

# Ngā Ture ā-Rohe Tōpu o Wairarapa

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## Wairarapa Consolidated Bylaw

Wāhanga Toru: Te Hokohoko i  
ngā Wāhi Tūmatanui

### Part Three: Sale of Goods in Public Places

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## Timatanga | Commencement

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

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## Whakaae | Adoption

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| 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 Three<br>- Sale of Goods or Services in Public Places | Masterton District Council<br>Carterton District Council<br>South Wairarapa District Council |
| 8 October 2025 | Wairarapa Consolidated Bylaw: Part Three<br>- Sale of Goods in Public Places                  | Masterton District Council<br>Carterton District Council<br>South Wairarapa District Council |

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## Arotakenga | Review

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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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## Rārangi Hōtaka | List of Schedules

Schedule A – Permitted Areas

Schedule B – Criteria

## Tuhinga Pāhekoheko | Referenced Documents

Reference is made in this document to the following legislation:

- Local Government Act 2002
- Fisheries Act 1996
- Food Act 2014

Part Three is made under sections 145 and 146 of the Local Government Act 2002.

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

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## **1. Aronga me te Pūtake | Scope and Purpose**

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- 1.1. Part Three regulates the conducts of Persons in relation to the following to protect the public from Nuisance and to protect, promote and maintain public health and safety:
- a) selling Goods on any Road, Footpath or other Public Place; or
  - b) using a Vehicle to sell Goods to the general public.

### **Explanatory Note:**

A licence issued under Part Three only gives the applicant the right to sell Goods in specified Public Places. It is not an approval for the purposes of food hygiene, sale of alcohol, building or resource consent, traffic management, or any other regulatory requirements.

Goods in this Part means any product or service as per the definition in the Wairarapa Consolidated Bylaw: Part One – Introductory.

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## **2. Kuputaka | Definitions**

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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 this Bylaw:

**Commercial Fisher:** has the meaning given to it under section 2 of the Fisheries Act 1996.

**Hawker:** means any person who is a permanent resident in the district, who carries or takes any Goods for sale to another person, without invitation to call or any previous request or order for such Goods. This only refers to Goods carried by a person.

**Itinerant Trader:** means any Person who sells Goods in the district who:

- a) has not been a continuous resident in the district for at least six months prior to the application date; and
- b) has not owned or had a binding lease in writing for a premises in the district for at least six months.

For the avoidance of doubt, this definition does not include any Hawker or Mobile Trader.

**Mobile Trader:** any person who offers Goods for sale from a Vehicle while using a Public Place as the sales venue (e.g. an ice cream van, a food truck or a mobile non-food shop).

**Permitted Areas:** means the areas identified in Schedule A.

**Stand, Stall or Site:** means any stand, stall, structure, awning, table or temporary structure from which Goods are offered for distribution or sale which is erected, placed or maintained in or on a Public Place.

**Service Delivery Vehicle:** means any Vehicle being used for the purposes of delivering Goods to the premises of any business or organisation and does not involve the sale of Goods to the general public in any Public Place e.g. milk vendors.

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### 3. Me Whai Raihana | Licence Required

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- 3.1. A licence is required from Council to sell Goods of any description in a Public Place (except as provided in section 9).
- 3.2. Council may make controls and set fees or recover costs for the following matters with respect to any Licence required by clause 3.1:
- a) applications for a Licence (including renewals and transfers);
  - b) process to review, suspend or cancel a Licence or its conditions;
  - c) conducting inspections necessary as part of the process of assessing an application for a Licence; and
  - d) conducting inspections to ensure the Licence and its conditions are being followed.
- 3.3. Fees (including for Licences, Stand, Stall or Site Rentals, and inspections) may be set through publicly notified resolution. Licence fees may differ based on the class of Licence. Classes include, but are not limited to, Hawker, Itinerant Trader, Mobile Trader, and Stand, Stall or Site.

**Explanatory Note:**

Licences granted under Part Three are also subject to the general conditions as to Licences contained in sections 9 and 10 of Wairarapa Consolidated Bylaw: Part One – Introductory.

