



# **ATTACHMENTS**

**Ordinary Council Meeting**

**Under Separate Cover**

**Wednesday, 10 September 2025**



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# Ngā Ture ā-Rohe Tōpu o Wairarapa

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## Wairarapa Consolidated Bylaw

Wāhanga Tahī: He Whakataki

### Part One: Introductory





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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 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

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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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## 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

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## Kupu Takamua | Foreword

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.

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## 2. Ngā Whakakorenga me ngā Penapenatanga | Revocations and Savings

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- 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.

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## 3. Whānuitanga | Scope

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- 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.

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## 4. Kuputaka | Definitions

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- 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](http://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.

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**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

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- 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.

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## 5. Whakamāramatanga | Interpretation

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- 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:

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- 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.

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

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- 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.

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

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- 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.

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#### **8. Ngā Mana Tomo | Powers of Entry**

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- 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.

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**9. Ngā Raihana | Licences**


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- 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.

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


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- 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;

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- 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.

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## **11. Mana Porowhiu Rawa | Dispensing Power**

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- 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.

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## **12. Ngā Puka | Forms**

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- 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.

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## **13. Ngā Utu | Fees and Charges**

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- 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.

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## **14. Te Kāhaki Hanganga | Removal of Works**

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- 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

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- 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).

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## **15. Ngā Hara me ngā Hāmene | Offences and Penalties**

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- 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

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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).

# Ngā Ture ā-Rohe Tōpu o Wairarapa

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## Wairarapa Consolidated Bylaw

Wāhanga Rua: Wāhi Tūmatanui  
(ngā Wāhi Rēhia, Papa Tāpui  
hoki)

### Part Two: Public Places (including Parks and Reserves)



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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 Two - Public Places (including Parks and Reserves)	Masterton District Council Carterton District Council South Wairarapa District Council
8 October 2025	Wairarapa Consolidated Bylaw: Part Two – Public Places (including Parks and Reserves)	Masterton District Council Carterton District Council 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 – Masterton District Areas where riding of wheeled recreational devices is prohibited on footpaths and other public places

### **Tuhinga Pāhekoheko | Referenced Documents**

Reference is made in this document to the following legislation:

- Health Act 1956
- Freedom Camping Act 2011
- Litter Act 1979
- Local Government Act 2002
- Reserves Act 1977
- Sale and Supply of Alcohol Act 2012

Reference is made in this document to the following documents:

- NZUAG National Code of Practice for Utility Operators' Access to Transport Corridors
- Wairarapa Combined District Plan

Wairarapa Consolidated Bylaw: Part Two – Public Places (including Parks and Reserves). Bylaw came into force: 1 November 2025

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**Kupu Takamua | Foreword**

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Part Two is made under sections 145 and 146 of the Local Government Act 2002 and section 106 of the Reserves Act 1977.

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 Two controls a diverse range of activities in Public Places to ensure that acceptable standards of convenience, safety, visual amenity and civic values are maintained for the wellbeing and enjoyment of citizens, visitors and businesses within the Wairarapa.
- 1.2. In particular, Part Two addresses damage to public facilities such as roads, grass verges, garden areas and reserves. It also addresses activities within Public Places and reserves which may have an adverse effect on other users of these facilities.

**Explanatory Note:**

Part Two supplements other obligations and powers and requirements of the Council in regards to public places, and reserves, including but not limited to, those set out in the Reserves Act 1977, Freedom Camping Act 2011, Health Act 1956, Litter Act 1979, and those in Council plans and other bylaws. Areas of control prescribed by legislation are not necessarily repeated within Part Two, and therefore the relevant sections of applicable legislation should be read in conjunction with Part Two.

As at the date the bylaw comes into force, activities in public places are also regulated by Freedom Camping Bylaws adopted by the Carterton and South Wairarapa District Councils. Reserves are controlled by Reserve Management Plans. The Wairarapa Combined District Plan also contains controls relating to resource management issues such as signage.

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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 Part Two:

**Administering Body:** has the meaning given to it under section 2 of the Reserves Act 1977.

**Aircraft:** has the meaning given to it in section 2 of the Civil Aviation Act 1990, including, but not limited to, aeroplanes, helicopters, gliders, hang-gliders, unmanned aerial vehicles (e.g. drones), hot air balloons and radio-controlled model aircraft (excluding kites and balloons which are controlled from the ground via strings).

**Berm:** means the edge of a road reserve between the kerb or surface water channel and property boundary.

**Carriageway:** means that portion of the road, (including any shoulder, edging, kerbing or channelling) devoted particularly to the use of travelling vehicles.

**Corridor Access Request:** has the meaning given to it under the National Code of Practice for Utility Operators.

**Cremation:** has the meaning given to it under section 2 of the Burial and Cremation Act 1964

**Mind-Altering Substance:** A substance, whether synthetic or naturally occurring, which may alter consciousness, mood or emotions, or which might intoxicate or impair or diminish mental capacity. It includes what is commonly known as solvent abuse, but does not include:

- medically prescribed substances ingested by the person for whom they were prescribed;
- substances purchased from a pharmacy without a medical prescription;
- nicotine; or
- alcohol as defined in the Sale and Supply of Alcohol Act 2012.

**Mobility Device:** has the meaning given to it under section 2 of the Land Transport Act 1998 and rule 1.6 of the Land Transport (Road User) Rule 2004.

**Minor Earthworks:** means any alteration to the contours of the land and includes the excavation, backfilling or recompaction of metal backfill, topsoil or vegetation.

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**National Code of Practice for Utility Operators:** means the National Code of Practice for Utility Operators' Access to Transport Corridors pursuant to section 12 of the Utility Access Act 2010 and as updated from time to time.

**Reasonable Conditions:** has the meaning given to it under the National Code of Practice for Utility Operators.

**Ride a Wheeled Recreational Device:** means having either one or both feet, or any other part of the body of any person, on the wheeled recreational device when it is moving.

**Sandwich Board:** Includes any self-supporting, portable and temporary signboard or other advertising device, including two-sided signs, flags and banners intended for the purposes of advertising or to attract attention.

**Sign and Signage:** means any display or device whether or not placed on land, affixed to a building, stationary vehicle or object, in the air, or a projection of light to create a word or pictorial image, intended to attract attention for the purposes of directing, identifying, informing or advertising and which is visible from a Public Place. This includes all parts, portions, units and materials composing the same, together with the frame, background, structure and support anchorage (including Sandwich Board type Signs placed on the ground). A bunting that has symbols or messages on it shall also be considered a Sign for the purposes of this part of the bylaw.

**Transport Corridor:** has the meaning given to it under the National Code of Practice for Utility Operators.

**Trenching:** has the meaning given to it under the National Code of Practice for Utility Operators.

**Vehicle Crossing:** means the section of driveway that connects the front property boundary to the road and includes any culvert under the crossing.

**Verandah:** A portico, porch, shed, shade, awning, blind, covering, or like structure, and their supports, projecting into or over any part of a public place.

**Wheeled Recreational Device:** has the meaning given to it in rule 1.6 of the Land Transport (Road User) Rule 2004.

**Works Access Permit:** has the meaning given to it under the National Code of Practice for Utility Operators and "WAP" has a corresponding meaning.

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### 3. Haumarutanga Tūmatanui me ngā Pōrearea | Public Safety and Nuisances

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- 3.1. Except with the prior permission of Council or an Authorised Officer, and then only in accordance with such conditions as may be imposed, a Person in a Public Place must not:
- a) place or leave Litter or any material, good, thing or substance that is likely to be hazardous or injurious to any person, or likely to create a Nuisance.
  - b) deposit in or around a public litter receptacle any household or trade refuse;
  - c) interfere with any refuse which is awaiting collection by an authorised collector;
  - d) drive any Vehicle (excluding wheeled recreational devices and mobility devices) except on any part of a Public Place set aside for vehicular traffic;
  - e) drive any Vehicle in a manner that is dangerous or inconsiderate to pedestrians or other vehicles;
  - f) cause or allow any material, goods, or thing to be deposited;
  - g) leave any work, hole or excavation in a manner that could be a danger to anyone entering or using that Public Place;
  - h) solicit any subscription, collection or donation, preach, lecture, perform, use a loud speaker, amplifier or similar device, or undertake any busking;
  - i) distribute any printed or written material advertising any product, service or entertainment;
  - j) fly from or land any Aircraft, parachute or similar, except in an emergency;
  - k) consume, inject or inhale any Mind-Altering Substances or offer or sell such substances to any Person;
  - l) play any game or use any object including Wheeled Recreational Devices, roller blades, roller skates, bicycles or motorised scooters, recklessly or in a manner which may intimidate, be dangerous or injurious or cause a Nuisance to persons in the Public Place, or damage the Public Place;
  - m) erect or place any structure on, over or under the Public Place except in compliance with any other part of this bylaw; or

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- n) light any fire except at fireplaces specially provided, or in an appliance designed for outdoor cooking, subject to any restriction imposed by Fire and Emergency New Zealand on the lighting of fires.

- 3.2. Where any fence, wall, retaining wall or land adjacent to a Public Place is in a condition or state of disrepair which, in the opinion of an Authorised Officer could cause damage or injury to persons passing, the Authorised Officer may give notice requiring the Owner or Occupier to repair or remove the fence, wall or retaining wall, or make the land safe at the expense of the Owner.

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#### **4. Ngā Pahū Ahi | Fireworks**

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- 4.1. Without the prior approval of Council, and then only in accordance with such conditions as may be imposed, a Person must not set off fireworks or explosive material:
  - a) in or on a Public Place; or
  - b) near a Public Place in a way that does, or is likely to, create a Nuisance.

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#### **5. Te Ārai Wāhi Tūmatanui | Obstructing Public Places**

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- 5.1. Except with the permission of the Council or an Authorised Officer, and then only in accordance with such conditions as may be imposed, a Person in a Public Place must not:
  - a) obstruct the entrances to, or exits from, a Public Place;
  - b) construct, place, leave or abandon any material, object, good, or thing, including signage, on a Public Place that could obstruct the public right of passage;
  - c) allow any gate or door on property abutting a Public Place, to swing over or across the Public Place or any part thereof; or
  - d) carry out any work on any Vehicle in a Public Place, except in the case of any accident or emergency when repairs are necessary to allow the Vehicle to be removed.

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#### **6. Te Whakakino Wāhi Tūmatanui | Damage to Public Places**

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- 6.1. Except with the permission of the Council or an Authorised Officer, and then only in accordance with such conditions as may be imposed, a Person in a Public Place must not:
  - a) damage, interfere with, destroy or remove any grass plot, flower bed, tree, shrub or plant, or any inscription or label relating to it;
  - b) sow or scatter the seed of any plant of any kind;

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- c) pollute, damage, deface or disfigure, apply graffiti, posters or advertising devices on, or interfere with any ornament, statue, building, structure, or facilities;
  - d) cause or permit to be done any act whatsoever by which damage is caused to any Public Place, or any work or thing in, on, over or under the Public Place;
  - e) damage or interfere with any natural feature, Animal or plant;
  - f) use any Vehicle or be in control of an Animal in any manner so that it damages any part of a Public Place;
  - g) drive or park any Vehicle in a Public Place except in an area set aside for the driving or parking of Vehicles;
  - h) remove any soil or other naturally occurring material found in a Public Place; or
  - i) open any drain or sewer on, or disturb or remove the surface of, any Public Place.
- 6.2. Any Person carrying out authorised works on a Public Place must provide reinstatement of the works to a standard approved by an Authorised Officer.
- 6.3. Any person wishing to gain access to a Beach must use a designated access where this is available.

**Explanatory Note:**

As at the date the Bylaw comes into force, Wairarapa Consolidated Bylaw Part Six – Traffic includes controls relating to Vehicles on Beaches.

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**7. Whakatakoto Mea ki ngā Wāhi Tūmatanui | Placing of Articles on Public Places**

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- 7.1. A Person must not do, or permit or allow to be done:
- a) internment of Cremation ashes on any Reserve or other Public Place other than a designated Cemetery upon presentation to the sexton of a burial warrant; or
  - b) scattering of Cremation ashes at any Reserve and only at other Public Places with permission of an Authorised Officer.

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**8. Ngā Tohu | Signage**


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- 8.1. Signage must not be placed on any Public Place unless it meets the requirements for signage under the Wairarapa Combined District Plan.
- 8.2. Any sign erected that does not comply with the requirements of this part must be removed within 14 days from the date of the notice, or as otherwise specified by an Authorised Officer.
- 8.3. Sandwich Boards must meet the following requirements:
  - a) only be displayed during the usual business hours of the business to which it relates, and must be relocated inside the Premises at the close of each trading day.
  - b) if displayed on a Footpath, there must be a clear, unobstructed Footpath width of at least 2.0 metres at all times.
  - c) if displayed on a Footpath, be located directly at the curb edge or directly against the Premises.
  - d) be sufficiently weighted to ensure it remains secure in its location in all weather conditions.
  - e) must not affect the safety of pedestrians who use the Footpath (including disabled pedestrians), or traffic safety.

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**9. Ngā Wāhi Kai o Waho | Outdoor Dining**


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- 9.1. All seating and outdoor dining in Public Places must have prior Council approval and be in accordance with any conditions and/or fees imposed by the Council.
- 9.2. Conditions relevant for outdoor dining may include but are not limited to:
  - a) no less than 2.0 metres of the Footpath width remains clear of obstruction at all times (more space may be required in high volume areas);
  - b) clear accessibility to surrounding streets, Footpaths, lanes and shared paths are maintained;
  - c) accessibility and visibility of business entrances, public benches, cycle stands and rubbish bins are maintained;
  - d) no person is prevented or restricted from exiting their Vehicle from any identified parking space;
  - e) the outdoor dining area is smoke and vape free;

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- f) the furniture (tables, umbrellas, chairs) is not permanently fixed to the Footpath space;
- g) the furniture must be stable in all weather conditions and not present a health and safety risk.

