.nz)

Yours Sincerely

Dr Annette Nesdale  
 Medical Officer of Health  
 Regional Public Health

Peter Gush  
 Service Manager  
 Regional Public Health



## **Masterton District Council and South Wairarapa District Council Consolidated Bylaws 2012**

### **Wairarapa Population Health Submission to Hearings Committee**

We wish to make the following specific comments.

#### **PART 4: SOLID WASTE**

Adequate provisions for solid waste control are an essential public health measure and effective bylaws are a critical part of such controls. In particular, inadequate management of hazardous waste presents a high risk to people and the environment.

Wairarapa Population Health suggests that the opportunity exists for Councils to consider current legislation in any bylaw revision and that bylaws should consider and give effect to current council strategies where possible.

For instance the Councils of the Wellington Region Waste Management and Minimisation Plan 2011 – 2017 (Wairarapa Action Plan), notes bylaws as a part of the collective approach to achieving the outcome of the strategy. However this plan is not reflected in the proposed bylaw.

One example of where the proposed bylaw could support Councils to achieve their Waste Management Plan is Objective WAI 26 of the Action Plan:

*'Establish a monitoring and recording programme to document the amount of hazardous chemicals collected'*

whereby the bylaw could potentially mandate the maintaining of such records by commercial operators.

Wairarapa Population Health **recommends** that the proposed bylaw makes specific reference to both the Waste Minimisation Act 2008 and the Councils of the Wellington Region Waste Management and Minimisation Plan 2011 - 2017.

We note that the wording in Section 1 Title: incorrectly titles the bylaw as a Water Supply Bylaw this should be corrected to the Solid Waste Bylaw.

#### **PART 15: BEAUTICIANS, NAIL TECHNICIANS, TATTOOISTS AND SKIN PIERCERS**

Wairarapa Population Health strongly supports and congratulates the council on the introduction of a draft bylaw covering Beauticians, Tattooists and Skin Piercers.

There is currently no prescriptive legislation which specifies the minimum standards required regarding hygiene and conduct for premises where these activities are undertaken. There are however significant health implications from activities which either pierce the skin or cause blood to rise to the surface of the skin (such as waxing). These include viral infections such as Hepatitis B, Hepatitis C and HIV which can be passed from person to person by infected blood. Meticulous attention to infection control is needed in order to avoid transmission during skin piercing as invisible quantities of blood are enough to cause infection. In addition, bacterial infections such as *Staphylococcus*, *Pseudomonas* occur in Wairarapa and their

spread increases with poor infection control. The proposed bylaw establishes enforceable standards to minimise such infection.

Although there are no national regulations requiring the control or registration of such premises, the Ministry of Health in 1998 formulated a comprehensive guideline for safe piercing of skin which sets out means of reducing risks of transmitting infectious diseases. The guidelines are however voluntary and voluntary programmes are only of use in a premise which adheres to them. Issues arise when they are not followed and controls need to be enforced to ensure public safety. To this end a number of territorial authorities have introduced bylaws that require registration of premises and the proposed bylaw is closely based on the advice in the Ministry of Health's Guidelines for the Safe Piercing of Skin 1998.

#### 1) SCOPE (page 2)

Wairarapa Population Health strongly recommends that there is a statement in this scope section stating that the bylaw should be read in conjunction with the Ministry of Health 'Guidelines for the safe piercing of skin 1998' and subsequent revisions. These guidelines provide details on reducing risk both for the recipient and the operator. For example the guideline provides advice about operators wearing eye or face protection to protect against potential blood splashes and on Hepatitis B vaccination. It is essential operators are familiar with, and follow, these guidelines.

The proposed scope of the bylaw is to prevent the transference of communicable diseases such as Hepatitis B and C, HIV and bacterial skin infections via beautician practices of tattooing and skin piercing. Wairarapa Population Health believes that the scope of the proposed bylaw should be widened to include commercial solaria and sunbeds. While solaria are included in Section 6 (9), the additional inclusions suggested below will strengthen the bylaw and have positive public health effects.

