

Ngā Ture ā-Rohe Tōpu o Wairarapa

Wairarapa Consolidated Bylaw

Wāhanga Tahī: He Whakataki

Part One: Introductory

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 One – Introductory	Masterton District Council Carterton District Council South Wairarapa District Council
20 February 2023 (Masterton and South Wairarapa District Councils)	Wairarapa Consolidated Bylaw 2019: Parts One and Eleven. Revocation of Part Eleven: Speed. Amendments to Part One: Introductory to reflect revoking of Part Eleven: Speed.	Masterton District Council Carterton District Council South Wairarapa District Council
25 October 2023 (Carterton District Council)		
8 October 2025	Wairarapa Consolidated Bylaw: Part One – Introductory	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:

- Health Act 1956
- Land Transfer Act 2017
- Land Transport Act 1998
- Local Government Act 2002
- Reserves Act 1977

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

Part One contains definitions and provisions of a general nature which apply to all parts of the Wairarapa Consolidated Bylaw.

1. Taitara me te Timatanga | Title and Commencement

1.1. The title of this Bylaw is the Wairarapa Consolidated Bylaw 2025.

1.2. The Bylaw is divided into parts as follows:

Part	Title
1	Introductory
2	Public Places (including Parks and Reserves)
3	Sale of Goods in Public Places
4	Prevention of Nuisance or Health and Safety Risk from Fire and Smoke
5	Keeping of Animals, Poultry and Bees
6	Traffic
7	Cemeteries and Crematoria
8	Beauty Therapy, Tattooing, and Skin Piercing

Explanatory Note:

The Wairarapa Consolidated Bylaw consulted on during 2025 included three parts relating to water:

- Part 9: Water Supply
- Part 10: Wastewater
- Part 11: Trade Waste

These Parts proposed amendments to the previous parts 5, 8 and 9, respectively of the Wairarapa Consolidated Bylaw 2019. The proposed amendments to those older parts are currently paused while the Local Government (Water Services) Act 2025 is introduced.

Parts 5, 8 and 9 of the Wairarapa Consolidated Bylaw 2019 remain in force until June 2026 unless revoked or replaced prior to that date.

1.3 Except as otherwise provided in this Bylaw, the Bylaw including Parts 1 to 8 come into force throughout the Masterton, Carterton and South Wairarapa districts on 1 November 2025.

2. Ngā Whakakorenga me ngā Penapenatanga | Revocations and Savings

- 2.1. The Wairarapa Consolidated Bylaw 2019 is replaced by the Wairarapa Consolidated Bylaw 2025 coming into force.
- 2.2. All bylaws that are replaced by this Bylaw will still apply in relation to: any resolution of Council made, application made, consent given, anything done or any offence committed, penalty incurred, prosecution or proceeding commenced, right or liability accrued, licence used, notice given, or order made, under or against any of the provisions of those bylaws before this new Bylaw takes effect.
- 2.3. All Licences issued under any replaced bylaw will, after this Bylaw takes effect, be deemed to have been issued under this Bylaw and will be subject to the provisions of this Bylaw.
- 2.4. All inspectors and other officers appointed by Council under or for the purpose of any replaced bylaw and holding office at the time this Bylaw comes into effect, will be deemed to have been appointed under this Bylaw.
- 2.5. All fees and charges fixed under resolution by Council for any goods, inspections or licences under any revoked bylaw will continue to apply under the corresponding provisions of this Bylaw until altered by further resolution of Council.

3. Whānuitanga | Scope

- 3.1. Part One defines and explains the terms and expressions used throughout all parts of this Bylaw.
- 3.2. Part One outlines the serving of orders and notices, powers of delegation and entry, suspension and revocation of licences, removal of works executed contrary to the Bylaw dispensing powers, fees and charges, offences and breaches, and penalties for breach of bylaws.

4. Kuputaka | Definitions

- 4.1. The definitions below apply to all parts of this Bylaw, unless stated otherwise. Definitions specific to a particular part of the Bylaw are provided in that part. Refer to the applicable New Zealand Legislation at www.legislation.govt.nz for terms that reference legislation.

Animal: means any live member of the animal kingdom (excluding humans and dogs) that is a mammal, a bird, a fish, or any other member of the animal kingdom which is declared from time to time by the Governor-General, by Order-in-Council, to be an animal for the purposes of the Animal Welfare Act 1999.

Approval or Approved: means approval or approved in writing by the Council, either by resolution of the Council or by an Authorised Officer for that purpose.

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

Authorised Officer: means any officer or agent appointed by Council working within their delegations, including any officer for the time being an Enforcement Officer, or an Environmental Health Officer. Authorised Officers have powers of entry as prescribed by sections 171-174 of the LGA.