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## **10. Te Tuari Mea hei Hoko atu | Exposing Articles for Sale**

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- 10.1. Except as provided for by any other part of this bylaw, a Person must not expose for sale any article whatsoever on any Footpath, or outside of any shop, shop window, or doorway abutting on any Public Place, so as to encroach on or over that Public Place, without the prior permission of Council, and then only in accordance with such conditions as may be imposed by Council.

### **Explanatory Note:**

Part Three – Sale of Goods in Public Places regulates the conducts of Persons in relation to the selling Goods on any Road, Footpath or other Public Place and using a Vehicle to sell Goods to the general public.

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## **11. Te Whakahaere Waka Rēhia | Control of Wheeled Recreational Devices**

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- 11.1. No person shall ride a Wheeled Recreational Device in any area defined in Schedule A attached to this Part of the bylaw.
- 11.2. A person may ride a Wheeled Recreational Device on any footpath, outside the areas defined in Schedule A, providing the rider ensures that consideration is made for other persons using the footpath and exercises reasonable care to ensure no harm or damage is caused to any Person or property.
- 11.3. Every Person who commits an offence against clause 11.1 may have their Wheeled Recreational Device impounded by an Authorised Officer.

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## **12. Whakawhitinga Waka | Vehicular Crossings**

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- 12.1. Any Person wishing to construct, repair, remove or widen any Vehicular Crossing must first obtain approval from the Council, or resource consent if required.
- 12.2. An approval or resource consent provided by the Council under clause 10.1 is to be subject to such conditions concerning dimensions and materials as the Council may consider reasonably necessary to protect the Road (including any Footpath or Berm) adjacent to the Vehicular Crossing, and to

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ensure safe and convenient use of the Road by pedestrians and Vehicles, and may include the payment of a bond to Council.

- 12.3. A Person must not drive, ride, propel, or wheel any Vehicle across any Footpath or water channel in any Public Place otherwise than upon a crossing properly constructed under the provisions allowed under any part of this bylaw.
- 12.4. If, in the opinion of the Council, any Vehicular Crossing is in a bad or unsafe state of repair, Council may by notice in writing, require the Owner of the land which the Vehicular Crossing provides access to, to repair, reconstruct, or renew such Vehicular Crossing to the satisfaction of Council.

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### **13. Ngā Mahi Awakeri me ngā Mahi Keri Whenua | Trenching and Minor Earthworks**

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- 13.1. Any Person wishing to undertake any Trenching or minor earthworks within or under any Transport Corridor or Public Place, must first submit a Corridor Access Request (CAR) application. If the CAR is approved, the Person will be issued with a Works Access Permit (WAP). A Person must have a WAP before any works can begin. The CAR application must contain detailed information on all aspects of the works proposed to be undertaken.
- 13.2. A WAP issued by the Council under clause 13.1 may be subject to such Reasonable Conditions set by the Council following the statutory criteria set out in section 4.5.1 of the NZUAG National Code of Practice for Utility Operators (the Code). The Reasonable Conditions must be consistent with the Code and must also ensure the safe and convenient use of the Road or Public Place by pedestrians and Vehicles.

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### **14. Te Whakahuihui | Assembly**

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- 14.1. A Person must not, except with permission from the Council, and then only in accordance with such conditions as may be imposed:
  - a) participate in any assembly or associate with other persons in a Public Place in such a way as to impede pedestrian or vehicular traffic or to prevent or hinder ready access to shops or premises facing onto the Public Place; or
  - b) organise or conduct any meeting, gathering, demonstration, parade, procession or competition in a Public Place in such a way as to cause a Nuisance in the Public Place or risk to public health and safety.

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**15. Ngā Kauawhi me ngā Ārai | Awnings and Blinds**


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- 15.1. A Person must not, except with the permission of an Authorised Officer:
- a) erect or maintain, or cause to be erected or maintained, any awning over any Public Place; or
  - b) hang any awning, blind, or screen from any portico on any Public Place.
- 15.2. In granting permission under clause 15.1, an Authorised Officer may set such conditions as deemed appropriate. Any such permission may be revoked at any time by an Authorised Officer.

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**16. Kāore e whakaaetia ana ngā mea Tukuata ki ngā Wāhi Tūmatanui | Projections on Public Places not Permitted**


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- 16.1. Except where permitted by any other part of this bylaw or by Council consent, a Person must not put any portico, projecting window, balcony, wall, lamp, door step, cellar door, lamp post, signboard, window shutter, gate post, or other obstruction or projection of any kind whatsoever in, on, over or under a Public Place or in such a position as to interfere with or obstruct in any way the free passage of pedestrians or traffic upon any Public Place.
- 16.2. Clause 16.1 does not apply to any verandah or awning erected pursuant to a requirement of the Wairarapa Combined District Plan.
- 16.3. If any such projection or obstruction as described in clause 16.1 has been placed against, or in front of, any building before the coming into operation of this bylaw, and which is contrary to any bylaw in force, Council may give notice to the Owner or Occupier of such building to remove, or to alter such projection or obstruction. Such Owner or Occupier must remove, or alter such projection or obstruction within the time stated in such notice.
- 16.4. A Person must not stand on any verandah erected over a Public Place except for the purpose of inspection, maintenance or exiting in the case of emergency.

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**17. Ngā Aukatinga Whakamahi Waea Niwha me ngā Taiapa Hiko | Restrictions on Use of Barbed Wire and Electrified Fences**


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- 17.1. Except with the permission of an Authorised Officer, a Person must not erect, or permit to be erected, any electrified fencing or barbed or razor wire along, or within one metre of, any boundary line between any land or building on the one side, and any Public Place on the other side.
- 17.2. Clause 17.1 does not prohibit the placing of such barbed wire at a height of not less than two metres, or razor wire or electrified fencing not less than three metres from the level of the ground, of any such Public Place.

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- 17.3. Clause 17.1 does not apply within any land zoned industrial or rural under the Wairarapa Combined District Plan except when the fence abuts or adjoins a Footpath, provided that Council may from time to time by resolution, specify conditions that will apply to temporary electric fences.

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**18. Tautohu Huarahi me ngā Hanganga | Roothing and Building Identification**

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- 18.1. The Council has the exclusive right to cause to be painted or affixed on a conspicuous part of a building, the name of the road, private road or public place to which it has frontage.
- 18.2. Notwithstanding that a building or property is identified by other means, the Owner or Occupier of every building or group of buildings forming part of a complex or of the property must mark such building or complex with numbers no less than 50mm in height for residential buildings and not less than 150mm in height for all other buildings. Numbers must be as allocated or approved by an Authorised Officer and displayed in a position so as to be readily visible from the Road to which it has frontage.
- 18.3. Numbers required by clause 18.2 must be maintained by the Owner or Occupier in such a manner as to readily identify the property at all times.
- 18.4. Council has power at any time to alter the number of any building where in the Council's opinion it may be necessary or advisable to do so.

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**19. Kararehe i ngā Wāhi Tūmatanui | Animals in Public Places**

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- 19.1. A person must not take or allow any Animal under their care or control onto any Public Place if the Council has, by bylaw, resolution or public notice, prohibited entry of that type of Animal to that Public Place.
- 19.2. A Person must not:
- a) permit any Animal to be on a Reserve, unless:
    - i. a Council bylaw allows the Animal on the Reserve;
    - ii. prior permission has been granted by an Authorised Officer; or
    - iii. the Reserve has been booked for an event allowing the presence of animals.
  - b) graze an Animal in any Public Place except in accordance with clause 19.7 below.
- 19.3. Any Person having control of an Animal on any Public Place must ensure that the Animal is kept under proper control:

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- a) so as not to create a danger or Nuisance for other persons using the Public Place; and
  - b) to ensure that no damage is caused to the Public Place, any part of it or to any object or other Animal on it.
- 19.4. Any Person being the Owner of, or having control of, any Animal in a Public Place must immediately remove any Excrement deposited by that Animal and dispose of in a sanitary manner.
- 19.5. Every Person being the Owner or having the care, custody or control of any Animal, must keep and prevent the same from wandering or being at large without proper control on any Public Place.
- 19.6. The Council may seize and confine any loose Animal found in a Public Place, in breach of this part or any other Council bylaw, resolution or notice. The Owner of the Animal is responsible for fees and costs incurred by Council in securing the Animal.
- 19.7. During daylight hours, and if a grazing permit is obtained from the Council, in an area zoned as rural under the Wairarapa Combined District Plan, Animals may graze on the road verge adjoining land owned or occupied by the Animal's Owner, or on a road verge adjoining land owned by another Person with the prior consent of that Person. Unless the grazing permit says otherwise:
- a) the Animals must be confined within a temporary fence that an Authorised Officer considers to be sufficient to prevent the Animals from accessing or damaging that area; or
  - b) the Animals must be controlled by at least two competent persons, one maintaining a position at the front and another maintaining a position behind the Animals to prevent the Animals from obstructing the carriageway and from wandering beyond the control points.

**Explanatory Note:**

Section 7 of Wairarapa Consolidated Bylaw Part Five – Keeping of Animals, Poultry and Bees contains provision relating to the keeping of stock.

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## **20. Ngā Āraitanga Tauwhare Otaota | Overhanging Vegetation Liable to Obstruct**

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- 20.1. A Person must not permit or allow vegetation to encroach on to or over any Public Place so as to obstruct or interfere with the free and safe movement of persons using that public Place. The Council or Authorised Officer may, by notice, require the Owner or Occupier to cut back and remove the encroaching vegetation within 14 days from the date of the notice.

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- 20.2. Should the Owner or Occupier fail to comply with the notice, then the Council may arrange the removal of the vegetation and recover the cost of removal from the Owner or Occupier.
- 20.3. Unless otherwise approved by an Authorised Officer, overhanging vegetation must be cut back to a minimum height of 2.7 metres.

**Explanatory Note:**

Councils also have powers to require the owner of land abutting any road to remove, lower, or trim any tree or hedge overhanging or overshadowing the road in cases where it is necessary to prevent injury to the road or obstruction to traffic (refer section 355 of the Local Government Act 1974).

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## 21. Ngā Āpitihianga Herenga ki ngā Wāhi Tāpui | Additional Requirements for Reserves

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- 21.1. Subject to the provisions of the Reserves Act 1977 and any reserve management plans, and this part of this bylaw, every Reserve is open to the public at all times, except during such hours as the Administering Body may determine that any Reserve is be closed to the public.
- 21.2. Subject to the provisions of the Reserves Act 1977 and any associated reserve management plans, the Administering Body may from time to time and for such periods as deemed necessary, set aside areas of a Reserve, for the exclusive use of particular groups or for particular kinds of recreational activities thereon. The Administering Body may charge for the right to have exclusive use of a Reserve.
- 21.3. Subject to the provisions of the Reserves Act 1977 and any associated reserve management plans, the Administering Body may fix charges for the admission of persons to any part of a Reserve and for the use of any facilities in a Reserve (refer section 106 (1)(c) and section 106(2) of the Reserves Act 1977). Any person arranging an event at a reserve is required to make a booking with the Administering Body and, where applicable, pay the required charge. The Administering Body may also require a bond to be lodged prior to the event for the right to occupy the space. It is an offence against this Part of the bylaw to enter a Reserve without having paid the proper charge for entry, if a charge is payable.
- 21.4. Subject to the provisions of the Reserves Act 1977 and any associated reserve management plans, an Administering Body may close or restrict entry to all of, or any portion of, a Reserve at such times as are considered necessary to prevent damage to, or allow maintenance of the Reserve. Such closure is to be advertised by signs at the entrances to the Reserve. It is an offence against this part of the bylaw to be found on a Reserve at any time when the Reserve is closed to public entry.

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- 21.5. Every person committing a breach of the provisions of this part of the bylaw must, upon request by an Authorised Officer of an Administering Body, immediately leave the Reserve, and is prohibited from re-entering the Reserve for such period as the Administering Body deems necessary. Any Person ordered to leave may be prosecuted for the breach of the bylaw, and any person failing to leave with reasonable speed, to comply with a request to leave, commits a further offence.

**Explanatory Note:**

Reserves have their own usage rules depending on the classification of the Reserve and the Reserve's Management Plan.

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## **22. Te Mana Whakatau Utu | Power to Set Fees**

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- 22.1. The Council may, by resolution publicly notified, set fees for the issue of any permit, licence or property number, to claim any impounded Animal or item, or to carry out any inspections which may be required under this part of the bylaw.

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## **23. Ngā Hara me ngā Hāmene | Offences and Penalties**

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- 23.1. Any Person who breaches Part Two commits an offence and may be liable to a penalty under section 242 of the LGA or section 104 of the Reserves Act 1977. Refer to section 15.2 of Wairarapa Consolidated Bylaw Part One – Introductory for details of what constitutes a breach.

**Explanatory Note:**

As at the date the Bylaw comes into force, a Person who is convicted of an offence against Part Two is liable on conviction to:

- a fine not exceeding \$20,000 in accordance with section 242 of the Local Government Act 2002;
- a fine not exceeding \$5,000 in accordance with section 104 of the Reserves Act 1977, and in the case of a continuing offence, a further fine not exceeding \$500 for every day on which the offence has continued.

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**Kupu Āpiti A - Schedule A**

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Masterton District Areas where the riding of wheeled recreational devices is prohibited on footpaths and other public places are as follows:

- Length of Queen Street from Renall Street to Bruce Street
- Bruce Street
- Church Street from Queen Street to Dixon Street
- Bannister Street from Queen Street to Dixon Street
- King Street
- Lincoln Road from Queen Street to Chapel Street
- Perry Street from Queen Street to Chapel Street
- Jackson Street from Queen Street to Chapel Street
- Northeast side of Renall Street from Queen Street to Chapel Street
- The north-eastern side of Chapel Street from Renall Street to Lincoln Road.
- Kuripuni Village (the full length of Crayne Street and Queen Street from Crayne Street to Dixon Street)
- The Town Square, bounded by Chapel Street, Cole Street, Perry Street and the Masterton District Council Municipal Building.