Solaria in New Zealand are not regulated and there is no requirement that people operating solaria have to be trained, nor is the equipment or its use regulated. The joint Australia New Zealand Standard *AS/NZS2635:2008 Solaria for cosmetic purposes* is a voluntary standard and not legally enforceable. It provides guidance on how to reduce risks from sunbed use but individual sunbed operators make their own decision about whether to comply with it. Whilst there are potentially viral and bacterial cross contamination risks from the operation of solaria, there is strong research and an international consensus that people who use solaria also increase their risk of melanoma and other more common skin cancers. Numerous studies have found increased risks of skin cancers associated with the use of sunbeds. For instance a 2010 study<sup>1</sup> found that amongst those who had ever used a sunbed and were diagnosed with melanoma between 18 and 29 years of age, three quarters (76%) of melanomas were attributed to sunbed use. Sunbed use was associated with increased risk of early-onset melanoma, with the risk increasing with greater use, an earlier age at first use and for earlier-onset disease.

Wairarapa Population Health strongly advises that because solaria are often included in beautician premises, the fact that there is a well established standard in place (*AS/NZS2635:2008 Solaria for cosmetic purposes*) and that there are proven health risks associated with poorly run solaria, the inclusion of solaria in the registration regime proposed would enhance the public health gains of the bylaw. A

---

<sup>1</sup> Cust, A.E., Armstrong, B.K., Goumas, C., Jenkins, M.A., Schmid, H., Hooper, J.L., Kefford, R.F., Giles, G.G., Aitken, J.F., and Mann, G.F., (2011) Sunbed use during adolescence and early adult hood is associated with increased risk of early-onset melanoma. *Int J Cancer* 128: 2425-2435. doi:10.1002/ijc.25576  
Regional Public Health Submission on Consolidated Bylaws 2013

suggested addition to paragraph 4 of 1) Scope could be as follows with the suggested addition bolded:

*This bylaw requires that premises where beauty therapy, nail augmentation, skin piercing, **solaria** and tattooing is practiced are registered. Constructional and operational standards to be complied with in accordance with the licensing process are provided.*

A suggested addition to 3 1) Registration of Premises could be as follows with the suggested addition bolded:

*No person shall use any premises for beautician, nail augmentation, skin piercing, **solaria** and tattooist practices unless the premises are registered with the Council and the Certificate of Registration is still in force.*

A suggested addition to Section 14) Cleansing and Repair could be as follows with the suggestion bolded:

*In the case of any premises, equipment or procedures used to carry out beauty therapy, nail augmentation, skin piercing, **ultra violet tanning** or tattooist operations that are in such condition whereby customers may be exposed to **significant and serious harm**, 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.*

#### 4. EXEMPTIONS (page 3)

4, 1c) We strongly **recommend** the inclusion of practitioners of traditional Maori or Pacific Island tattoo in the bylaw. Poor infection control procedures associated with traditional tattooing were the cause of a particularly serious outbreak of life threatening cellulitis (one with necrotizing fasciitis also known as flesh eating disease) in the Wellington region<sup>2</sup> in 2010. Three people were hospitalised, two of whom required surgery and there were several other cases in the community.

The Ministry of Health in conjunction with members of the Pacific community has developed guidelines to support safe tattooing and minimise infection risk whilst maintaining the integrity of traditional tattooing. The 'Customary tattooing guidelines for operators' are accessible at [www.health.govt.nz/publication/customary-tattooing-guidelines-operators](http://www.health.govt.nz/publication/customary-tattooing-guidelines-operators). These guidelines provide practical guidance on the cleaning and sterilising of traditional instruments (eg. traditional bone tools). The absence of this guidance may have previously been a barrier to inclusion in bylaws.

We note that the Manukau City Consolidated Bylaw 2008, Chapter 18: Tattooing, Beauty Therapy, Skin penetration and Piercing includes practitioners of traditional tattooing.

#### 6) GENERAL CONDITIONS OF OPERATION (page 3)

---

<sup>2</sup> McLean, M., & D'Souza, A. (2011). Life-threatening cellulitis after traditional Samoan tattooing. *Australian & New Zealand Journal of Public Health*, 35(1), 27-29. doi: 10.1111/j.1753-6406.2010.00658.x



6.5) The Smoke-free Environments Act (SFEA) requires all internal areas of a workplace to be smokefree. The current statement in the bylaw suggests smoking is permitted in areas where skin piercing does not occur. We recommend the wording be amended to fulfill the SFEA requirements.

#### 7) RECORDS (page 5)

Wairarapa Population Health strongly supports Section 7 and recognises that records are vital to the safety of the treatment process, after care and to provide information for tracing, if necessary.