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### 4. Ngā Tono | Application

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- 4.1. Any Person wishing to sell Goods in a Public Place must apply in writing to the Council for a Licence. The information required from the applicant for inclusion in the application may including (without limitation) any of the following:

- a) name and address of applicant,
- b) name and address of the Person(s) selling the Goods,
- c) the location/site,
- d) the telephone number of the applicant,
- e) the type of Goods for sale,
- f) the time sought for selling,
- g) the type of Vehicle(s) and registration number(s) if applicable,
- h) copy of any other licence which the applicant may be required to obtain under provision of any Act, regulation or other bylaw, such as a Food Registration Certificate under the Food Act 2014;
- i) copy of written approval from NZ Transport Agency Waka Kotahi in the case of a location/site on a State Highway; and
- j) proposed signage.

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## **5. Ngā Herenga o ngā Raihana | Conditions of Licence**

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- 5.1. An Authorised Officer may impose conditions in granting a Licence. The conditions imposed may include, but are not restricted to:
- a) time and location;
  - b) duration of the Licence;
  - c) types of Goods for sale;
  - d) area available for sale;
  - e) persons entitled to sell;
  - f) safety and hygiene requirements;
  - g) signage additional to that allowed in the Wairarapa Combined District Plan;
  - h) use of musical chimes or other audible devices for attracting customers;
  - i) use of outdoor furniture and seating;
  - j) litter and cleanliness;
  - k) avoidance of Nuisances, annoyance or danger to any Person;
  - l) name and address to be conspicuously displayed;
  - m) site rental;
  - n) payment of a bond; and
  - o) liability insurance.

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## **6. Ngā Wāhi | Location**

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- 6.1. The sale of Goods is permitted within the Permitted Areas.
- 6.2. Where a Person wishes to sell Goods outside of the Permitted Areas, the site location will be assessed based on the criteria specified in Schedule B. An Authorised Officer has discretion to grant or deny an application based on these criteria.

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## **7. Te Whakaatu Raihana | Production of Licence**

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- 7.1. When engaging in selling Goods, a holder of a Licence must carry the Licence at all times and show the Licence to an Authorised Officer upon request.
- 7.2. If requested by an Authorised Officer, a holder of a Licence must alter their location to another location as indicated by the Authorised Officer. This clause applies regardless of the conditions contained in the Licence.

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## **8. Te Whakawhiti Raihana | Transfer of Licence**

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- 8.1. Written approval from an Authorised Officer is required to transfer a Licence to any other Person.
- 8.2. If a Person that operates a business or Vehicle under a Licence is sold or transferred to another Person, the Person must notify the Council in writing within 14 days of settlement of the sale or transfer. The new owner must apply to Council to have the change noted on the Licence and pay a fee in respect of the transfer. The new owner must not engage in the sale of Goods in a Public Place until an updated Licence is issued.
- 8.3. A Licence may only be transferred in the district it was issued in.

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## **9. Ngā Kapenga | Exemptions**

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- 9.1. The exemptions allowed under Part Three are as follows:
  - a) the sale or disposal by a Commercial Fisher of limited quantities of fish in the location and in the manner set out in section 191 of Part 10 of the Fisheries Act 1996;
  - b) Service Delivery Vehicles;
  - c) any event, market, stall or stand which has existing approval under any other bylaw, legislation, resource consent or specific resolution of Council.

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## 10. Ngā Hara me ngā Hāmene | Offences and Penalties

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- 10.1. Any Person who breaches Part Three commits an offence and may be liable on conviction to a penalty under section 242 of the LGA. For details of what broadly constitutes a breach, refer to section 15.2 of Part One – Introductory in the Wairarapa Consolidated Bylaw.
- 10.2. To avoid any doubt, a Person breaches Part Three and commits an offence who:
- a) sells Goods in a Public Place without a Licence (except where exempted under section 9); or
  - b) sells Goods in a Public Place in a way that is contrary to any condition on their Licence.

**Explanatory Note:** As at the date the Bylaw comes into force, a Person who is convicted of an offence against this Part of the Bylaw is liable to a fine not exceeding \$20,000 in accordance with section 242 of the LGA.