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

Wairarapa Consolidated Bylaw: Part Three – Sale of Goods in Public Places  
Bylaw came into force: 1 November 2025

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## Kupu Takamua | Foreword

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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 follow 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.

Wairarapa Consolidated Bylaw: Part Three – Sale of Goods in Public Places  
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**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.

### **3. Me Whai Raihana | Licence Required**

- 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 wither 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.

Wairarapa Consolidated Bylaw: Part Three – Sale of Goods in Public Places  
Bylaw came into force: 1 November 2025

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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;

Wairarapa Consolidated Bylaw: Part Three – Sale of Goods in Public Places  
Bylaw came into force: 1 November 2025

- 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;

Wairarapa Consolidated Bylaw: Part Three – Sale of Goods in Public Places  
 Bylaw came into force: 1 November 2025

- 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.

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

- 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.

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

- 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.

Wairarapa Consolidated Bylaw: Part Three – Sale of Goods in Public Places  
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**Kupu Āpiti A - Ngā Wāhi Whakaae | Schedule A – Permitted Areas**

<b>Masterton Permitted Areas</b>			
<b>Location Number</b>	<b>Location Name</b>	<b>Location</b>	<b>Mobile Trader or Stand/Stall</b>
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

Wairarapa Consolidated Bylaw: Part Three – Sale of Goods in Public Places  
 Bylaw came into force: 1 November 2025

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.

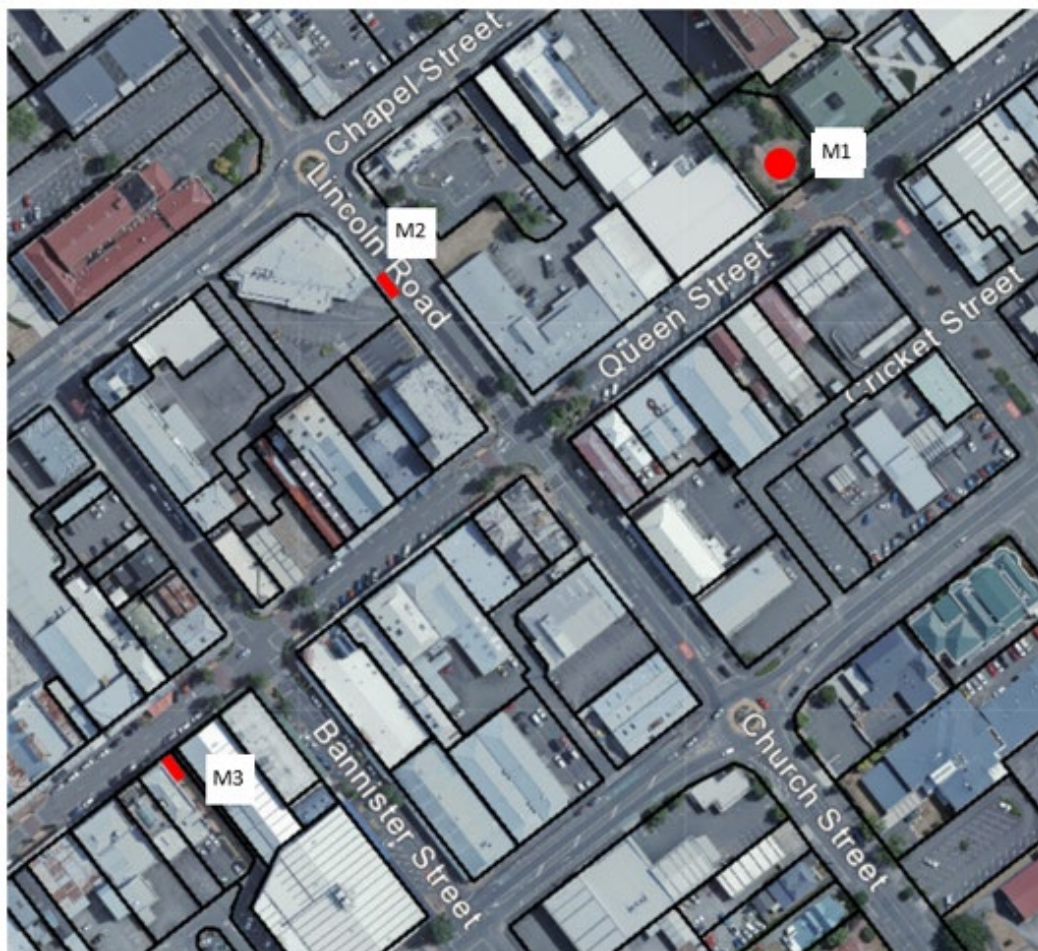
Wairarapa Consolidated Bylaw: Part Three – Sale of Goods in Public Places  
 Bylaw came into force: 1 November 2025

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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



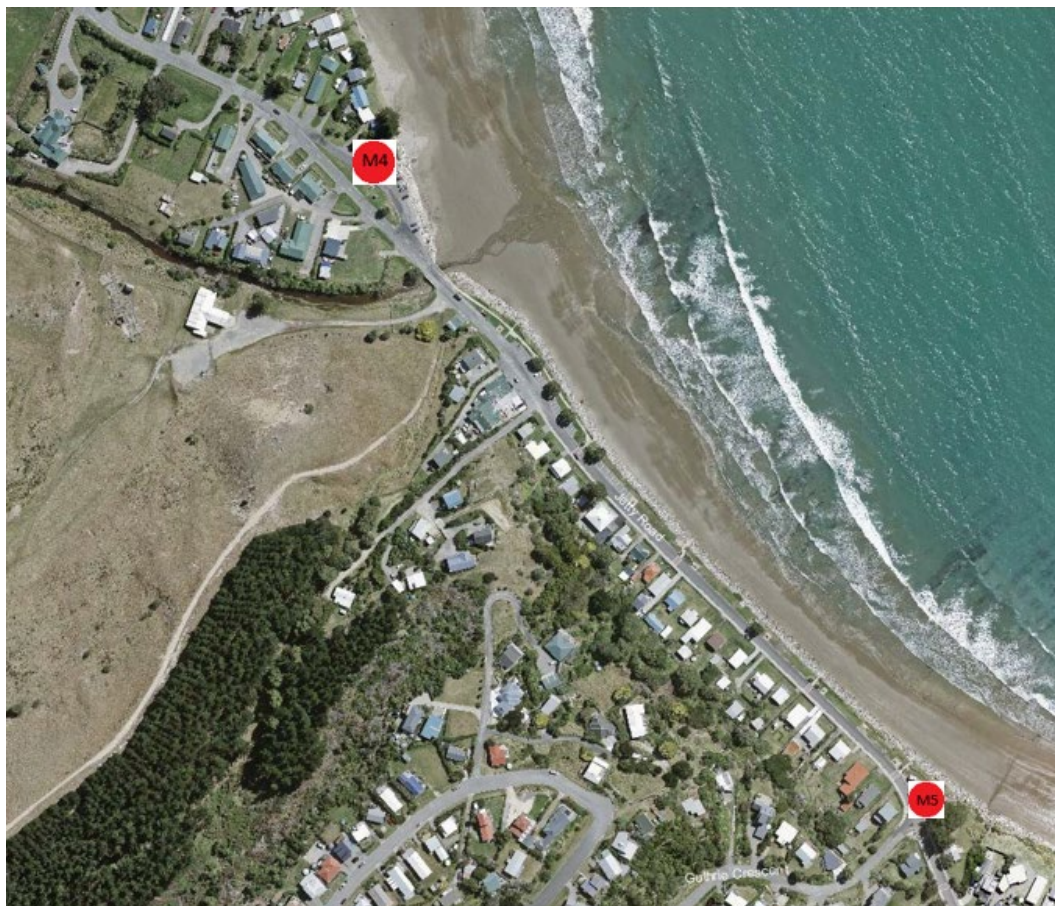
Wairarapa Consolidated Bylaw: Part Three – Sale of Goods in Public Places  
Bylaw came into force: 1 November 2025

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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.



Wairarapa Consolidated Bylaw: Part Three – Sale of Goods in Public Places  
Bylaw came into force: 1 November 2025



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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)



Wairarapa Consolidated Bylaw: Part Three – Sale of Goods in Public Places  
 Bylaw came into force: 1 November 2025

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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)



Wairarapa Consolidated Bylaw: Part Three – Sale of Goods in Public Places  
Bylaw came into force: 1 November 2025



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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.



Wairarapa Consolidated Bylaw: Part Three – Sale of Goods in Public Places  
Bylaw came into force: 1 November 2025

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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).



Wairarapa Consolidated Bylaw: Part Three – Sale of Goods in Public Places  
Bylaw came into force: 1 November 2025



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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.



Wairarapa Consolidated Bylaw: Part Three – Sale of Goods in Public Places  
Bylaw came into force: 1 November 2025

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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.

# Ngā Ture ā-Rohe Tōpu o Wairarapa

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## 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



SOUTH WAIRARAPA  
DISTRICT COUNCIL  
*Kia Reretahi Tātau*

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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 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

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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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## 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

Wairarapa Consolidated Bylaw: Part Four – Prevention of Nuisance or Health Risk  
from Fire or Smoke. Bylaw came into force: 1 November 2025

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## Kupu Takamua | Foreword

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](http://www.fireandemergency.nz) and [www.checkitsalright.nz](http://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 regards 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.

Wairarapa Consolidated Bylaw: Part Four – Prevention of Nuisance or Health Risk from Fire or Smoke. Bylaw came into force: 1 November 2025

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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 Part Four:

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

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

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- 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.

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

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- 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.

Wairarapa Consolidated Bylaw: Part Four – Prevention of Nuisance or Health Risk from Fire or Smoke. Bylaw came into force: 1 November 2025

**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.



# Ngā Ture ā-Rohe Tōpu o Wairarapa

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## Wairarapa Consolidated Bylaw

Wāhanga Rima: Te Tiaki  
Kararehe, Kikomanu me ngā Pī

### Part Five: Keeping of Animals, Poultry and Bees



### **Timatanga | Commencement**

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

### **Whakaae | Adoption**

<b>Date</b>	<b>Summary of Amendments</b>	<b>Adopted By</b>
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 Six – Keeping of Animals, Poultry and Bees	Masterton District Council Carterton District Council South Wairarapa District Council
8 October 2025	Wairarapa Consolidated Bylaw: Part Five - Keeping of Animals, Poultry and Bees	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:

- Animal Products Act 1999
- Animal Welfare Act 1999
- Health Act 1956
- Impounding Act 1955
- Local Government Act 2002
- Veterinarians Act 2005

Reference is made in this document to the following other documents:

- Wairarapa Combined District Plan

Wairarapa Consolidated Bylaw: Part Five – Keeping of Animals, Poultry and Bees  
Bylaw came into force: 1 November 2025

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## Kupu Takamua | Foreword

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Part Five is made under sections 145 and 146 of the Local Government Act 2002 and section 64(1)(m) of the Health Act 1956.

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 Five regulates the keeping of Animals in a way that minimises Nuisance and the risk to public health and safety.

### Explanatory Note:

Part Five supplements other Animal owner obligations, including but not limited to, those set out in the Animal Welfare Act 1999, any codes developed under such legislation, and those in Council plans and other bylaws.

As at the date the bylaw comes into force, the control of Animals in Public Places in Wairarapa is regulated by Part Two - Public Places (including Parks and Reserves) of the Wairarapa Consolidated Bylaw and the control of dogs is regulated by the Control of Dogs Policies and Bylaws of the Masterton, Carterton and South Wairarapa District Councils for their respective districts.

The Wairarapa Combined District Plan also contains controls relating to resource management issues such as intensive farming, the keeping of goats, and requirements for the housing and keeping of Animals in confinement.

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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 Part Five:

**Apiary:** has the meaning given to it under section 2(1) of the Biosecurity (National American Foulbrood Pest Management Plan) Order 1998.

**Beehive:** has the meaning given to it under section 2 (1) of the Biosecurity (National American Foulbrood Pest Management Plan) Order 1998.

**Dwelling:** means any house, tent, 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 and includes the land of the dwelling.

**Excrement:** means waste matter discharged from the bowels.

Wairarapa Consolidated Bylaw: Part Five – Keeping of Animals, Poultry and Bees Bylaw came into force: 1 November 2025

**Feral Animal:** means an Animal that may be descended from domesticated species but is existing in a wild untamed state and has none of its needs met by humans. Feral Animals generally do not live around centres of human habitation.

**Flight Path:** means the distinct route taken by many bees leaving from or returning to their Beehive.

**Honey Bee:** has the meaning given to it under section 2(1) of the Biosecurity (National American Foulbrood Pest Management Plan) Order 1998.

**Owner:** means every Person who:

- a. owns the Animal; or
- b. is the parent or guardian of a Person under the age of 17 years who:
  - i. is the Owner under paragraph (a) of this definition; and
  - ii. is a member of the parent or guardian's household living with and dependent on the parent or guardian.

**Poultry:** means any live domesticated or farmed bird farmed for their meat and/or eggs including but not limited to chickens, quail, fowl, goose, duck, pigeon, turkey, pheasant, peacock, ostrich, guinea fowl, or emu.

**Poultry Enclosure:** means a structure suitable for housing Poultry, including but not limited to a Poultry house, mobile Poultry cage, Poultry run.

**Premises:** means any private land that is occupied or unoccupied.

**Slaughter:** means the process of killing, skinning and dismemberment, the retention of any parts of use, and disposal of the balance. "Slaughtering" has a corresponding meaning.