7 (3) We **recommend** this section includes reference to the requirement for the servicing and calibration of autoclave equipment. The Ministry of Health Guidelines recommend that autoclaves be serviced at six monthly intervals. In addition we recommend the autoclave, servicing and calibration records are kept for a minimum of twelve months rather than six as stated in the proposed bylaw.

7 (5) Wairarapa Population Health considers that the intention of this section is to require persons who wish to have a beautician, nail augmentation, skin piercing or tattoo procedure to provide certain health information. We support this requirement but note that it places the onus entirely on the client thus the provisions of Section 15 apply entirely to the client. We **recommend** that Section 7 (5) be expanded to also make it incumbent on the operator to actively seek such information from the client (suggested additions in bold):

*'Any person who wishes to have a prescribed process carried out who knows or suspects that he/she is suffering from;*

- *Communicable or infectious disease;*
- *Has a history of problem bleeding;*
- *Is taking medication such as anticoagulants which thin the blood or interfere with blood clotting;*
- *Has a history of allergies or adverse reactions to pigments, dyes or has other skin sensitivities;*
- *Has a history of epilepsy or seizures*

*shall inform the holder of the license, the manager, or other person for the time being appearing to be in charge of the premises prior to the commencement of any prescribed process.*

***The operator shall also be required to request the above information'.***

In addition it is important that this important health information is included in the client record and should be part of the pre-procedure discussion with the client.

#### 9 CONDUCT (page 7)

9, 4) We **recommend** the following wording change in **bold** below

*'Any equipment used must be **calibrated, serviced and** operated according to manufacturer specification and used for no other purpose other than given in such instructions.'*

#### 10 TATTOOING (page 8)

10 (1) All needles should be single use. We suggest that the reference to the sterilisation of needles be removed.

10.1a) We **recommend** that the results of chemical indicator strips used in the autoclaves are recorded each day with the time, temperature pressure recordings

and are kept for a minimum period of twelve rather than six months as stated in the proposed bylaw.

#### **11) BEAUTY THERAPY/ SKIN PIERCING/ EPILATION (page 8)**

11 (3) We recommend inclusion of the following 'Ensure all jewellery used for piercings is sterile'

#### **12 STERILISATION OF EQUIPMENT (page 9)**

12 (4) We recommend inclusion of wording to the effect of "Operators should follow manufacturers' instructions on cleaning products, in particular concentration and use by dates".

#### **14 CLEANSING AND REPAIR (page 11)**

We note there is provision under this section to close a premise when there are deficiencies in the physical premises. We would also recommend there is provision within the bylaw to expediently close a premise where there is an outbreak or there are serious concerns of harm from poor infection control or process unrelated to disrepair of the premises.

### **PART 16: FOOD SAFETY**

Wairarapa Population Health congratulates Masterton and South Wairarapa District Councils on the introduction of a section addressing food safety to the Masterton District Council and South Wairarapa District Council Consolidated Bylaws 2012. Current legislation regulating food premises requires all food premises to meet minimum standards. There is, however, a significant range in the degree of compliance among operators and therefore in the standards of food hygiene between food premises. Some food premise operators achieve the bare minimum standards to provide safe food, while others go well beyond legislative requirements and continually work to improve safety standards, maintaining them at a high level. Poor standards of food hygiene affect the safety of food sold and can often be linked with an increased incidence of food borne illness in the community. Estimates of the prevalence of food borne illness are difficult to determine due to the high proportion of cases which do not come to the attention of the health system (ie. those who do not report their illness to a doctor or public health service), and the fact that most pathogens that can transmit illness through food, can also transmit illness via other pathways (such as contaminated water, direct contact with infected persons or animals where appropriate hygiene measures have not been practiced). It has been estimated however (Cressey and Lake, 2011) that nationally per annum there are approximately 129 cases of illness per 1000 population due to foodborne transmission, equating to roughly half a million cases nationwide per year.<sup>3</sup>

As well as the human cost of such illness, it is estimated<sup>2</sup> that 90% of the approximate \$86 million per annum cost to society from food borne illness results from lost productivity associated with people temporarily or permanently removed

---

<sup>3</sup> Cressey P, Lake R. (2011) Estimated Incidence of Foodborne Illness in New Zealand: Application of Overseas Models and Multipliers. ESR Client Report No. FW11006 and MPI Technical Paper No: 2012/11. Christchurch: Institute of Environmental Science & Research Limited.