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## 11. Te Mana Whakatau Panonitanga | Power to Amend by Resolution

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- 11.1. The Council may, by resolution publicly notified:
- a) add schedules;
  - b) make additions or deletions from the schedules; or
  - c) substitute new schedules.
- 11.2. Where Council intends to make a resolution under clause 11.1, consultation in accordance with section 156 of the LGA will be undertaken as required.

| Masterton Permitted Areas |                                                                     |                  |                                     |
|---------------------------|---------------------------------------------------------------------|------------------|-------------------------------------|
| Location Number           | Location Name                                                       | Location         | Mobile Trader or Stand/Stall        |
| M1                        | Library Square, Queen Street                                        | Masterton CBD    | Stand/Stall (not obstructing paths) |
| M2                        | Pie Cart Stand, near 13 Lincoln Road                                | Masterton CBD    | Mobile Trader                       |
| M3                        | Alleyway known as "Charlie's Lane" near 181/183 Queen Street        | Masterton CBD    | Stand/stall (avoid seating area)    |
| M4                        | Jetty Road at site near public toilets                              | Castlepoint      | Both                                |
| M5                        | Guthrie Crescent Carpark                                            | Castlepoint      | Both                                |
| M6                        | Pinedale Crescent (grass site between cell tower and recycling bin) | Riversdale Beach | Both                                |
| M7                        | Park at Karaka Avenue                                               | Riversdale Beach | Both                                |
| M8                        | Carpark near Blue Pacific Parade (Southern Reserve)                 | Riversdale Beach | Both                                |