Beach: Means the foreshore being any area covered and uncovered by the ebb and flow of the tide, and any adjacent area which can reasonably be considered part of the beach environment including areas of sand, pebbles, shingle, dunes or coastal vegetation or the confluence of any river, but does not include any private property or land administered by the Department of Conservation.

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

Cemetery: has the meaning given to it under section 2 of the Burial and Cremation Act 1964 and for this Bylaw is any cemetery vested in or under the control of the Council from time to time but excludes any closed cemetery.

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

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

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

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

Enactment: means the whole or part of an Act or regulation.

Enforcement Officer: means:

- any person appointed by a local authority under section 177 of the LGA, the Reserves Act 1977, the Freedom Camping Act 2011, the Litter Act 1979, or any other Act by which any person is appointed, to exercise the powers of an enforcement officer, including enforcement of the bylaws of the local authority; or
- a constable; or
- a Police employee who is not a constable who is authorised for the purpose by the Commissioner of Police; or
- a person who is appointed to that office by warrant under section 208 of the Land Transport Act 1998 or who holds that office by virtue of that Act.

Environmental Health Officer: means a person appointed under section 28 of the Health Act 1956.

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

Footpath: has the meaning given to it under section 315(1) of the Local Government Act 1974.

Goods: means any product or service.

Infringement Fee: means the amount prescribed by regulations under section 259(1)(b) of the LGA, for committing an infringement offence.

Infringement Offence: means an offence for which any person can be punished on conviction, by summary process, or by an infringement process. Infringement offences are specified by regulation made under section 259(1)(a) of the LGA.

LGA means the Local Government Act 2002.

Licence: means a licence, permit, certificate of registration or written approval issued under this Bylaw.

Litter: has the meaning given to it in section 2 of the Litter Act 1979.

Local Authority: means a regional council or territorial authority.

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

Motor Vehicle: has the meaning given to it under section 2 of the Land Transport Act.

Nuisance: means unreasonable interference with the peace, comfort, or convenience of another person, whether by way of excessive noise, or offensive odours, or a statutory nuisance as defined under section 29 of the Health Act 1956, and includes actual and potential nuisance.

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

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

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

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

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

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

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

Public Notice / Publicly Notified: has the meaning given to it in section 5 of the LGA.

Public Place: means a place that is owned, managed, maintained or controlled by the Council or Council Controlled Organisation that:

- is within the territorial authority's district; and
- is open to, or being used by, the public, whether or not there is a charge for admission; and

- includes:
 - a road, whether or not the road is under the control of a territorial authority;
 - any part of a Public Place.

Record of Title: has the meaning given to it in section 5 of the Land Transfer Act 2017.

Reserve or Public Reserve: has the meaning given to it in section 2 of the Reserves Act 1977

Road: means a road as defined in section 315 of the Local Government Act 1974, and includes the meaning assigned to it by section 2(1) of the Land Transport Act 1998.

Road Controlling Authority: has the meaning given to it in section 2 of the Land Transport Act 1998.

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

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

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

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

Vehicle: has the meaning given to it in section 2(1) of the Land Transport Act 1998.

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

Water Supply Authority (WSA): means the Masterton District Council, Carterton District Council or the South Wairarapa District Council, or their Authorised Agents.

Working Day: has the meaning given to it in section 5 of the LGA.

Writing, Written or Similar Term: means in the case of “Words”: written, printed, painted, engraved; lithographed, or otherwise traced or copied.

5. Whakamāramatanga | Interpretation

- 5.1. In this Bylaw the singular includes the plural and the plural includes the singular.
- 5.2. Words referring to any district, locality, place, Person, office, officer, functionary, party or thing means each district, locality, place, Person, office, officer, functionary, party, thing, to whom or to which the provision applies.
- 5.3. Every schedule to this Bylaw forms part of this Bylaw.
- 5.4. Explanatory notes do not form part of this Bylaw, they are there to explain the general effects. They may be inserted, changed or removed without any formality.
- 5.5. If any part of this Bylaw includes a reference to a repealed enactment, it must be read as a reference to its replacement.
- 5.6. Nothing in this Bylaw shall limit the application of any other Act or any rules or regulations made under that other Act, for example and without limitation:
- the Land Transport Act 1988, the Local Government Act 1974, and the LGA or any Act passed in amendment or substitution of those Acts; or
 - any regulations made under the Land Transport Act 1998 nor any regulations made in amendment or substitution for those regulations.

6. Te hunga Āpiha ka whai tūranga tonu | Officers to Continue in Office

- 6.1. All officers appointed by the Council prior to the effective date of this Bylaw, are deemed to have been appointed under this Bylaw upon its commencement.