<sup>2</sup> Cressey P, Lake R. (2008) Risk Ranking: Estimates of the Cost of Foodborne Disease For New Zealand. ESR Client Report FW07102. Christchurch: Institute of Environmental Science & Research Limited.

from the workforce. Wairarapa Population Health believes the proposed bylaw supports the public health function of the territorial authorities involved by enhancing the efforts and effectiveness of their officers in their role of promoting and enforcing the sale of safe food.

Wairarapa Population Health wishes to make the following specific comments in respect to **Part 16: Food Safety** of the proposed bylaw:

## **2. SCOPE**

Wairarapa Population Health supports the stated scope of the proposed bylaw Part 16: Food Safety, appropriately concentrating on food workers achieving training to an appropriate level and holding a recognised qualification in safe food handling, and providing for territorial authority Principal Environmental Health Officers to close food premises where necessary. However, we suggest that it may be useful for the councils to consider including a brief 'Purpose' statement prior to the scope outline indicating the overarching purpose of Part 16 of the bylaw, ie. that safe and suitable food is available in all food premises in Masterton and South Wairarapa. An example of a purpose statement for consideration is given below:

*'The purpose of this bylaw is to ensure that safe and suitable food is available in all food premises in Masterton and South Wairarapa. The scope of the bylaw outlined in section x describes the provisions made to increase availability of safe and suitable food.'*

Wairarapa Population Health also suggests that consideration is given to including an 'interpretation' section in the bylaw. Many territorial authorities currently enforcing a food safety bylaw include a section on interpretation within their bylaw, ranging from a handful of key terms to comprehensive lists. If the councils decide to include such a section, Wairarapa Population Health **recommends** that a brief statement could encapsulate all relevant interpretation and enable ongoing consistency with the Local Government Act 2002, Food Act 1981 and Health Act 1956, for example:

*'For the purpose of accurate interpretation, all terms included in this bylaw have the same meaning as those defined in the following legislation:*

- *Food Act 1981 and associated regulations; and*
- *Health Act 1956 and associated regulations; and*
- *Local Government Act 2002.'*

## **3. COMPULSORY TRAINING FOR FOOD WORKERS (page 2)**

The Food Act 1981 is silent on food safety and basic hygiene training for workers in the food sector. As a consequence, the majority of territorial authorities in New Zealand now require such training through bylaws. Wairarapa Population Health supports the proposed prescription of worker certification to NZQA Unit Standard 167 and 168 or equivalent. These two unit standards are by far the most common units used nationally, and allow some degree of portability of a nationally recognised qualification. The qualifications are quick and efficient for both the individual and the employer to obtain, and the training can be run by both small providers and larger training institutions.

2. The draft bylaw states that:

*"It shall be the duty of the occupier of every food premises to ensure that new or replacement staff are already certificated with Unit Standard 167 or equivalent before the commencement of employment at a food premises".*

Whilst we recognise the desirability of all new staff being already qualified at the commencement of their employment, we believe that there may be practical difficulties in enforcing this requirement. We therefore suggest that council consider inclusion of a short transition period after commencement of employment for training to be completed by new food workers, which would reduce those practical difficulties whilst maintaining the basic integrity of mandatory training.

#### **4. CLOSURE OF PREMISES (page 3)**

The intention of this section of the proposed bylaw is to allow the Councils' Principal Environmental Health Officers to swiftly close a food premises should it pose an immediate risk to public health. Wairarapa Population Health believes that such a closure provision addresses a gap in current legislation which makes it difficult for effective food hygiene measures to be put in place in a number of food premises. Thus, we strongly support the closure of premises proposal.

#### **5. SICKNESS POLICY (page 4)**

Wairarapa Population Health strongly supports the sickness policy proposal. It is our experience that sick food handlers who undertake food preparation and handling duties whilst symptomatic combined with a lack of basic food safety and hygiene knowledge contribute unnecessarily to the spread of food borne illness in the community by infecting consumers and often their colleagues. Identification and exclusion of sick food handlers through comprehensive and enforceable written sickness policies tailored to each premise is likely to have a positive effect in reducing illness in the community by ensuring appropriate education and accountability of those working in food businesses as to the risks and consequences of working while unwell. Additionally, the establishment of mandated sickness policies will contribute to the evidence available to Environmental Health Officers in their regulatory and enforcement activity in respect of compliance or lack thereof with legislated food handling restrictions for ill workers. The reach of food preparation, and distribution of food from premises is often extensive in the community, and infected food handlers have the potential to, and have been responsible for, a number of widely disseminated food borne illness outbreaks through contamination of food products and service environments.