## South Wairarapa Permitted Areas

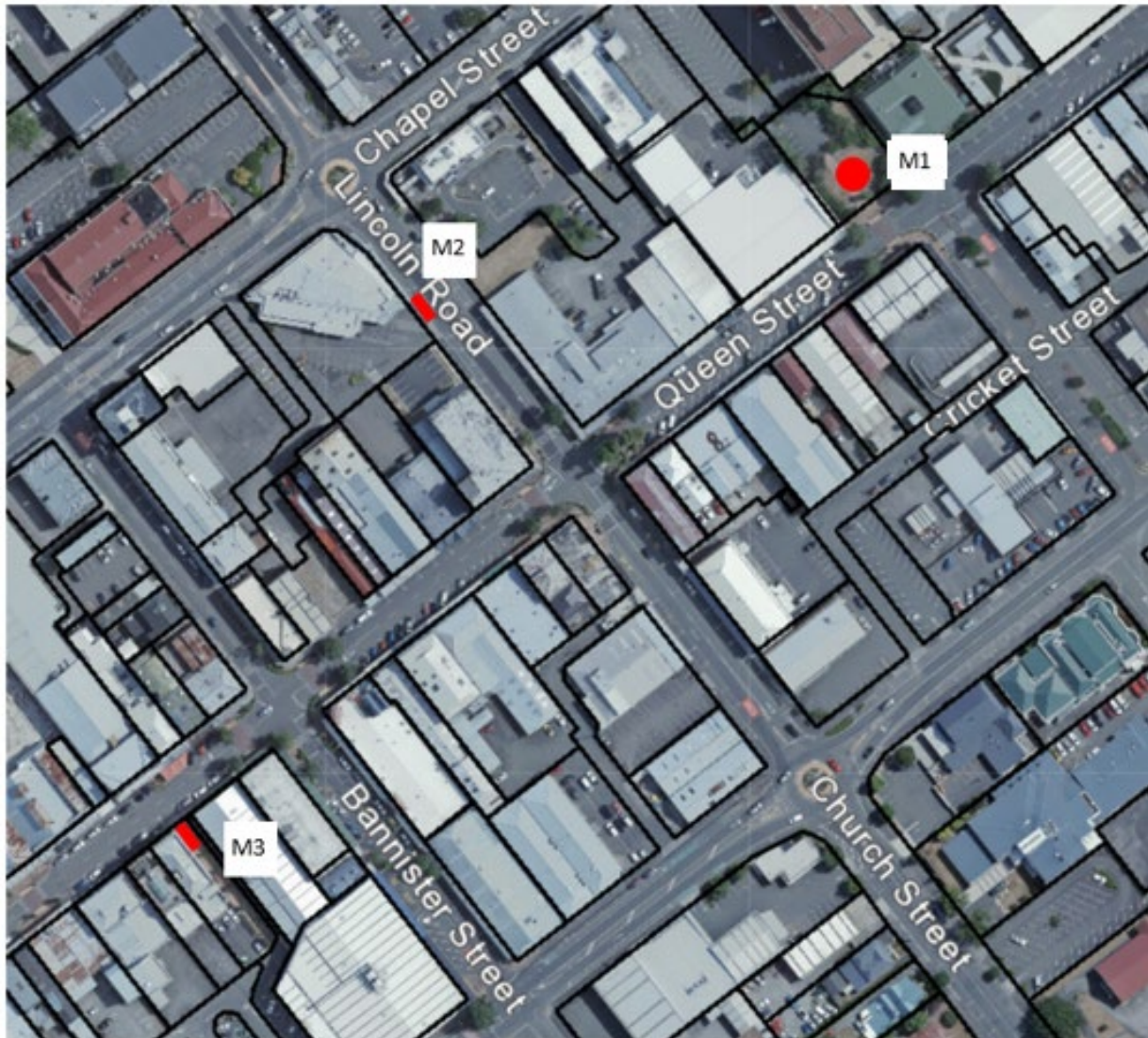
| Location Number | Location Name                                 | Location                                                                                | Mobile Trader or Stand/Stall                                                                                                                                                                                                      |
|-----------------|-----------------------------------------------|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| S1 to S4        | Martinborough Square                          | Martinborough Memorial Square                                                           | Four sites available for a Mobile trader in four car parking spaces around (and adjacent to) the centre Martinborough Memorial Square. Approved Mobile Traders may choose the first available space when they arrive for the day. |
| S5 to S6        | Stella Bull Park                              | Stella Bull Park, Main Street, Greytown                                                 | Two sites available north of old library building and not obstructing Footpath.                                                                                                                                                   |
| S7              | Greytown Town Centre Courtyard                | Greytown Town Centre Located on the corner of Main Street and McMaster Street, Greytown | One site available. Some special conditions apply.                                                                                                                                                                                |
| S8 to S9        | Cherry Tree Garden                            | Corner Fitzherbert Street and Lyon Street, Featherston                                  | Two sites available for stands/stalls not obstructing Footpath.                                                                                                                                                                   |
| S10             | Grass area in front of Fell Locomotive Museum | Corner Fitzherbert Street and Lyon Street, Featherston                                  | One site available.                                                                                                                                                                                                               |

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## Map of Masterton CBD Permitted Areas

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- Site M1: Library Square, Queen Street.
- Site M2: Pie Cart Stand, near 13 Lincoln Road.
- Site M3: Alleyway known as “Charlie’s Lane” near 181/183 Queen Street.



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## Map of Castlepoint Permitted Areas

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- Site M4: Jetty Road at site near public toilets.
- Site M5: Guthrie Crescent carpark.

