

Ngā Ture ā-Rohe Tōpu o Wairarapa

Wairarapa Consolidated Bylaw

Wāhanga Whā: Kaupare
Pōrearea, Hauora,
Haumarutanga rānei nā te Ahi
me te Auahi

Part Four: Prevention of Nuisance or Health and Safety Risk from Fire and Smoke

Timatanga | Commencement

The Wairarapa Consolidated Bylaw came into force throughout the Masterton, Carterton and South Wairarapa Districts on 1 November 2025.

Whakaae | Adoption

Date	Summary of Amendments	Adopted By
14 August 2013	Consolidated Bylaw 2012: Parts One to Eighteen	Masterton District Council
31 July 2013	Consolidated Bylaw 2012: Parts One to Six, Parts 8 and 9, Parts Eleven to Sixteen	South Wairarapa District Council
26 June 2019	Wairarapa Consolidated Bylaw 2019: Part Four - Prevention of Nuisance from Fire and Smoke	Masterton District Council Carterton District Council South Wairarapa District Council
8 October 2025	Wairarapa Consolidated Bylaw: Part Four - Prevention of Nuisance or Health and Safety Risk from Fire and Smoke	Masterton District Council Carterton District Council South Wairarapa District Council

Arotakenga | Review

The Wairarapa Consolidated Bylaw is next due for review by November 2030. If not reviewed by this date, the Bylaw will revoke in November 2032 in accordance with section 160A of the Local Government Act 2002.

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Tuhinga Pāhekoheko | Referenced Documents

Reference is made in this document to the following legislation:

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

Part Four is made under sections 145 of the Local Government Act 2002 and section 23(e) and section 64(1)(a) of the Health Act 1956.

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

Explanatory Note:

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

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

Information on fire bans and how to apply for a fire permit can be found on the Fire and Emergency New Zealand websites

www.fireandemergency.nz and www.checkitsalright.nz.

As at the date the Bylaw comes into force, section 34 of the Health Act 1956 gives local authorities the power to enter on any premises within the district where immediate action for the abatement of a Nuisance is necessary. Nuisance includes where any chimney sends out smoke in such quantity, or of such nature, or in such manner, as to be offensive or likely to be injurious to health (section 29(m) Health Act 1956), and also includes where the burning of any waste material, rubbish, or refuse in connection with any trade, business, manufacture or other undertaking produces smoke in such quantity, or of such nature, or in such manner as to be offensive or likely to be injurious to health (section 29(n) of the Health Act 1956).

All expenses incurred in the abatement of a Nuisance are recoverable from the Owner or the Occupier of the Premises. Where applicable, the Council will use its powers under the Health Act 1956 before acting under Part Four.

1. Aronga me te Pūtake | Scope and Purpose

- 1.1. Part Four protects the public from nuisance or health and safety risk arising from fire and smoke, in regard to aspects other than fire safety.
- 1.2. Nothing in Part Four applies to fire safety risk governed by the Fire and Emergency Act 2017 or regulations made under that Act.

2. Kuputaka | Definitions

Refer to the Wairarapa Consolidated Bylaw: Part One - Introductory for any definitions not included in this Part.

2.1. The following definitions are applicable to Part Four:

Proper Steps: includes, but is not limited to, issuing a direction to extinguish the fire and/or extinguishing the fire.

3. Ngā Pōrearea, Ngā Tūraru Hauora, Haumarutanga rānei nā te Ahi me te Auahi | Nuisance or Health and Safety Risk from Fire or Smoke

- 3.1. No person may light, or allow to remain lit, a fire that creates a Nuisance, or health or safety risk to any Person or property.
- 3.2. No Person may permit smoke, noxious fumes, or any other matter to be emitted in such a way as to create a Nuisance, or health or safety risk to any Person or property.
- 3.3. If an Authorised Officer is of the opinion that clauses 3.1 or 3.2 of Part Four are being breached, or have the potential to be breached, they may take Proper Steps to abate or cause to be abated the Nuisance or risk to health or safety.

4. Ngā Hara me ngā Utu Paremata | Offences and Cost Recovery

- 4.1. Every Person commits an offence who fails to comply with clause 3.1 or 3.2 or interferes or fails to comply with the reasonable direction of an Authorised Officer, acting under clause 3.3.
- 4.2. Any Person who breaches Part Four commits an offence and may be liable to a penalty under section 242 of the LGA or section 66 of the Health Act 1965.
- 4.3. Council may recover any costs (together with reasonable administrative and supervision charges) it incurs as a result of acting under Part Four (refer section 187 of the LGA). Costs are recoverable from:
 - a) the Owner of the property on or from which the Nuisance or risk originated; and/or
 - b) any Person who caused the Nuisance or risk.

Explanatory Note:

As at the date the Bylaw comes into force, a Person who is convicted of an offence against Part Four:

- is liable on conviction to a fine not exceeding \$20,000 in accordance with section 242 of the Local Government Act 2002;
- is liable on conviction to a fine not exceeding \$500 in accordance with section 66 of the Health Act 1956; or
- where the offence is continuing, is liable to a further fine not exceeding \$50 for every day on which the offence has continued in accordance with section 66 of the Health Act 1956.