### **PART 17: LIQUOR CONTROL IN PUBLIC PLACES – Masterton District Council Only**

The Sale & Supply of Alcohol Act 2012 was passed in December 2012 and will come into force over the next 12 months. This legislation will impact on how Wairarapa addresses issues associated with alcohol related harm. Changes are likely to be driven by the replacement of District Licensing Agencies with District Licensing Committees, which territorial authorities will have to put in place.

The Local Government (Alcohol Reform) Amendment Act 2012 allows territorial authorities to implement liquor control bylaws to control the consumption and possession of alcohol in public places. The Amendment Act widens the definition of a public place and extends the areas which territorial authorities are able to place under a bylaw. For example, local knowledge indicates the Police continue to receive calls from McDonalds on Friday and Saturday nights because members of the public are creating public disturbances on a regular basis. Under the new Amendment Act and subsequent liquor control bylaw the area surrounding McDonalds, although not council property would now be covered by a liquor control bylaw and fall under the jurisdiction of the Police. Similarly, school grounds, car parks and shopping areas previously regarded as private property can now be controlled by police under the Amendment Act.

Wairarapa Population Health **recommends** that Masterton District Council take into consideration the new provisions of the Local Government (Alcohol Reform) Act 2012, when drafting the present Liquor Control Bylaw. The adoption of the proposed bylaw can be considered one tool in the toolbox in terms of control measures for alcohol harm in its community and that the Council recognises that any bylaw enacted will need to be reviewed in the near future to incorporate provisions contained in the new Sale and Supply of Alcohol Bill 2012.

We also **recommend** separating the Liquor Control Bylaw from other Masterton District Council Bylaws.

#### **Local Alcohol Policies (LAPs)**

The Sale and Supply of Alcohol Act 2012 allows territorial authorities to develop Local Alcohol Policies (LAPs) in consultation with communities about the sale and supply of alcohol. This is also an opportunity for our community to have a say on what they consider important and how as a community we can reduce alcohol related harm.

A key component of the Wairarapa Alcohol Harm Reduction Strategy was ensuring that when Council policies are developed, implemented, or reviewed that consultation occurs with all levels of the community<sup>4</sup>.

Wairarapa Population Health **strongly recommends** Masterton District Council revisit the Wairarapa Alcohol Harm Reduction Strategy **and** initiate discussions with its neighbouring territorial authorities on the development of a joint LAP in consultation with Licensing Inspectors, Police, the Medical Officer of Health and the community.

#### **District Licensing Committees**

The Sale and Supply of Alcohol Act 2012 states that territorial authorities must appoint one or more District Licensing Committees to replace District Licensing Agencies. Masterton District Council needs to consider and determine the best way to appoint people with the necessary knowledge and skills to operate this committee effectively.

Wairarapa Population Health **recommends** that the selection of members should be in consultation with the Police, Licensing Inspectors and the Medical Officer of Health<sup>5</sup>. We **suggest** consulting Wairarapa District Health Board to assist in identifying potential appointees for the District Licensing Committee.

---

<sup>4</sup> *Wairarapa Harm Reduction Strategy*, Masterton District Council, Carterton District Council, South Wairarapa District Council, April 2011.

<sup>5</sup> Law Commissions Report - Alcohol in our lives: Curbing the harm  
Regional Public Health Submission on Consolidated Bylaws 2013

Latasha Boyce  
Alluminus Beauty Therapy  
146B Main Street  
Greytown 5712



To whom it may concern

It has come to my attention there is going to be a Bylaw put into place for South Wairarapa and Masterton. I as a Beauty Therapist in the Wairarapa would like to assert my opinion. I do not agree that there has been enough exposure for this ByLaw and also not enough time for people to respond.

First of all I do not agree with all that is in this new ByLaw. There are different ways of keeping hygienic and safe work environments that are affordable.