**Stock:** has the meaning given to it under the Impounding Act 1955 and may also include donkeys, alpaca, and llama.

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### 3. Te Tiakina o ngā Kararehe | General Keeping of Animals

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- 3.1. Every Person keeping an Animal must ensure:
- a) that the Animal does not cause a Nuisance to any other Person;
  - b) that the Animal does not cause a risk to public health and safety;
  - c) that the Animal is kept in conditions that do not cause a Nuisance to any other Person or do not cause a risk to public health and safety (including, but not limited to, the attraction of flies, insects or vermin);

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- d) that the Excrement from the Animal does not accumulate to the point of causing a Nuisance or a risk to public health and safety and that the Excrement is disposed of in a manner that does not cause a Nuisance;
- e) the Animal is caged or otherwise confined within the boundaries of the Premises where the Animal is usually kept (noting that this does not apply to cats, bees, pigeons, and doves) and does not prevent a Person from driving, leading or riding any Animal.

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#### **4. Te Tiaki Ngeru | Keeping of Cats**

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- 4.1. Written approval by an Authorised Officer is required to keep more than three cats aged three months or older on any property located in an Urban Area for a period exceeding 14 days.

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#### **5. Te Tiaki Kikomanu | Keeping of Poultry**

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- 5.1. In Masterton and Carterton Districts, Poultry kept in an Urban Area must be confined in a Poultry Enclosure not confined within a Poultry Enclosure, but allowed to roam within the boundaries of the Owner's or Occupier's property. To clarify, the Owner or Occupier must prevent the Poultry from wandering beyond the property boundary.
- 5.2. In South Wairarapa District, Poultry kept in an Urban Area must be confined in a Poultry Enclosure.
- 5.3. Written approval by an Authorised Officer is required to keep more than 12 Poultry in an Urban Area.
- 5.4. All Poultry kept in an Urban Area must have access to a Poultry Enclosure that is maintained in good repair and includes an area covered with a waterproof rood with a floor of concrete, wood or other suitable material.
- 5.5. A Poultry Enclosure must not be erected or maintained within:
  - a) two metres of any boundary of an adjoining property; or
  - b) 10 metres of a Dwelling location on an adjoining property.
- 5.6. No roosters are to be kept in an Urban Area.

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#### **6. Te Tiaki Pī Miere | Keeping of Honey Bees**

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- 6.1. Beehives must be positioned to ensure the primary Flight Path does not interfere with a Dwelling on an adjoining property.
- 6.2. Beehives must not be placed within:
  - a) two metres of any boundary of an adjoining property; or

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b) 10 metres of a Dwelling located on an adjoining property.

- 6.3. Except with written approval by an Authorised Officer, the maximum number of Beehives allowed on any property in an Urban Area is:

Property Area	Maximum number of Beehives
Up to 700m <sup>2</sup>	2
701 m <sup>2</sup> to 1000 m <sup>2</sup>	4
1001 m <sup>2</sup> to 2000 m <sup>2</sup>	6
2001m <sup>2</sup> or greater	8

- 6.4. An Authorised Officer may prescribe conditions relating to the location and number of Beehives able to be kept on any property in a Rural Area.

**Explanatory Note:**

Any Person that keeps Honey Bees in New Zealand is legally required under the Biosecurity (National American Foulbrood Pest Management Plan) Order 1998 to register any Apiary. Registrations are processed through The Management Agency, National American Foulbrood Pest Management Plan, through its online platform HiveHub. See the Ministry of Primary Industries website [www.mpi.govt.nz](http://www.mpi.govt.nz) and [www.afb.org.nz](http://www.afb.org.nz) for further advice.

## 7. Te Tiaki Waerenga | Keeping of Stock

- 7.1. Any Person keeping Stock must ensure that it is confined within the boundaries of the land it is being kept or grazed on by stock-proof fencing of a standard that, in the opinion of an Authorised Officer, is sufficient to effectively contain it and prevent its escape.
- 7.2. No pigs are to be kept in an Urban Area.

**Explanatory Note:**

Section 17.7 of Part Two – Public Places (including Parks and Reserves) of the Wairarapa Consolidated Bylaw contains provisions relating to the grazing of Stock on road verges in a Rural Area.

Section 353 of the Local Government Act 1974 imposes a general duty on Councils to take all sufficient precautions for the general safety of the public, traffic and road workers. In particular, if the land next to a road does not have a fence or proper barrier, the Council can order the owner or occupant to build one to the satisfaction of the Council, to ensure public safety.

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## 8. Te Kohuru Waerenga | Slaughtering of Stock or Poultry

- 8.1. Any Person who Slaughters Stock or Poultry must do so in a way that, in the opinion of an Enforcement Officer, does not create a Nuisance or risk to public health and safety and is not offensive to any Person.
- 8.2. Any Person who slaughters Stock or Poultry must dispose of the waste or remains from the Stock or Poultry in such a way that, in the opinion of an Enforcement Officer, does not create a Nuisance or risk to public health and safety, and is not offensive to any Person.
- 8.3. If the Slaughtering of Stock or Poultry in any Urban Area is likely to be in the view of or audible by any Person (including from inside a Dwelling), then:
  - a) Adequate screening (that is adequate in the opinion of an Enforcement Officer) must be provided around the Slaughtering site; and
  - b) The screening must be sufficient in height and size to cut out the line of sight by any such Persons so as to prevent the Slaughtering from being seen.

### Explanatory Note:

It is an offence under the Health Act 1956 to leave Animals or Animal carcasses in a state where they are offensive or injurious to health. It is an offence under the Resource Management Act 1991 to contaminate waterways with Animal remains.

- 8.4. Stock or Poultry must not be Slaughtered, or their waste or remains must not be disposed of, in a Public Place.
- 8.5. Clauses 8.1 to 8.4 do not apply to:
  - a) a veterinarian as defined under section 4 of the Veterinarians Act 2005;
  - b) an animal welfare inspector appointed under section 124(1) or section 124(2) of the Animal Welfare Act 1999 carrying out their role under that Act; or
  - c) a person complying with the Animal Products Act 1999 where the animal is slaughtered and processed in a Premises with a registered risk management plan.

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## 9. Kararehe Mate | Dead Animals

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- 9.1. A person must not permit, or allow to remain, any dead Animal, Animal part, or offal on any private property, land, Premises or Public Place.
- 9.2. When buried in the ground, every part of the Animal is to be at least 0.5 metres below the existing ground level and covered with not less than 0.5 metres of compacted fill material.

### Explanatory Note:

Section 9.1 does not apply to any dead Animal, Animal part, or offal that has been disposed of appropriately, including but not limited to, through burial or an offal pit on a property in a Rural Area for the purposes of disposing of a dead Animal or Animal part from that property which complies with the regional plan. See the Greater Wellington Regional Council Natural Resources Plan for further information [www.gw.govt.nz](http://www.gw.govt.nz).

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## 10. Kararehe Mohoao | Feral Animals

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- 10.1. An Owner or Occupier of a property must not feed or provide sustenance to any Feral Animal in a manner that, in the opinion of an Enforcement Officer, causes a Nuisance or a risk to the health and safety of any other Persons.

### Explanatory Note:

Animal rescue activities in the community are permitted unless they encourage Feral Animals to cause a Nuisance of health and safety risk to other persons.

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## 11. Te Kore Whai Ture | Non-Compliance

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- 11.1. If an Enforcement Officer considers a Person has breached Part Five, they may issue a written notice requiring the Person keeping the Animal, or the Owner or Occupier of the property, to undertake necessary actions within a specified time to comply. Actions may include reducing the number of Animals, removing certain Animals, and relocating Beehives or Animal enclosures.
- 11.2. A Person issued with a written notice under clause 11.1 must comply with the notice.
- 11.3. An Enforcement Officer may undertake inspections to determine compliance with Part Five and charge an inspection fee. Refer to Wairarapa Consolidated Bylaw Part One - Introductory (Section 13) for further details of Fees and Charges.

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**12. Ngā Hara me ngā Hāmene | Offences and Penalties**

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- 12.1. Any person who breaches Part Five commits an offence and may be liable, on conviction, to a penalty under section 242 of the LGA or a penalty under section 66 of the Health Act 1956. Refer to Wairarapa Consolidated Bylaw 2025 Part One - Introductory (Section 15.2) for details of what constitutes a breach of Part Five.

**Explanatory Note:**

As at the date the Bylaw comes into force, a Person who is convicted of an offence against Part Five is liable on conviction to:

- a fine not exceeding \$20,000 in accordance with section 242 of the LGA;
- a fine not exceeding \$500 in accordance with section 66 of the Health Act 1956, and in the case of a continuing offence, a further fine not exceeding \$50 for every day on which the offence has continued.

# Ngā Ture ā-Rohe Tōpu o Wairarapa

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## Wairarapa Consolidated Bylaw

Wāhanga Ono: Tōnuku

### Part Six: Traffic



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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 Ten - Traffic	Masterton District Council Carterton District Council South Wairarapa District Council
8 October 2025	Wairarapa Consolidated Bylaw: Part Six – Traffic	Masterton District Council Carterton District Council 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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**Tuhinga Pāhekoheko | Referenced Documents**

Reference is made in this document to the following legislation:

- Land Transport Act 1998
- Land Transport (Offences and Penalties) Regulation 1999
- Land Transport Rule: Traffic Control Devices 2004
- Local Government Act 2002
- Land Transport (Road User) Rule 2004

**Tuhinga Hāngai | Related Documents**

- Heavy Motor Vehicle Regulations 1974
- Reserves Act 1977
- Land Transport Rule: Setting Speed Limits 2024
- National Policy Statement on Urban Development

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## Kupu Takamua | Foreword

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Part Six is made under section 22AB of the Land Transport Act 1998 and section 145 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 Six sets the requirements for parking and control of Vehicles and other traffic on any Road in the Masterton, Carterton and South Wairarapa districts, including state highways located within the urban boundaries that are otherwise controlled by the NZ Transport Agency Waka Kotahi (NZTA).

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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 Part Six:

**Ambulance Service:** has the meaning given to it under clause 1.6 of the Land Transport (Road User) Rule 2004.

**Authorised Agency:** means the Council, New Zealand Police, Fire and Emergency New Zealand, any Emergency Ambulance Service, Greater Wellington Regional Council, Department of Conservation, any Central Government Department or Ministry, NIWA and any surf lifesaving club registered with Surf Life Saving New Zealand.

**Berm:** means the edge of a road reserve between the kerb or surface water channel and property boundary.

**Bus:** has the meaning given to it under Part 2 of the Land Transport Rule: Traffic Control Devices 2004.

**Clearway:** has the meaning given to it under Part 2 of the Land Transport Rule: Traffic Control Devices 2004.

**Cycle Lane:** has the meaning given to it under Part 2 of the Land Transport Rule: Traffic Control Devices 2004.

**Cycle Path:** has the meaning given to it under Part 2 of the Land Transport Rule: Traffic Control Devices 2004.

**Disabled Person:** has the meaning given to it under section 2 of the Disabled Persons Community Welfare Act 1975.

**Driver:** has the meaning given to it under section 2 of the Land Transport Act 1998.

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**Electric Vehicle:** has the meaning given to it under clause 1.6 of the Land Transport (Road User) Rule 2004.

**Emergency Vehicle:** has the meaning given to it under clause 1.6 of the Land Transport (Road User) Rule 2004.

**Freight Container:** means an article of transport equipment that is:

- of a permanent character and strong enough to be suitable for repeated use;
- specifically designed to facilitate the transport of goods, by one or more modes of transport, without intermediate loading; and
- designed to be secured and readily handled having fittings for these purposes.

**Heavy Motor Vehicle:** has the meaning given to it under section 2 of the Heavy Motor Vehicle Regulations 1974.

**Loading Zone:** has the meaning given to it under Part 2 of the Land Transport Rule: Traffic Control Devices 2004.

**Metered Area:** means any Road or portion of a Road or any area of land or any building owned or controlled by the Council, which is authorised by resolution of Council to be used as a Parking Place, and at which Parking Machines or Multiple Space Parking Machines are installed and maintained.

**Metered Parking Space:** means any part of a Road, or a space, within a Metered Area or Multiple Space Parking Metered Area, indicated by and lying within, markings made by the Council for parking of vehicles.

**Mobility Parking Permit:** means a permit or concession card, issued by the Disability Action Incorporated CCS, to persons with physical disabilities for the purpose of its operation mobility programme.

**Mobility Parking Space:** means a Parking Space set aside for exclusive use by Disabled Persons who hold a Mobility Parking Permit.

**Motorcycle:** has the meaning given to it under section 2 of the Land Transport Act 1998

**Motor vehicle:** has the meaning given to it under section 2 of the Land Transport Act 1998.

**Multiple Space Parking Meter:** means a Parking Meter that functions for more than one Parking Space.

**Other Users of the Beach:** means people, marine mammals, avifauna and protected, rare or threatened indigenous flora and fauna.

**Parking Meter:** means a device used to measure and indicate the time paid for and which remains to be used, in relation to the time a Vehicle may be



parked in a Metered Parking Space. Includes pay and display parking meters and any other device (for example, electronic application) that is used to collect payment in exchange for parking a Vehicle in a particular place for a limited time.

**Parking:** means stopping, standing or parking a Vehicle, whether attended or not and "Park" has a corresponding meaning.

**Parking Place:** means a place (including a building) where any class of Vehicle, may Park, and includes:

- all necessary approaches and means of entrance to, and exit from, any such place;
- all such buildings, ticket offices, waiting rooms, cloak rooms, structures, appliances; and
- any other facilities as the Council considers necessary or desirable for the efficient use of that place for the purpose for which it is provided and the collection of charges in relation to that use.