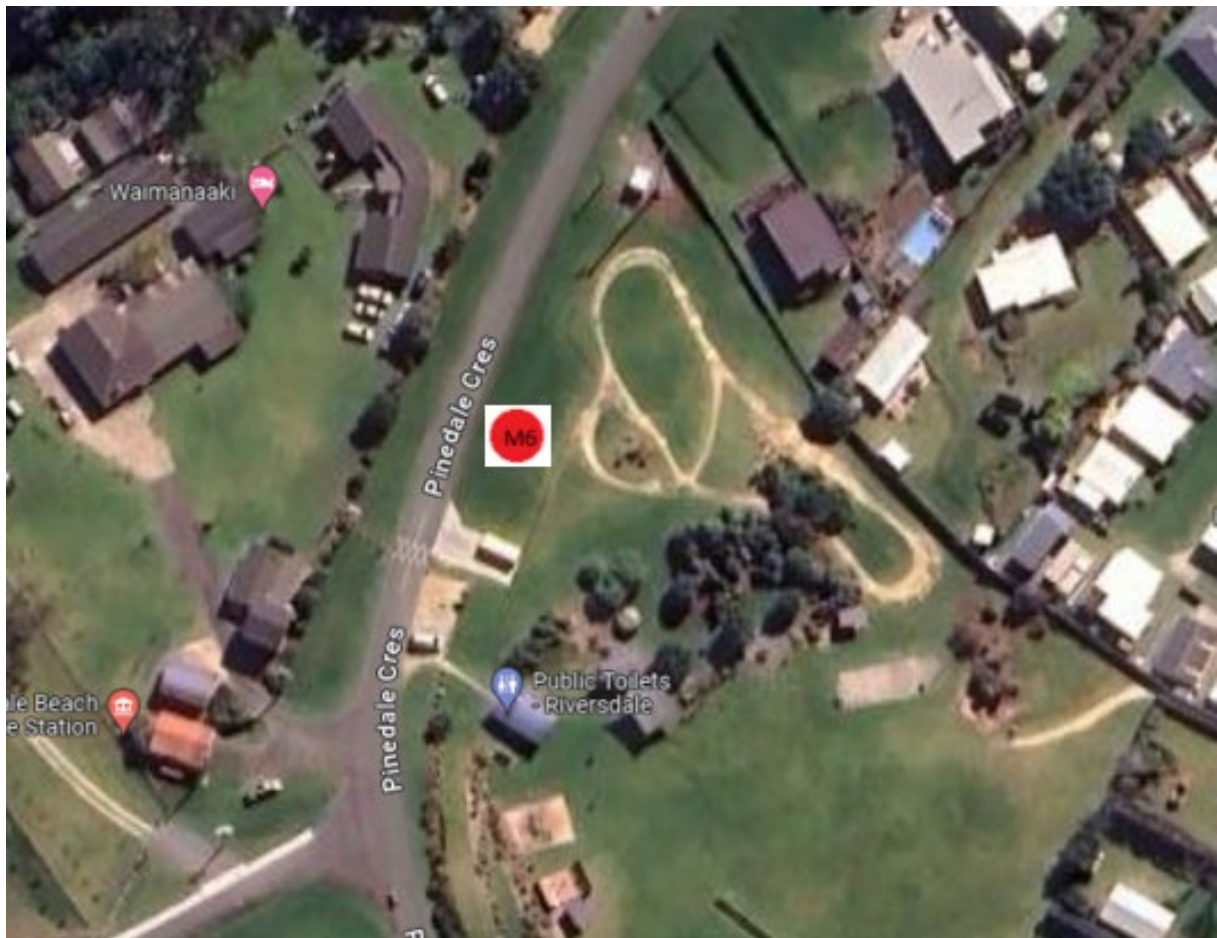


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## Map of Riversdale Beach Permitted Areas

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- Site M6: Pinedale Crescent (grass site between cell tower and recycling bin).