I personally have taken precautions in insuring my premises are clean and hygienic, and that it is a safe work environment for my staff as well as clients.

I have hot towel cabbies in my two rooms that have fresh towels for each client during each part of a facial. I have a bead steriliser to hygienically sterilize my nail tools and tweezers. I have a fresh towel for each person in the bathroom for drying their hands as well as hand sanitizer. Laundry I believe should be washed by a laundry matt near to the business, not at a home. Pro Bac sterilisation fluid is used to clean my make-up brushes and also to clean Pedi baths as well as boiling water.

Needle disposal I feel is an issue that needs addressing as there is no well-known readily available way for Beauty Therapist to dispose of needles. I have got a medical one from my mum who is a nurse to dispose of mine but I know other therapists have trouble disposing of them in a correctly.

I do not believe that if a nurse is present on the premises that, that clinic should be exempt. There is a particular person in Masterton that is a nurse and not a Beauty Therapist and yet they perform Beauty Therapy treatments. How is this safe?

Waxing, I agree that a new spatula is to be used each time wax is applied. No double dipping. Skin should be sanitised also before commencing the treatment. So no roll on wax only spatula.

I do not agree that the used wax strips are a medical waste (bi hazard). This should be burnt by the council with rubbish collection. How can a person do home waxing, put their waste in a council pick up and a Beauty Therapist not.

Mobile Therapist, how can they clean their equipment after each client on the road? This is not possible if the mobile therapist is a Beauty Therapist or nail tech. A Make-up artist can clean their brushes easily but how can nail equipment be sterilized from a car.

I hope fair discipline action is taken but after very careful consideration for each clinic.

Premises are hard to find and cost a fortune to change, Landlords may not agree and then closure of a business could occur. Please notify me if there are any meetings that the public are able to attend.

Regards

Latasha Boyce

06 3049660



14



18<sup>th</sup> January 2013

Consolidated Bylaws 2012  
Masterton District Council  
PO Box 444  
**MASTERTON**  
(Emailed to [admin@mstn.govt.nz](mailto:admin@mstn.govt.nz))

**MASTERTON AND SOUTH WAIRARAPA DISTRICT COUNCIL  
CONSOLIDATED BYLAWS 2012**

This submission relates to Consolidated Bylaw "Part 3 – Trading in Public Places".

Two changes are requested;

**The provision of maps setting out specific locations for selling in public places**

It is requested that the First Schedule is amended to include maps setting out public areas within Featherston, Martinborough, and Greytown which are appropriate for selling goods.

Council has recently received a high level of interest from people wanting to trade on public land within Featherston, Martinborough, and Greytown.

There is an expectation for Council to be able to assign specific trading locations to applicants. In addition, Council is obliged to control the number of mobile retailers to preserve the amenity of central business districts.

The proposed maps will provide a greater amount of certainty for people wishing to sell goods in public places and also contain public sales to specific and appropriate areas.

This approach is in line with that which is successfully undertaken by the Masterton District Council.

**Amend Section 9 c)**

It is requested that Section 9 c) is changed from:

*Any market, stall or stand which has a current approval under any other Bylaw, legislation, resource consent or specific resolution of Council.*

to:

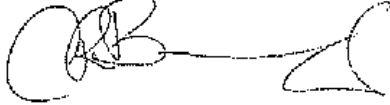
*Any market, stall or stand which has current Council approval.*



This amendment is to allow for activities such as the two Martinborough Fairs which currently operate under a Council Memorandum of Understanding rather than under resource consent or specific Council resolution.

I wish to be heard in support of this submission.

Yours sincerely

A handwritten signature in black ink, appearing to be 'GB' followed by a long horizontal stroke and a final flourish.

Glenn Bunny

**Group Manager Planning and Environment**

Glenn.Bunny@swdc.govt.nz

# **ADDITIONAL CORRESPONDENCE**



## **Sue Southey**

---

**From:** Campbell Gillam <Campbell.Gillam@wairarapa.dhb.org.nz>  
**Sent:** Thursday, 18 April 2013 9:11 a.m.  
**To:** Sue Southey  
**Cc:** Kaine Jaquierey  
**Subject:** Beauticians Bylaw

Sue Good Morning Further to our discussion on Tuesday regarding Wairarapa Population Health's response to the officers Section 42 A report

Section 14 ( Cleansing and Closure)

Thankyou for your clarification on Tuesday regarding the manner and process in which you envisage this clause being implemented ,

I have discussed the matter with Dr Annette Nesdale Medical Officer of Health.