**Parking Space:** means a space or section of a Parking Place, Road or other Public Place marked out and defined by painted lines for the accommodation of a Vehicle.

**Parking Warden:** means a parking warden appointed to hold the office of parking warden under section 128D of the Land Transport Act 1998.

**Passenger Service Vehicle:** has the meaning given to it under section 2 of the Land Transport Act 1998.

**Pedestrian:** has the meaning given to it under Part 2 of the Land Transport Rule: Traffic Control Devices 2004.

**Reserved Parking Area:** has the meaning given to it under Part 2 of the Land Transport Rule: Traffic Control Devices 2004.

**Roadway:** has the meaning given to it under Part 2 of the Land Transport Rule: Traffic Control Devices 2004.

**Small Passenger Service Vehicle:** has the meaning given to it under section 2 of the Land Transport Act 1998.

**Special Vehicle Lane:** has the meaning given to it under clause 1.6 of the Land Transport (Road User) Rule 2004.

**Traffic Control Device:** has the meaning given to it under section 2 of the Land Transport Act 1998.

**Trailer:** has the meaning given to it under clause 1.6 of the Land Transport (Road User) Rule 2004.

**Transport Service Vehicle:** has the meaning given to it under section 2 of the Land Transport Act 1998.

**Transport Station:** means a place where Transport Service Vehicles, or any class of Transport Service Vehicles, may wait between trips and includes all necessary approaches and means of entrance to and egress from any such place, and all such buildings, ticket offices, waiting rooms, cloak rooms, structures, appliances, and other facilities as the council considers to be necessary or desirable for the efficient use of that place for the purpose for which it is provided and the collection of charges in relation to that use.

**U-Turn:** means turning from facing or travelling in one direction to facing or travelling in the opposite direction.

**Vehicle:** has the meaning of section 2 of the Land Transport Act 1998.

**Vehicle Combination:** means a towing Vehicle in combination with one or more Trailer or other motor vehicle that is being towed.

**Zone Parking:** In relation to a Road, means a parking restriction imposed by the Road Controlling Authority:

- that applies to an area comprising a number of Roads;
- in respect of which persons using Vehicles within the area could reasonably be expected to be aware of the application of the parking restriction to the area without the need for the erection of signs at each intersection within the area, for reasons including:
  - the nature of the area;
  - the nature of the parking restriction;
  - traffic patterns into and within the area; or
  - the nature and number of entry points to the area; and
  - that the controlling authority specifically declares to be a zone parking control.

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### 3. Whānuitanga | Scope

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- 3.1. The Council may from time to time by resolution, permanently or temporarily:
- a) prohibit or otherwise restrict, subject to the erection of the prescribed signs, the stopping, standing, or Parking of Vehicles on any Road or part of a Road, or on any piece of land owned or controlled by the Council and not being a Road or part of a Road, including any Parking Place or Transport Station;
  - b) set aside, designate or reserve any Road, part of a Road, or any land owned or controlled by the Council, as:
    - i. stopping places or stands for a specified class, or description of Vehicles, including:
      - Bus Stops;
      - Small Passenger Service Vehicle stands;
      - Loading Zones;
      - pie cart stands; and
      - Parks for electric vehicles while in the course of being recharged at an electric vehicle charging station.
    - ii. Mobility Parking Spaces;
    - iii. restricted parking areas, Parking Places, and Zone Parking;
    - iv. Transport Stations;
    - v. Clearways;
    - vi. Cycle Lanes and Cycle Paths;
    - vii. Reserved Parking Areas;
    - viii. Metered Areas;
    - ix. Special Vehicle Lanes
    - x. electric charging stations; or
    - xi. one-way roads.
  - c) prohibit, subject to the erection of the prescribed signs:
    - i. U-Turns;
    - ii. left turns, right turns, or through movements;
    - iii. parking of Heavy Motor Vehicles or any specified class or description of Heavy Motor Vehicles, on any specified Road during such hours or exceeding such period as may be specified;
  - d) Prohibit or restrict, absolutely or conditionally:
    - i. any specified class of traffic (where heavy traffic or not), or any specified motor vehicles or class of motor vehicles that, by reason of its

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size or nature of the nature of the goods carried, is unsuitable for use on any Road or Roads;

- e) Prohibit or restrict:
    - i. use of Roads by pedestrians; or
    - ii. use of Roads by cyclists.
  - f) Prescribing, subjecting to the marking or lanes on the Roadway, that on any Road any traffic lane may be used or any turning movement may be made by:
    - i. Passenger Service Vehicles or
    - ii. Vehicles of other specified classes; or
    - iii. Vehicles carrying specified classes or loads or not less than a specified number of occupants.
  - g) Regulate any other matter specified by section 22AB(1) of the Land Transport Act 1998.
- 3.2. Any matter regulated under clause 3.1 may apply to a specified class, type, weight or description of Vehicle, or any combination of these, and may be expressed or limited to apply only on specified days, or between specified times, or for any specified events or classes of events, or be limited to specified maximum periods of time.

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#### **4. Te Tau, te Tū rānei | Stopping, Standing and Parking**

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- 4.1. A Person must not, without prior authorisation from the Council, stop, stand or Park a Vehicle or Vehicle combination on any Road, public car park, Reserve or any other Public Place, in contravention of a prohibition, restriction or limitation imposed by the Council in the schedules to Part Six and that is evidenced by appropriate signs and/or roading markings.
- 4.2. Notwithstanding the provisions of clause 4.1, the Council may authorise the stopping, standing or Parking of specified Vehicles subject to conditions appropriate for the circumstances and payment of the prescribed fee.
- 4.3. A Person must not conduct any of the following without prior written authorisation of the Council:
  - a) Park a Vehicle or Trailer displaying advertising or sales material on any Road or part of a Road, or on any land owned or controlled by the Council, including any Parking Place or Transport Station. This includes a Vehicle displayed for sale in association with adjacent trade premises and mobile billboards.
  - b) Place or Park, or allow another Person to place or Park a Vehicle on any Road for storage in connection with or as part of a trade or business, whether or not that Vehicle is owned by the Person.

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- c) Park or place any machinery, equipment, materials, waste disposal bins or freight containers on any Road or Public Place. This does not apply to containers used solely for domestic refuse or recycling as authorised by the Council and placed off the Roadway, provided that they are not left there for a period exceeding 72 hours.
  - d) Stop, stand or Park a Vehicle or Vehicle Combination on a Berm, verge, kerb, lawn, garden, or other cultivation adjacent to or forming part of a Road in Urban Area.
- 4.4. The Council may impose conditions to be complied with as part of granting authorisation under clause 4.3.
- 4.5. A Person must not repair, alter or add to a Vehicle during trade while the Vehicle is on the Road, unless it is necessary to enable the Vehicle to be removed from the Road.
- 4.6. A Person must not Park any Vehicle in a Parking Space which is already occupied by another Vehicle. However up to six Motorcycles (including motorcycles with sidecars attached) may occupy a single Parking Space at the same time. Such Motorcycles must be parked at right angles to the kerb.

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## **5. Ngā Wāhi Ine Tūwaka | Metered Parking Space**

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- 5.1. The Council may designate or reserve any Road, part of a Road, or any land owned or controlled by the Council as a Metered Parking Space as set out in the schedules.
- 5.2. The Driver or Person in charge of a Vehicle may occupy the Metered Parking Space, provided the appropriate fee has been paid and, where required, the Parking Meter controlling the space has been correctly activated, or any instructions on any Parking Meter or signs controlling the Parking Space have been complied with. A Vehicle must not remain Parked in a Metered Parking Space after the time has expired.
- 5.3. The Council may set fees for Parking in a Metered Parking Space by publicly notified resolution. Parking fees must be paid in New Zealand currency and in accordance with the instructions on the Parking Meter or via an online payment process if available. The hours during which payment is required will be indicated by signs or notices affixed to Parking Meters.
- 5.4. When a receipt is issued by a pay and display Parking Meter, it must be displayed on the Parked Vehicle in a way that ensures it is legible through the front window (or visible on the Vehicle if there is no front window).
- 5.5. Where more than one Motorcycle occupies a Metered Parking Space, only one parking fee applies. In the case of more than one Motorcycle occupying a Metered Parking Space without payment or beyond the time limit, each Motorcycle is in breach of this part of the bylaw.

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## **6. Ngā Tūnga Waka kua Whakakorengia | Discontinued Metered Parking Space**

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- 6.1. The Council may temporarily discontinue a Parking Space by placing or erecting (or authorise the placing or erecting of) a 'No Stopping' sign or notice, or a meter hood showing reserved parking at the affected Metered Parking Space(s).
- 6.2. It is unlawful for any Person to Park a Vehicle in a Metered Parking Space when a sign, notice, or meter hood indicates that it is a Reserved Parking Area without Council permission.

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## **7. Te Raukotī Ine Tūwaka | Misuse of Parking Meters**

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- 7.1. A Person must not operate, or attempt to operate, any Parking Meter by any means other than as prescribed by this part of the bylaw.
- 7.2. A Person must not misuse, interfere with, tamper with, or attempt to tamper with the operation of any Parking Meter.
- 7.3. Without Council permission, a Person must not affix or attempt to affix anything, or paint, write upon or disfigure any Parking Meter.

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## **8. Te Takahi Ture Tūnga Waka | Unlawful Parking**

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- 8.1. A Person must not Park any Vehicle or Vehicle Combination in a Parking Space except as permitted by the provisions of this part of the bylaw.
- 8.2. A Person must not Park a Vehicle or Vehicle Combination in a Parking Space in a way that extends any part of that vehicle beyond any line defining that space (unless by reason of its size it is necessary for the Vehicle to extend onto an adjoining and unoccupied Parking Space). If the Parking Spaces occupied by the Vehicle or Vehicle Combination are Metered Parking Spaces the Driver or person in control of the Vehicle must pay a parking fee for each space occupied.
- 8.3. A Person must not Park in an area governed by a non-operational parking meter longer than the maximum timeframe indicated on the meter.

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## **9. Whakaaetanga Tūnga Whaikaha | Mobility Parking Permit**

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- 9.1. The Council may reserve Parking Spaces as Mobility Parking Spaces as set out in Schedule 2G.
- 9.2. A Mobility Parking Permit must be displayed when using a Mobility Parking Space. The Mobility Parking Permit is to be legible through the front windscreen (or on the Vehicle if no windscreen is fitted).

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- 9.3. A Mobility Parking Permit must not be displayed if the Parking Space is not being used for the benefit of the permit holder.

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**10. Ngā Huarahi Ahutahi | One Way Roads**

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- 10.1. A Person must only drive a Vehicle or ride any horse or bicycle in the direction specified on Roads or parts of Roads listed as 'one-way roads' in Schedule 2A of Part Six.

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**11. Ngā Aukatinga Hurihanga | Turning Restrictions**

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- 11.1. Subject to the erection of the prescribed signs, a Person must not drive contrary to any turning restriction listed in Schedule 2B of Part Six.

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**12. Ngā Aukatinga Tōnuku Mātotoru | Heavy Traffic Prohibitions**

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- 12.1. Subject to the exemptions provided for in this part of the bylaw, a Person must not drive, or permit to be driven, or Park, any Heavy Motor Vehicle or any specified class of Heavy Motor Vehicle during the hours or exceeding the period specified for the Roads or Public Places listed in Schedule 2C of Part Six.

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**13. Ngā Ara Waka Motuhake | Special Vehicle Lanes**

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- 13.1. The Council may prescribe a Road, or part of a Road, as a Special Vehicle Lane by resolution.
- 13.2. Any resolution made under clause 15.1 must specify:
- a) the type of special vehicle lane; and
  - b) the hours of operation of the special vehicle lane (if any) when it is restricted to specific classes of vehicles.
- 13.3. A Person must not use a Special Vehicle Lane listed in Schedule 2D of Part Six, contrary to any restriction made by Council.

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**14. Ngā Whakaaetanga Hurihanga ki ngā Momo Waka | Turning Movements Permitted by Specified Classes of Vehicles**

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- 14.1. Subject to the erection of the prescribed signs, the traffic lanes listed in Schedule 2E of Part Six, permit turning movements by specified classes of Vehicles.

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**15. Ngā Wā Aukatinga ki ngā Huarahi | Prohibited and Restricted Times on Roads**


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- 15.1. Subject to the exemptions provided for in Part Six, Vehicles are prohibited from being used on any Road or part of Road at the days and times as specified in the schedules.
- 15.2. Before prohibiting any Vehicle under clause 15.1, the Council will consider the views and preferences of persons likely to be affected by, or to have an interest in, the decision which may include:
- a) the occupiers of any properties adjoining the proposed road or part of the road;
  - b) local community, road user group or other organisations;
  - c) NZ Transport Agency Waka Kotahi.
  - d) any other road controlling authority that may be affected because the proposed road or part of the road adjoins, or is located near a road controlled by that other road controlling authority; and
  - e) New Zealand Police.
- 15.3. Where Council prohibits Vehicles from being used on any Road, or part of a Road, the schedule must specify the Road or part of the Road, the prohibited times, and the class of Vehicle it applies to.

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**16. Ngā Waka i Tātahi | Vehicles on Beaches**


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- 16.1. A person operating a Vehicle on a beach must operate that Vehicle in a courteous, appropriate, safe and responsible manner, giving due consideration to other vehicle operators and to Other Users of the Beach at all times.
- 16.2. Any person operating any Vehicle on the Beach must not operate that Vehicle in a manner as to present a real or implied danger or threat to the wellbeing and safety of any Other Users of the Beach at all times.
- 16.3. A person must not operate a Vehicle on a Beach in excess of any speed limit imposed by the schedules to this Part of the bylaw.
- 16.4. Subject to the exemptions provided for in this Part of the bylaw, all Vehicles are prohibited in any prohibited beach areas identified in the schedules, at all times.