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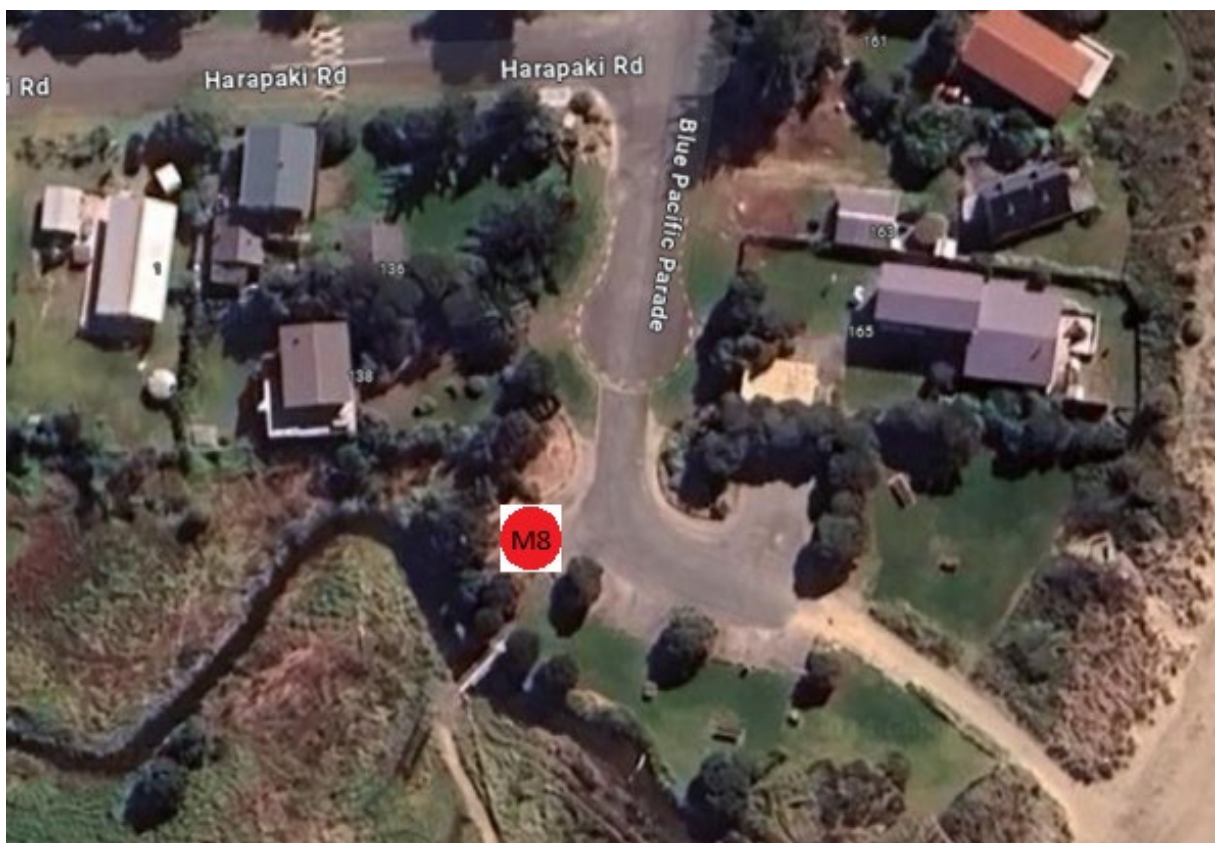
## Map of Riversdale Beach Permitted Areas

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- Site M7: Park at Karaka Avenue.



- Site M8: Carpark near Blue Pacific Parade (Southern Reserve).



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## Map of Martinborough Permitted Areas

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- Sites S1 to S4: Four sites available for a Mobile Trader in four car parking spaces around (and adjacent to) the centre Martinborough Memorial Square (dashed lines indicate area). Approved Mobile Traders may choose the first available space when they arrive for the day.



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## Map of Greytown Permitted Areas

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- Sites S5 to S6: Main Street entrance to Stella Bull Park, north of old library building and not obstructing Footpath.
- Site S7: Greytown Town Centre courtyard (some special conditions apply).



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## Map of Featherston Permitted Areas

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- Sites S8 to S9: Cherry Tree Graden facing Fitzherbert Street, not obstructing Footpath.
- Site S10: Grassy area in front of the Fell Locomotive Museum, near pedestrian crossing and not obstructing Footpath.



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## Kupu Āpiti B - Ngā Paearu | Schedule B – Criteria

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An Authorised Officer may use discretion to permit the sale of Goods in sites in a Public Place other than those within the Permitted Areas.

In deciding to grant or decline an application, an Authorised Officer may consider any of the following factors:

- the nature of the sales activity;
- the degree to which public use of the Road, Footpath or Public Place will be maintained;
- the extent to which it is likely to impact public health and safety (e.g. congestion, obstruction);
- the extent to which it is likely to cause a Nuisance; and
- the speed limit and customer parking availability at the site. Generally, any road-side site should be located in areas controlled by speed limits of 50km/h or less and there should be safe customer parking available nearby.