Wairarapa Population Health is satisfied as a result of our discussion with you that the wording and intent of proposed section14 of the Bylaw ( Cleansing and Repair) is satisfactory to meet public Health concerns.

Section 12 ( Hair follicles)

Wairarapa Population Health is satisfied that our suggestions regarding control of hazardous waste in regard to double bagging can adequately be reflected in advisory material provided to operators and is satisfied that the Officers proposed wording of Section 12 ( 3) is satisfactory to meet public health concerns.

Section 4 ( Exemptions for tertiary institutions)

Wairarapa Population Health believes that any exemption for tertiary institutions should be limited to those sections that stipulate fully trained or qualified operators. We understand that you intend to discuss this matter with tertiary providers. You have asked the question whether or not Wairarapa Population Health has a preference regarding how such an exemption would be reflected in a bylaw , for instance by amendment to section 4 or by amendment to sect 6 ( 3) and (4)

We believe that it is probably easier to make a wording change to section 6 3 and 4 by adding words to the effect that the clause does not apply to those students of a recognised training institution.

Thanks Campbell Gillam

Campbell Gillam  
Health Protection Officer  
Wairarapa Population Health  
P.O.Box 96  
MASTERTON 5840  
**Telephone: 06 946 9800 Extension 6209**  
**Fax: 06 946 9826**  
**Mobile: 027 241 5906**

---

### **Wairarapa District Health Board Statement of Confidentiality:**

This email message and any accompanying attachments may contain information that is confidential and subject to legal and medical privilege. If you are not the intended recipient, any use, redistribution, disclosure or reproduction of this message or attachments, except as intended, is prohibited. If you have received this email message in error, please notify the sender immediately and delete all copies of the message, including any attachments.

Any views or opinions expressed in this email (unless otherwise stated) may not represent those of the Wairarapa District Health Board. This e-mail message has been scanned for viruses and cleared.

---





**Wairarapa DHB**  
Wairarapa District Health Board  
Te Pōari Hauora a-rohe o Wairarapa

Wairarapa Hospital  
PO Box 96  
Masterton  
New Zealand

Phone (06) 946 9800  
Fax (06) 946 9801  
[www.wairarapa.dhb.org.nz](http://www.wairarapa.dhb.org.nz)

10 April 2013

Ms Sue Southey  
Manager Environment and Planning  
Masterton District Council  
P.O.Box 444  
MASTERTON 5840

**MASTERTON DISTRICT COUNCIL AND SOUTH WAIRARAPA DISTRICT COUNCIL  
CONSOLIDATED BYLAWS 2012**

Dear Sue

Thank you for your Section 42 A report on the Bylaw review. We note and appreciate the fact that Officers have accepted many of our suggested recommendations. We wish to make the following comments:

**Food Safety Bylaw.** We advise that the Officers proposed recommendations satisfy the relief sought in our submission.

**Solid Waste Bylaw.** We advise that the Officers proposed recommendations satisfy the relief sought in our submission.

**Liquor Control in Public Places.** We accept the Officers recommendations.

**Beauticians, Nail Technicians, Tattooists and Skin Piercers Bylaw.  
Section 14 Cleansing and Repair**

Wairarapa Population Health originally submitted recommending that there be provision within the bylaw to expediently close premises where there is an outbreak or there are serious concerns of harm from poor infection control or process unrelated to the disrepair of the premises.

Council officers when considering our submission recommended that no alterations be made. Wairarapa Population Health notes that the bylaw addresses numerous matters of process and practice including documentation, record keeping, sterilization of equipment and waste control all of which will presumably be the subject of assessment by Council officers in addition to construction and cleanliness. Wairarapa Population Health submits that if section 14 is limited to repair or cleaning then there will be no mechanism for addressing serious non-compliance of these other critical matters and will limit the potential effectiveness and integrity of the bylaw.

We reiterate our recommendation that the scope of section 14 be extended to include the ability for Council to close a premises where there is an outbreak or there are serious concerns of harm from poor infection control or procedures unrelated to disrepair of the premises. In addition we also offer the suggestion that section 14 also contains a clause outlining a process whereby any decision to close a premises is done formally in writing by the supervising Environmental Health Officer or manager as a check and balance procedure.