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**17. Ngā Tohu Huarahi me ngā Māka | Road Signs and Markings**


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- 17.1. The Council will indicate by road markings (e.g. lines painted on the road) and/or signage on any Road or part of Road, or any land owned or controlled by the Council, as necessary to give effect to any resolution made in accordance with this Part of the bylaw. This includes to indicate Metered Parking Spaces, pay and display zones and areas of zone parking.
- 17.2. Markings and signage will be in accordance with the Land Transport Rule: Traffic Control Devices 2004.

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**18. Ngā Momo Waka kua Kapea | Exempted Vehicles**


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- 18.1. Part Six does not apply to Emergency Vehicles carrying out their legitimate business (e.g. fire appliance, ambulance).
- 18.2. Sections 5, 6, and 13 of Part Six do not apply to medical practitioners such as doctors, nurses and midwives who are attending an emergency.
- 18.3. Clauses 12.1 and 15.1 of Part Six do not apply to Vehicles engaged in the maintenance of roads or of utilities or services which are erected on, under or over any roads in the prohibited area or Vehicles that have been approved in writing by the Council.
- 18.4. Clause 16.4 of Part Six does not apply to any employee, contractor or nominee of an Authorised Agency who is carrying out the lawful functions or activities of that Authorised Agency or Vehicles that have been approved in writing by the Council.

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**19. Ngā Hara me ngā Hāmene | Offences and Penalties**


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- 19.1. Any person who breaches Part Six commits an offence and may be liable to a penalty under section 22AB of the Land Transport Act 1998, schedule 1B of the Land Transport (Offences and Penalties) Regulations 1999, or section 242 of the LGA. Refer to Wairarapa Consolidated Bylaw Part One - Introductory (Section 15) for details of what constitutes a breach.
- 19.2. A person breaches Part Six and commits an offence, who:
- a) fails to comply in all respects with any prohibition, restriction, direction or requirement indicated by the lines, markings, traffic signs and other signs or notices laid down, placed, made or erected on or upon any road, public car park, reserve or other places controlled by the Council under any of the provisions of this Part of the bylaw; or
  - b) fails to comply with any condition, duty, or obligation, imposed by this Part of the bylaw.

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- 19.3. A person may not be subject to proceedings under clause 19.1 of Part Six, if that person is also, for the same facts, being proceeded against for a breach of the Land Transport Act 1998.

**Explanatory Note:**

As at the date the Bylaw comes into force, a Person who is convicted of an offence against Part Two is liable on conviction to a fine not exceeding \$20,000 in accordance with section 242 of the Local Government Act 2002;

## **20. Ngā Āheitanga | Defences**

- 20.1. It is a defence to Part Six if the Person proves that the act or omission:
- a) took place in compliance with the directions of an Enforcement Officer, a Parking Warden or a Traffic Control Device; or
  - b) was performed by an Enforcement Officer or a Parking Warden and was necessary in the execution of that person's duty.

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

- 21.1. The Council may by resolution publicly notified:
- a) add schedules;
  - b) make additions or deletions from the schedules; or
  - c) substitute new schedules.
- 21.2. Where Council intends to make a resolution under clause 20.1, consultation will be undertaken as required, in accordance with section 156 of the LGA.
- 21.3. After making a resolution under clause 20.1, the Council shall:
- a) record the matter in its traffic control schedules and publish the updated version; and
  - b) mark the roads and install signs in accordance with the Land Transport Rule: Traffic Control Devices 2004.

## **22. Ngā Hōtaka Whakahaere Tōnuku | Traffic Control Schedules**

- 22.1. The Masterton, Carterton and South Wairarapa District Councils will maintain schedules of the traffic control measures in their respective districts.

*To be included in the Masterton District Council Part 6: Traffic Bylaw Schedules*

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**SCHEDULE 2R: Prohibited or Restricted Times on Roads**

<b>Road</b>	<b>Section/Park</b>	<b>Time of prohibition</b>	<b>Vehicles subject to prohibition</b>
Memorial Drive (Queen Elizabeth Park)	Commencing from the point 155m from the intersection of Dixon Street and Memorial Drive (near the access point at the Waipoua River Swing Bridge), extending in an eastern direction through Queen Elizabeth Park to the end of the road (a distance of approximately 300m).	Prohibition is supported by a gate which is locked during the hours below.  Summer:  9.00pm – 7.00pm on the days of Monday to Sunday.  Winter:  5.00pm – 8.00am on the days of Monday to Sunday.	All vehicle classes.  Exemptions are provided by Council to selected parties who are provided a key for the gate.

# Ngā Ture ā-Rohe Tōpu o Wairarapa

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## Wairarapa Consolidated Bylaw

Wāhanga Whitu: Ngā Urupā me  
ngā Wāhi Tahu Tūpāpaku

### Part Seven: Cemeteries and Crematoria



### **Timatanga | Commencement**

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

### **Whakaae | Adoption**

<b>Date</b>	<b>Summary of Amendments</b>	<b>Adopted By</b>
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 Seven – Cemeteries and Crematoria	Masterton District Council Carterton District Council South Wairarapa District Council
8 October 2025	Wairarapa Consolidated Bylaw: Part Seven – Cemeteries and Crematoria	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:

- Burial and Cremation Act 1964
- Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967
- Cremation Regulations 1973
- Health (Burial) Regulations 1946
- Local Government Act 2002

Reference is made in this document to the following document:

- NZS 4242: 2018 Headstones and Cemetery Monuments

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## Kupu Takamua | Foreword

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Part Seven is made under sections 16 and 40 of the Burial and Cremation Act 1964 and 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 Seven enables the Council to regulate activities and set standards for the efficient operation and management of Cemeteries and Crematoria under the Council's ownership or administration.
- 1.2. Nothing in Part Seven derogates from any provision of, or the necessity for, compliance with the:
  - a) Burial and Cremation Act 1964;
  - b) Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967;
  - c) Cremation Regulations 1973; and
  - d) Health (Burial) Regulations 1946.

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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 Part Seven:

**ACC:** means Accident Compensation Corporation.

**Adorn:** means placing an item for the purpose of decoration such as flowers, vases or a wreath and "adornment" has the corresponding meaning.

**Application for Cremation:** means an application for Cremation in Form A of Schedule 1 of the Cremation Regulations 1973.

**Burial Booking Form:** means the application form required to be completed and submitted to the Council for the Interment of a body in the Cemetery. May also be known as an Application for the Right of Interment form.

**Ashes:** means the cremated remains of a deceased human.

**Beam:** means the concrete area of a Plot where a headstone or plaque is placed.

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**Burial:** means the action or practice of placing a deceased human's body or Ashes in the ground.

**Burial Warrant:** means a written approval from the Council issued to an Authorised Agent as authority for Interment as a result of completing the Burial Booking Form.

**Closed Cemetery:** has the meaning given to it under section 2 of the Burial and Cremation Act 1964.

**Combustible Material:** means material capable of catching fire and burning.

**Cremation:** has the meaning given to it under section 2 of the Burial and Cremation Act 1964.

**Cremation Fee:** means the fee set by the Council for the Cremation.

**Crematoria:** means any Crematorium maintained by the Council.

**Crematorium:** has the meaning given to it under section 2 of the Burial and Cremation Act 1964.

**Disinterment:** means the removal of any body, or the remains of any body, or Ashes Interred in any Cemetery.

**Exclusive Right of Burial:** means a right that may be purchased by a Person from the Council, in perpetuity or for a limited time (at the Council's discretion), granting to that Person (or their successor) an exclusive right of:

- Burial in any part of a Cemetery; and
- constructing any vault or place of Burial with the Exclusive Right of Burial in that vault or place of Burial.

The Exclusive right of Burial does not create an ownership interest over that designated part of the Cemetery.

**Full Grave Cover:** means a solid, permanent cover placed over a grave that is intended to completely enclose or cover the burial site.

**Interment / Re-interment:** means the broader act of placing a deceased body or cremated remains in a permanent resting place, which can include Burial or a Natural Burial and re-interment means the relocation of remains from one Burial site to another

**Justice:** means a Justice of the Peace for New Zealand appointed under section 3(1) of the Justice of the Peace Act 1957.

**Manager:** means any person appointed by the Council to control and manage, or to assist in the control and management of, any Cemetery or

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Crematorium and to carry out Burials and Cremations as provided in this part of the bylaw.

**Memorial:** means a structure or item placed to memorialise the deceased, and includes any tombstone, headstone, plaque or other remembrance item permanently installed within a Cemetery.

**Monument:** includes any tombstone, headstone, kerbing or other erection.

**Natural Burial:** means a Burial that has a low environmental impact, including the body not being treated with chemical or oils that prevent or slow down the decay of the body.

**Objectionable:** has the meaning given to it under section 3 of the Films, Videos, and Publications Classification Act 1993.

**Permission to Cremate Form:** means the permission to Cremate form in Form F of Schedule 1 of the Cremation Regulations 1973.

**Plot:** means and includes a specified area within the Cemetery set aside for the Burial and includes Ashes or Memorial Plot.

**Sexton:** means any person appointed by the Council to manage the day-to-day activities of any Cemetery and Crematorium under its jurisdiction, including arranging for the provision of Plots for Burials.

**Urn:** means a container or receptable of Ashes.

**WINZ Funeral Grant:** means a Work and Income New Zealand funeral grant.

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### 3. Te Hoko Rua me te Mana Nehunga | Sale of Plots and Exclusive Right of Burial

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- 3.1. Burial Plots sold by the Council are sold upon the terms and conditions as decided by the Council.
- 3.2. In accordance with section 10(4) of the Burial and Cremations Act 1964, the Exclusive Right of Burial shall lapse if a Burial has not taken place in that part of the Cemetery relating to the Exclusive Right of Burial within the period of 60 years from the date of issue of that Exclusive Right of Burial. Council is not liable for reimbursement or compensation from the lapsing of the Exclusive Right of Burial.
- 3.3. The Council will not sell an Exclusive Right of Burial for any Plot in areas of a Cemetery reserved exclusively for Natural Burials.

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#### **4. Ngā Nehunga | Burials**

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- 4.1. A Burial Warrant must be obtained before a Burial takes place. A Burial Warrant may be obtained by completing a Burial Booking Form and paying of the appropriate fee. The person managing or controlling the Burial must present the Burial Warrant to the Sexton as authority for Burial.
- 4.2. Burials are to take place in Plots as determined by the Manager and no Memorial, Full Grave Cover or surround is to be installed on the Plot unless the Exclusive Right of Burial has been purchased.
- 4.3. Only the Sexton, assistants of the Sexton, or Authorised Agents, are to dig or fill a grave in, or open the ground for Burial in, any part of the Cemetery. Caskets must have a minimum cover depth of no less than one metre.
- 4.4. Burial of any person other than the owner of the Exclusive Right of Burial will only take place with the express prior consent of the holder of the Exclusive Right or their power of attorney.
- 4.5. Upon application to the Council and payment of the appropriate fees, an Urn containing Ashes may be Buried in an area of the Cemetery set aside for that purpose or in any Plot subject to an Exclusive Right of Burial.

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#### **5. Ngā Nehunga māori | Natural Burials**

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- 5.1. The Council may set aside areas within a cemetery for Natural Burials through a publicly notified resolution.
- 5.2. A Natural Burial must:
  - a) be single depth, with a minimum depth cover of one metre;
  - b) use only caskets or coffins made of biodegradable materials;
  - c) use shrouds made of natural materials;
  - d) use no chemical or embalming treatment of the body;
  - e) contain only biodegradable accessories, including clothing; and;
  - f) use only temporary, untreated wooden above-ground markers, placed at the time or within the first week of Burial, centrally located at the head of the Plot.
- 5.3. No Memorials or Adornments may be placed on or near a Natural Burial Plot. A native tree or shrub, chosen and planted by the Council at its discretion, is used to permanently mark the site of a Natural Burial Plot. The cost of the plant is built into the cost of the Natural Burial Plot.
- 5.4. The Council may, at its discretion, use below-ground markers that are of a material it considers appropriate, to ensure the location of the deceased can be identified.

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**6. Te Whakatū, te Whakahaere hoki i ngā Kōhatu  
Whakamaumaharatanga | Installation and Maintenance of  
Monuments, Memorials and Structures**

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- 6.1. If a Person wishes to install a Memorial in a Cemetery, they must first complete a Memorial Application form. The Memorial Application Form must include written permission from the Owner (or the person holding the Owner's power of attorney) of the Exclusive Right of Burial for that Plot.
- 6.2. The installation of Memorials, grave surrounds, and concrete beams and bases, or overtop construction or repairs, must be carried out to the satisfaction of the Council.
- 6.3. All above ground Monuments, grave structures, and enclosures must be installed to New Zealand Standard (NZS) 4242.
- 6.4. Any Person who purchases a Plot with a Memorial is responsible for paying the fees prescribed by the Council.
- 6.5. The Owner of a Plot (or their successor) must ensure:
  - a) any Memorials associated with the Plot are safe and secure;
  - b) any Memorials do not inhibit regular maintenance of the Cemetery;
  - and
  - c) any Monuments, enclosures and their base structures are kept in good order and repair to the satisfaction of the Council.
- 6.6. Plans and specifications for the construction of above ground vaults in Cemeteries must be submitted to the Council for approval prior to any work commencing. Construction of the vault must be to standards acceptable to the Council.
- 6.7. Only approved Memorials are to be installed within the precincts of a memorial park cemetery. A Memorial must not exceed a height of 1.2 metres except with the written permission of the Manager.
- 6.8. A Monument in a plaque lawn cemetery must not be constructed to allow any part to project above the ground immediately adjoining it.
- 6.9. Plaques in a plaque lawn cemetery must consist of permanent material, be of an approved size and set in an approved position with all inscriptions relating to the persons buried in each Plot to be on the one plaque.
- 6.10. Monuments must not be removed from any Cemetery or grave without written permission of the Manager.
- 6.11. The Council may carry out regular audits of Monuments to ensure their safety. Where any Monument is, in the opinion of the Council, a danger to persons visiting or working in the Cemetery, the Council shall make the Monument safe or shall take it down or remove it.