7. Te Tuku Ōta me ngā Pānui | Serving of Orders and Notices

- 7.1. Except as otherwise provided for in any other enactment, any notice, order or other documented required to be served for the purposes of this Bylaw may be served in the manner prescribed by section 352 of the Resource Management Act 1991.
- 7.2. If the Person is absent from New Zealand, the order, notice, or other document may be served on the Person's agent in the manner referred to in clause 7.1.
- 7.3. If the order, notice, or other document relates to land or buildings, then the order, notice, or other document should be served on the Person who owns that land or buildings. However, if that Person is not known, or is absent from New Zealand, or has no known agent in New Zealand, the order or notice may be:

- a) served on the Person who is occupying the land or buildings; or
 - b) if there is no Person in occupation, put up on some conspicuous part of the land or buildings.
- 7.4. If a notice is issued under clause 7.3, it is not necessary in that notice to name the occupier or the owner of that land or buildings.
- 7.5. Where an order or notice is sent by registered post, the order or notice must be sent so as to arrive no later than the latest time on which such order or notice is required to be served.
- 7.6. Any order or notice issued must state the time within which the remedial action must be carried out and may be extended by written authority of an Authorised Officer.

8. Ngā Mana Tomo | Powers of Entry

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

9. Ngā Raihana | Licences

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

10. Te whakatārewa me te whakakore raihana | Suspension and Revocation of Licences

- 10.1. Unless this Bylaw provides otherwise, should the licence holder be convicted of any offence relating to the holder's suitability as a licensee, the Council may immediately revoke or suspend the Licence for any specified time.
- 10.2. If any of the following are brought to the notice of the Council, the Council may by notice in writing call upon the holder of the Licence to appear before the Council and give reasons why the Licence should not be revoked or suspended:
- a) the holder of the Licence:
 - i. has acted or is acting in a manner contrary to the true intent and meaning of this Bylaw;
 - ii. has failed to comply with any of the conditions of the Licence;
 - iii. is in any way unfit to hold the Licence;
 - b) that the premises for which the Licence was issued is being used for any purpose other than that stated in the Licence, or is in a state of disrepair contrary to the terms of the Licence; or
 - c) that the Bylaw is not being properly observed.
- 10.3. The Council may, if it considers the allegations correct or if there is no appearance by the holder of the Licence, revoke or suspend the Licence for any specified time.
- 10.4. A Person who is the holder of a Licence that has been suspended under this clause, and any premises for which that Licence has been so suspended is, during the period of that suspension, deemed to be unlicensed.

11. Mana Porowhiu Rawa | Dispensing Power

- 11.1. If the Council believes that fully complying with any provision of this Bylaw would needlessly or injuriously affect any Person, or the course or operation of a business, or bring loss or inconvenience to any Person without any corresponding benefit to the community, the Council may, in its sole discretion, waive full compliance with that provision. However, the Person must still comply with any other terms or conditions (if any) that the Council may impose.

12. Ngā Puka | Forms

- 12.1. Wherever forms are prescribed in the Bylaw, slight deviations that still achieve the same result and are not likely to mislead will not invalidate the forms.

13. Ngā Utu | Fees and Charges

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

14. Te Kāhaki Hanganga | Removal of Works

- 14.1. Where a notice served under section 7 of Part One of the Bylaw has not been complied with, the Council or any Authorised Officer or Authorised Agent, may:
 - a) remove or alter a work or thing that is, or has been, constructed in breach of this Bylaw (refer section 163 of the LGA); and/or
 - b) seize and impound property (refer sections 164, 165 of the LGA).
- 14.2. In exercising its powers under 14.1, the Council may recover the costs of removal or alteration incurred by it from the person who committed the breach (refer section 163(1)(b) of the LGA). This includes the cost of debt collecting and legal fees.
- 14.3. The exercise of clause 14.1 does not relieve the person who committed the breach from any other liability for the breach (refer section 163(2) of the LGA), including any penalty for erecting or permitting the continued existence of any such work, material or thing.
- 14.4. If, the breach threatens public health or safety, or there is a risk of consequential damage to Council assets, and waiting to remedy the breach would create unacceptable results, the Council may take immediate action to remedy the breach, and recover all reasonable costs, as set out in clause 14.2.
- 14.5. On payment of all Council's costs, including transport and storage where applicable, the owner of property removed, seized and impounded under clause 14.1 may request the Council to return the property (refer section 167 of the LGA).
- 14.6. If not returned within 6 months after it was seized and impounded, the Council may dispose of the property as it thinks fit after giving the property owner and the person it was seized from at least 14 days' notice of its intention to do so. Following sale, the Council may apply the proceeds to meet the costs incurred in relation to the seizure, impounding, transport,

storage, disposal of the property. If the sale proceeds exceed the amount needed to cover those costs, the remaining funds must be returned to the owner of the property or the person entitled to the property (refer section 168 of the LGA).

15. Ngā Hara me ngā Hāmene | Offences and Penalties

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