**Section 12**

Officers make the recommendation to remove the words hair follicles and insert the word blood.

Wairarapa Population Health interprets this recommendation to have the effect of removing the requirement for waste containing hair follicles to be disposed of as medical waste unless they are visibly contaminated with blood.

Wairarapa Population Health advises that the presence of visible blood is not a reliable indicator of the presence of body fluids and that it is likely that hair follicles will contain body fluids and thus a potential for infection. This reflects the fact that depilatory waxing removes the hair by the root.

Wairarapa Population Health recommends that the bylaw reflects this infection risk by including a provision whereby wax and hair follicles not containing visible blood and thus not being disposed of as medical waste shall be required to be securely contained and enclosed in a leak proof double bag.

#### Section 4

It is the officers' recommendation that an exemption from bylaw coverage be included to read:

*"Any tertiary education institution authorized to train persons to become qualified in the practices of beauty therapy and/or nail technology".*

Wairarapa Population Health agrees that the wording of section 6 Clauses (3) and (4) will create difficulties for tertiary institutions to comply with both the bylaw and to provide teaching.

Wairarapa Population Health does not agree however that Tertiary Institutions shall be exempted from all provisions of the bylaw; we believe that exemption should be limited to those sections that stipulate completion of relevant training standards or qualifications.

As far as is possible it is desirable to maintain a uniform standard across the industry, as the same infection risks that apply to commercial operators will apply in tertiary institution settings. In addition Wairarapa Population Health sees benefit in students being trained within the same infection control framework as the industry within which they will likely subsequently be employed.

It is our recommendation that exemption for Tertiary institutions be limited to those sections that stipulate fully trained or qualified practitioners.

We would welcome the opportunity to provide further advice or clarification on any points raised in this letter and also would appreciate the opportunity to make an oral submission at any hearing that may be held. If you wish to discuss this matter please contact Campbell Gillam on 06 946 9800 ext 6209 or 027 241 5906

Yours faithfully



Dr Annette Nesdale  
MEDICAL OFFICER OF HEALTH

13 May 2013



Susan Southey  
Manager Environment & Planning  
Masterton District Council  
PO Box 444  
**MASTERTON 5840**

Via email: [sues@mstn.govt.nz](mailto:sues@mstn.govt.nz)

Dear Susan

**RE: Masterton District Council and South Wairarapa District Council -  
Consolidated Bylaws 2012**

I acknowledge receipt of your letter dated 19 April 2013 attaching the proposed changes of the Medical Officer of Health (Wairarapa District Health Board).

Please be advised that we accept these proposed changes and have no further comment to make.

Yours faithfully

A handwritten signature in black ink, appearing to read 'S. Sorsby', is written over a white background.

Steve Sorsby  
**ACTING EXECUTIVE DEAN  
FACULTY OF HUMANITIES AND BUSINESS**







**MASTERTON DISTRICT COUNCIL**  
*SERVING THE COMMUNITY*

---

64 Chapel Street  
P O Box 444  
MASTERTON 5840  
DK PA 89022  
Tel: (06) 370-6300  
Fax: (06) 378-8400  
[www.mstn.govt.nz](http://www.mstn.govt.nz)

Leia Cooper  
Headquarters  
111 High Street  
**CARTERTON 5713**

**Masterton District Council and South Wairarapa District Council  
Consolidated Bylaw 2012**

**Part 15 Beauty Therapists, Nail Technicians, Tattooists and Skin  
Piercers**

Please find enclosed a draft altered version of the above bylaw to take into account requests by submitters.

If you are satisfied with the changes you would please advise if you still wish to be heard at a hearing.

You may reply by email to [sues@mstn.govt.nz](mailto:sues@mstn.govt.nz) or call me on 06 370 6300.

Susan Southey  
Manager Environment & Planning

31 May 2013



## **Sue Southey**

---

**From:** Leia Cooper <leebee\_s@hotmail.com>  
**Sent:** Tuesday, 11 June 2013 2:12 p.m.  
**To:** Sue Southey  
**Subject:** Re-headquarters

Hi sue,

Just writing to confirm that I am happy with the draft of the beauty bylaw and do don't wish to be heard thanks Leia cooper Headquarters hair and beauty