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- 6.12. Subject to the provisions of the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967 or successor regulations, if a Monument is dilapidated or neglected and isn't repaired or replaced to the satisfaction of the Council within three months (or longer time if the Council agrees), the Council has the right to remove it. The timeframe starts from when a notice is given, or from the last notice or public announcement about it.

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## **7. Ngā Whakarākei | Adornments**

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- 7.1. Adornments may be placed on a plot for up to one month following an Interment. After this period, Adornments must be placed in approved receptacles and be within the confines of the Beam (not on the grass in front of, or behind the Plot).
- 7.2. All vases and containers for flowers in memorial park cemeteries must be placed in accordance with any specifications set by Council.
- 7.3. Glass, pottery, or other breakable items or items that may pose a danger must not be used or placed on the Memorial, plaque, Beam or the grassed area of the Plot.
- 7.4. The Owners of a Plot (or their successor) must ensure any Adornments associated with the Plot are safe and secure and do not inhibit regular maintenance of the Cemetery or other graves.
- 7.5. Council may remove the Adornments described in clause 7.3 or any other Adornment that is neglected, broken or may otherwise pose a danger or inhibits regular maintenance of the Cemetery. Council will place these Adornments in a designated place for collection by the Owner. Council will retain the Adornment for a reasonable period of time, after which the Adornment may be disposed of without compensation to the Owner of the Adornment.
- 7.6. Adornments must not be removed or taken from any grave in any Cemetery without approval of the Sexton, except as provided for in clause 7.4.

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## **8. Te Tiaki Urupā | Maintenance of Cemeteries**

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- 8.1. The Owner of the Exclusive Right of Burial (or their successor) and the Owner of a Plot (or their successor) must ensure the Plot is maintained.
- 8.2. The Council may from time to time preserve, maintain and keep a Cemetery including its walls, rails, fences, gates, entrances and all Monuments, enclosures, buildings, erections, walks, avenues, roads, lawns and shrubberies in it safe, clean, and orderly condition.
- 8.3. No Person may plant any tree or shrub or plant in any part of any Cemetery without prior written approval of the Manager. No tree, shrub, or plant will be planted on any Plot unless in a Natural Burial Plot.

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- 8.4. Council may trim, maintain, or remove any tree, shrub, plant (or any other vegetation) planted in the Cemetery, at its discretion.
- 8.5. The Council may make all necessary and proper drains in and about any Cemetery and may from time to time cause any such drain to connect with any existing drain for the purposes of draining it and keeping it dry.
- 8.6. Services cemeteries will be maintained by Council in accordance with the Standard of Care set by Veterans' Affairs New Zealand..

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## **9. Tahu Tūpāpaku | Cremation**

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- 9.1. An Application for Cremation and a Permission to Cremate Form together with all other necessary documentation as set out in the Cremation Regulations 1973 and as may be specified by the Council, must be provided to the Sexton prior to Cremation. The Cremation Fee must be paid (or arrangements for payment made) prior to the Cremation.
- 9.2. An approved Urn containing the Ashes may be kept in the Crematorium free of charge for 14 days following the Cremation. After this period, fees set by the Council will apply.
- 9.3. The Council will not hold Ashes beyond three months' from the date of Cremation. After this period, the Council may dispose of the Ashes in accordance with regulations made under the Burial and Cremation Act 1964.
- 9.4. The casket containing any deceased person intended for Cremation must be made of an approved Combustible Material.
- 9.5. No casket will be opened after admission to the Crematorium without the consent of the Sexton.

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## **10. Ngā Hāora Mahi | Hours of Operation**

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- 10.1. Funerals may be held on days and at times as determined by the Council.
- 10.2. The Council determines the hours of operation of its Crematorium.

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## **11. Ngā Waka | Vehicles**

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- 11.1. Every Person driving or in charge of any Vehicle in any Cemetery must stop or move such Vehicle as directed by the Sexton or assistants of the Sexton.
- 11.2. Vehicles must not be driven at speed more than 20km/h or as indicated on any road within the Cemetery, nor in any direction other than the direction indicated by traffic notices.
- 11.3. All Vehicles (other than hearses) must yield unconditional right of way to any funeral procession.

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**12. Ngā Whanonga | Conduct**


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- 12.1. Any Person undertaking work or otherwise present in a Cemetery must withdraw for the duration of a nearby Interment or service or at the direction of a person authorised by Council.
- 12.2. A Person must not in any part of a Cemetery or Crematorium:
- a) prevent, interrupt, delay or disturb any Internment, funeral or Burial service or proceedings;
  - b) behave in a manner that creates a Nuisance or is offensive or is likely to create a Nuisance or offense to any other Person lawfully within or approach a Cemetery;
  - c) solicit trade, advertise Goods, or accept orders for Goods (this excludes transactions of Council staff undertaken in the course of management of the Cemetery and Crematorium);
  - d) place or allow to be placed on any Monument or other structure, any epitaph, inscription, writing or lettering or any words, marks or characters or any pictures which might be considered Objectionable.

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**13. Te Nehu te Tahu Tūpāpaku rānei Kāore ana Pūtea | Burial or Cremation of Persons Without Financial Means**


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- 13.1. Applications to Council for the Interment or Cremation of a deceased person without financial means, must include an order signed by a Justice certifying that:
- a) the deceased person has not left sufficient means to pay the charge (fixed by the Council) to be Buried or Cremated in the Crematorium;
  - b) the cost of Burial is not covered by any ACC Entitlement or WINZ Funeral Grant or other entitlement; and
  - c) the deceased person's relatives and friends are unable to pay the costs.

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**14. Ngā Tūpāpaku Tauā | Deceased Servicemen**


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- 14.1. Where a request is received by the War Graves Branch of the Department of Internal Affairs for the disinterment of any deceased servicemen and the re-interment in the war graves section of the cemetery, the fees payable to Council will be agreed upon between the parties at the time.

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**15. Te Hahu Tūpāpaku | Disinterment**


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- 15.1. Where a request is received for a disinterment and/or a re-interment, it must be conducted in accordance with sections 51 and 55 of the Burial and Cremation Act 1964 and is subject to the payment of such fees as the Council decides.

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**16. Te Mana Whakatau Utu | Power to Set Fees**


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- 16.1. The Council may set fees for the purchase of Plots and all other services provided for the repair, operation, and maintenance of Cemeteries and Crematoria through a publicly notified resolution.
- 16.2. "Out of district" fees may be payable in the case of a Burial of a deceased person not residing in or not a ratepayer of the district for a predetermined time as fixed by Council. The Manager determines whether an "out of district" fee is applicable.

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**17. Ngā Hara me ngā Hāmene | Offences and Penalties**


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- 17.1. Any Person who breaches Part seven commits an offence and may be liable on conviction to a penalty under section 242 of the LGA. Refer to Wairarapa Consolidated Bylaw Part One1 - Introductory (Section 15.2) for details of what broadly constitutes a breach.

**Explanatory Note:**

As at the date the Bylaw comes into force, a Person who is convicted of an offence against Part Seven is liable on conviction to a fine not exceeding \$20,000 in accordance with section 242 of the Local Government Act 2002;



# Ngā Ture ā-Rohe Tōpu o Wairarapa

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## **Wairarapa Consolidated Bylaw**

Wāhanga Waru: Ngā Ture ā-  
Rohe Haumanu Rerehua, Kirituhi,  
Titi Kiri

### **Part Eight: Beauty Therapy, Tattooing and Skin Piercing**



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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 Twelve – Beauty Therapy, Tattooing and Skin Piercing	Masterton District Council Carterton District Council South Wairarapa District Council
8 October 2025	Wairarapa Consolidated Bylaw: Part Eight – Beauty Therapy, Tattooing and Skin Piercing	Masterton District Council Carterton District Council 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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## Tuhinga Pāhekoheko | Referenced Documents

Reference is made in this document to the following legislation:

- Health Act 1956
- Local Government Act 2002

Reference is made to the following documents:

- Guidelines for the Safe Piercing of Skin published in October 1998 by the Ministry of Health
- Customary Tattooing Guidelines for Operators published in April 2010 by the Minister of Health
- New Zealand Environmental Protection Authority's Tattoo and Permanent Makeup Substances Group Standard 2022

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## Kupu Takamua | Foreword

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

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 Eight protects, promotes and maintains public health and safety and prescribes sanitary precautions to prevent the transference of communicable diseases via beauty therapy practices, tattooing or skin piercing businesses.
- 1.2. An **exemption from the requirements of registration** is provided for certain qualified health practitioners due to their recognised training standards, however general standards of hygiene must still comply with the Infection Control Standards NZS 8134 3 2008. Other exemptions, where appropriate, also apply (refer section 14 of this part for further details).
- 1.3. Part Eight should be read in conjunction with the Guidelines for the Safe Piercing of Skin published in October 1998 by the Ministry of Health.

### Explanatory Note:

Part Eight supplements other obligations of premises, including but not limited to, those set out in the Resource Management Act 1991 and Building Act 2004, and any codes developed under such legislation, and those in Council plans and bylaws. A premises may also be subject to other licensing requirements by the Council.

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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 Part Four:

**Acupuncture:** means the practice involving the insertion of filiform (very narrow) needles through the skin and tissues for the purpose of alleviating ailments or injuries.

**Authorised Officer** has the meaning given in Part One of the bylaw.

**Autoclave:** means a machine using high pressure and steam to Sterilise equipment and supplies.

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**Beauty Therapy Practices:** means any procedure intended to improve, alter or cleanse a person's appearance (hair, skin or complexion) or wellbeing including, but not limited to, any Prescribed Process that:

- pierces the skin (including but not limited to Tattooing, body Skin Piercing, Electrolysis, red vein therapy, dermal rolling or stamping, extractions); or
- risks breaking the skin (including but not limited to hair removal e.g. Epilation or Depilation, waxing and Electrolysis, manicure, pedicure); or
- risks burning the skin (including but not limited to pulsed light, laser treatments, Solariums).

Where relevant, this includes businesses such as jewellers, body skin piercers, beauty therapists, nail technicians, and tattooists.

**Certificate of Registration:** means a certification or licence issued by the Council confirming that the Prescribed Processes a Beauty Therapy professional or establishment provides meets the required standards as set by this bylaw or the relevant regulations and includes all conditions to which the Certificate of Registration is subject.

**Cleaning:** means the physical removal of dirt, blood and any other substances from surfaces by washing in detergent and warm water to reduce the number of microorganisms and "Clean" and "Cleansed" have a corresponding meaning.

**Communicable Disease:** has the meaning given to it in section 2 of the Health Act 1956.

**Designated Premises:** includes any commercial, industrial, Residential, or community building where a Prescribed Process is carried out, whether they are Permanent or Temporary Premises.

**Disability Assist Dog:** has the meaning given to it under section 2 of the Dog Control Act 1996.

**Disinfection:** means the killing of disease-causing micro-organisms except bacterial spores and "Disinfected" has a corresponding meaning.

**Electrolysis or short-wave diathermy:** means the use of negatively charged electrical current to destroy hair.

**Epilation or depilation:** means the practice involving the penetration of the skin for the purpose of removing hair and includes the process commonly known as electrolysis.

**Health Practitioner:** has the meaning given to it under section 5(1) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of a particular health profession.

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**Instrument:** means any appliance, implement, needle or tool, of metal or non-metallic construction, which may come into contact with the skin or tissue on which the Prescribed Process is being carried out. It must also include any swab or dressing applied to the broken skin surface.

**Licensee:** means the person or legal entity to whom a Certificate of Registration has been issued to under this bylaw in respect of a Prescribed Process in their Premises.

**Medical Waste:** means the disposal of any needle or other article contaminated by blood, tissue or other bodily fluid in an approved manner such as a sharps container or biohazard waste receptacle.

**Psychoactive Substance:** has the meaning given to it under section 9 of the Psychoactive Substance Act 2013.

**Mobile Operator:** means a person who operates without a Premises.

**Mobile Premises:** means a location other than a Permanent Premises where any Prescribed Process is undertaken on an ongoing and regular basis by any person including any vehicle, stall or unit whether self-propelled or not.

**Operator:** means any Licensee and/or staff member who performs or carries out a Prescribed Process.

**Permanent Premises:** means any location where a Prescribed Process is undertaken by any person on a permanent basis and the primary purpose of that location is the ordinary provision of that process.

**Premises:** is defined in Section 4 of Part One and includes, where the context requires in this Part, Designated Premises, Permanent Premises, Temporary Premises, and Mobile Premises.

**Prescribed Process:** means any Beauty Therapy, Tattooing or Skin Piercing process, (whether operated from Permanent, Temporary or Mobile Premises, and including Mobile Operators), for which payment is received.

**Principal Entrance:** means the main entry point to the Premises, through which clients, customers, or visitors access the Premises.

**Readily Accessible:** means the location of any fixture, equipment, instrument or utensil so that it can be accessed quickly, practically and without any action likely to pose a risk to any person.

**Red Vein Treatment:** means the practice of piercing a vein with a needle along the length of a damaged capillary causing little dams or blockages along the vessel.

**Residential:** means from a private dwelling.

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**Skin:** is included in the definition of Tissue and means the outer surface covering the body and is made up of the outer epidermis, middle dermis and deep subcutaneous tissue.

**Skin Piercing:** means a practice involving the piercing, cutting or puncturing of the skin or any other part of the human body and includes such services as acupuncture, body piercing, derma rolling/stamping, dry needling, electrolysis, extractions, red vein treatment and Tattooing, and Traditional Tools Tattooing.

**Recognised Qualification:** may include a nationally or internationally recognised training standard, NZQA unit, standard, or industry training organisation qualification.

**Sterilised:** means in relation to an instrument or like article or container, means subjecting an instrument, article or container to a process (including methods like with heat or an Autoclave), as a result of which all organisms and their spores present on the surfaces of the instrument, article or container are completely eliminated or killed and "Sterilisation" and "Sterilise" have a corresponding meaning.

**Tā moko:** means, in relation to Prescribed Processes where payment is received, the permanent marking or Tattooing as customarily practised by Māori.

**Explanatory Note:**

Practitioners undertaking tā moko on a marae in Wairarapa and in accordance with tikanga Māori (traditional Māori custom), where no payment is received, are exempt from complying with this part of the bylaw (refer section 14.2 of this part).

**Tattooing:** means a process by which indelible marks are made in human skin or tissue by inserting pigments or dyes into punctures. Tattooing also includes the process known as pigment implantation or permanent makeup and "Tattoo" has a corresponding meaning. Tattooing also includes cosmetic and semi-permanent tattooing/makeup applications.

**Tatau:** means the permanent marking or Tattooing as customarily practised in Samoa.

**Temporary Premises:** means any location where any Prescribed Process is undertaken by any person on an irregular basis and the primary purpose of that location is not the ordinary provision of that service.

**Tissue:** means a collection of similar cells that together carry out a specific function. It includes connective tissue such as blood, bones and ligaments, muscular tissue, membranes and Skin.

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**Traditional Tools Tattooing:** means a practice of making indelible marks in the human skin or tissue by inserting pigments or dyes into punctures made in the skin or tissue using tools that are culturally traditional in structure and used in procedures such as Tā moko, Tatau, Uhi or any other traditional tattooing practice that has recognised cultural significance.

**Uhi:** means Māori tattooing implements (chisel blades).

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### **3. Tohu Rēhita | Certificate of Registration**

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- 3.1. A Person must not use any Premises to carry out any Prescribed Process without a current Certificate of Registration.
- 3.2. Applications for a Certificate of Registration must be made by the owner or manager or Operator and shall be made on the prescribed form. The applicant must pay the applicable registration fees as set by the Council.
- 3.3. Council may make controls and set fees or recover costs for the following matters with respect to any Certificate of Registration required by clause 3.1:
  - a) applications for a Certificate of Registration (including renewals);
  - b) process to review, suspend or cancel a registration or its conditions;
  - c) process to object to a decision of the Council in relation to the review, suspension or cancellation of a registration;
  - d) conducting inspections necessary as part of the process of assessing an application for registration; and
  - e) conducting inspections to ensure that a registration and its conditions are complied with.
- 3.4. At the discretion of Council and having regard to any controls made under clause 3.3, a Certificate of Registration may be declined, or granted subject to any conditions.
- 3.5. A Certificate of Registration must not be issued unless the Premises concerned complies with all requirements of this part of the bylaw, or an exemption in accordance with section 13 of this part of the bylaw has been granted.
- 3.6. All Operators must comply with the conditions of any Certificate of Registration and requirements within this bylaw unless a written exemption is obtained.
- 3.7. The Certificate of Registration must be prominently displayed at the Principal Entrance so that anyone visiting the Premises can easily see it.
- 3.8. A Certificate of Registration is valid for up to 12 months from the date it was issued and it must be renewed annually.

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- 3.9. A Certificate of Registration issued under this part of the bylaw is not transferable without written approval from Council. If the business is sold or transferred to another person, the owner, manager, or Operator must notify the Council in writing within 14 days of the settlement date of the sale of the business. The new owner must apply to Council for a new Certificate of Registration and must pay the required registration fees.

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#### **4. Ngā Herenga Mahi | General Conditions of Operation**

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- 4.1. A person must not allow or carry out any Prescribed Process on any person under the age of 16 years without the written permission of that person's parent or legal guardian.
- 4.2. A person must not carry out the Prescribed Process of tattooing any person under the age of 18 years.
- 4.3. A person must not pierce any nipple or genital area of a person under the age of 18 years.
- 4.4. A person must not carry out any Prescribed Process on any person whom they suspect is under the influence of alcohol, drugs or Psychoactive Substances.
- 4.5. A person must not allow or carry out any Prescribed Process unless they hold a Recognised Qualification, where a Recognised Qualification is available for the Prescribed Process. An exemption will be applied to any person under the direct in-person supervision of someone who holds the said qualification and where the person providing the supervision is employed by a training institution.
- 4.6. Any person who undertakes a prescribed process that pierces or penetrates the skin must have obtained and be able to provide evidence of the successful completion of a bloodborne pathogen training course.

##### **Explanatory Note:**

A bloodborne pathogen training course includes training undertaken face-to-face or online. Such courses must cover identification of disease and infection causing microorganisms, the risks associated with such microorganisms, and the prevention and control measures required to protect clients when reprocessed items or equipment is used.

All skin-piercers and tattooists must complete bloodborne pathogen training within one year of either the enactment of this part of the bylaw or within one year of initial registration under this part of the bylaw.

- 4.7. A person must not eat or drink on the Premises except in a part of the Premises that is clearly separate from the area where the Prescribed Process is carried out and refreshments are only to be served in client waiting areas, not in work areas.
- 4.8. Smoking and vaping are prohibited on the Premises.
- 4.9. The Operator of a Premises where any Prescribed Process takes place, must display in a prominent place a notice asking clients to inform them of any Communicable Disease the client has, which may be likely to have an effect on the Prescribed Process.
- 4.10. A person who knows or suspects that they are suffering from, or are a carrier of, a Skin infection or Communicable Disease, or associated conditions, must not carry out any Prescribed Process, without taking adequate precautions to prevent the transmission of such infection, disease or condition.
- 4.11. No Animals, except disability assist dogs, are to be permitted in that part of the Premises where the Prescribed Process takes place.
- 4.12. Prior to performing any Prescribed Process that invades someone's body in any way, information must be given in a manner which fully explains the nature of the procedure, the outcomes of it and any risks involved. The information must be understandable and take into account the age of the person involved, and their understanding of the language used. Informed consent cannot be legally given by someone under the age of 16 years.
- 4.13. Any person who wishes to have a Prescribed Process carried out, must inform the Licensee, manager, or other person for the time being appearing to be in charge of the Premises, prior to the commencement of any Prescribed Process, if they know or suspect that they:
  - a) are suffering from a Communicable Disease;
  - b) have a history of problem bleeding;
  - c) are taking medication such as anticoagulants which thin the blood or interfere with blood clotting;
  - d) have a history of allergies or adverse reactions to pigments, dyes or has other skin sensitivities; or
  - e) have a history of epilepsy or seizures.
- 4.14. The Operator is required to specifically request the information needed under clause 4.13 and keep accurate records under section 13.

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- 4.15. The Operator may decline to carry out any Prescribed Process on the basis of information received under clause 4.13 or agree to carry out the Prescribed Process subject to such conditions as are considered appropriate in the circumstances. Nothing in this part of the bylaw shall be construed as requiring any person to perform a Prescribed Process on any other person.

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## **5. Ngā Āhuatanga Ōkiko o te Hanganga | Physical Aspects of Premises**

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- 5.1. A person must not use, or allow any Premises to be used for a Prescribed Process except in accordance with all of the following provisions:
- a) the Premises must be maintained in a state of good repair, Sanitised, clean and tidy condition;
  - b) the floors, walls, ceiling, fixtures and fittings in any area connected with the carrying out of any Prescribed Process must be constructed of materials that are continuously smooth, impervious and easily cleaned;
  - c) a wash basin, a constant piped supply of hot and cold water, soap, a nail brush and approved hand drying facilities must be provided in a readily accessible position within the working area associated with the Prescribed Process;
  - d) a designated sink supplied with a constant piped supply of hot and cold water must be provided in a readily accessible position within the working area for the sole purpose of Cleaning Instruments and equipment associated with a Prescribed Process;
  - e) all parts of the Premises must be adequately ventilated;
  - f) all parts of the Premises must be provided with adequate lighting to assist in the performance of a Prescribed Process and facilitate cleaning and inspection;
  - g) there must be a sufficient supply of Cleaning, Sanitising and Sterilising agents, and suitable Cleaning equipment, to enable regular and proper Cleaning of the Premises and the equipment.
  - h) there must be a separate area in the Premises for the storage of chemicals, cleaning equipment and products associated with any Prescribed Process when they are not in use;
  - i) there must be an a sufficient supply of covered waste receptacles that are constructed of easily cleanable materials;
  - j) all mattresses, squabs and cushions used on any chair, bed, table or the like, used in conjunction with the carrying out of any Prescribed Process, must be covered in impervious and readily cleanable material. After

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each client, all linen/paper used to cover these must be replaced and the tables and equipment must be Cleaned and Disinfected.

- k) there must be a separate storage area for clean and soiled laundry. The storage containers for the laundry must be made of water-proof material and capable of being easily cleaned;
- l) there must be a separate storage area in the Premises for the storage of beauty products and other products or materials.
- m) where refreshments are served to clients, single use utensils are to be used unless dishwashing facilities are supplied.

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## **6. Ngā Hanganga Hīkawe me ngā Kaiwhakahaere Hīkawe | Mobile Premises and Mobile Operators**

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### **6.1. All Mobile Operators must:**

- a) provide sufficient facilities in the Mobile Premises to adequately store all clean and used equipment, linen and waste products safely in separate containers before and after use and while in transit;
- b) establish and maintain a 'clean' work area in the Mobile Premises and protect all surfaces and equipment in that work area from contamination by dust, dirt, other such contaminants or members of the public at all times;
- c) ensure that in the Mobile Premises, there is direct access to hand washing facilities with soap, paper towels and hot and cold running water. Alternatively, where it is physically impossible to have hand washing facilities with running water in the Mobile Premises, waterless alcohol-based antiseptic hand gels, foams, or liquids can be used.
- d) clean their hands using waterless alcohol-based hand cleanser between each client;
- e) wash their hands with running water and soap if their hands are visibly soiled; and
- f) ensure there is sufficient Sterile equipment for all clients undergoing Skin penetration procedures and, if the Mobile Premises does not have an Autoclave, then single use pre-sterilised equipment is to be used.

### **6.2. All owners or Operators of a Mobile Premises must ensure that the area set aside for the Mobile Premises complies with all controls for a Prescribed Process. The controls for a Prescribed Process in a Mobile Premises are to be determined by an Authorised Officer, who will take into consideration the circumstances in which the Prescribed Process is being undertaken to decide what is appropriate.**

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**7. Ngā Whanonga | Conduct**

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- 7.1. While on the Premises, an Operator must:
- a) at all times keep their clothing, hands and fingernails clean, and cover any infected, damaged or inflamed skin with an impermeable dressing or disposable gloves;
  - b) thoroughly clean their hands immediately:
    - i. before commencing and after completing any Prescribed Process;
    - ii. after using a toilet;
    - iii. after smoking or vaping;
    - iv. after blowing the nose; and
    - v. after handling soiled laundry, money, biological matter or waste materials used or produced in connection with a Prescribed Process;
  - c) prior to commencing any Prescribed Process, cleanse the client's skin by swabbing with a suitable cleansing agent; and
  - d) dispose of all blood or tissue contaminated materials, and dye residue used in a Prescribed Process into a puncture resistant container, 'sharps container' or otherwise in a manner approved by an Authorised Officer.
- 7.2. An Operator shall, at the completion of any Prescribed Process, provide to each client suitable written instructions for the subsequent after care of the site to prevent its infection.
- 7.3. An Operator must not undertake any Tattooing, waxing, Electrolysis or Skin Piercing procedure unless that person covers their hands with new, single use gloves for each client, wherever practical.
- 7.4. Any equipment used for a Prescribed Process must be calibrated, serviced and operated according to manufacturer specifications and only used for the purpose set out in the instructions. Section 13 contains requirements for keeping records about the servicing and calibration of this equipment.
- 7.5. An Operator must ensure there is a written procedure for the Cleaning of any blood or tissue contaminated linen or fixtures held onsite at all times.

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**8. Kirituhi | Tattooing**


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- 8.1. The Sterilisation of Tattooing equipment must include, but not be limited to, the Sterilisation of needle bars, tubes and tube tips.
- 8.2. Stencils and marker pens must only be used for one client and then disposed of.
- 8.3. An Operator must not, in Tattooing a client, use any dye, pigment or solution, unless the dye, pigment or solution:
  - a) has been decanted into a single use container (as per Section 11) holding a sufficient amount of the liquid for carrying out the Tattoo on that client only; and
  - b) is, while the process is being carried out on that client, extracted or withdrawn only from that container.
- 8.4. The Operator must ensure that on completion of the Tattoo, any dye, pigment or solution residue is discarded and disposed to waste, and the container is either sterilised or discarded.
- 8.5. The Operator is responsible for ensuring all dyes, inks, pigments, or solutions used for Tattooing are:
  - a) approved under the New Zealand Environmental Protection Authority's Tattoo and Permanent Makeup Substances Group Standard 2022 (or subsequent iteration) or meet the relevant standards that apply under legislation from the territory or country from which they are imported; and
  - b) prepared, stored and dispensed in such manner as to prevent any likelihood of infection to any other person.

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**9. Haumanu Rerehua, Titi Kiri me te Kuku Huruhuru | Beauty Therapy/Skin Piercing/Epilation**


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- 9.1. An Operator must not remove hairs from moles, birthmarks and other abnormalities without medical permission.
- 9.2. The client's Skin must be suitably cleansed prior to waxing.
- 9.3. No person may use any Instrument to pierce Skin unless it has been Sterilised and has been kept in such a manner as to maintain sterility. All needles must be either pre-sterilised disposable types or needles sterilised as directed in section 11. No needle or other Instrument used to carry out a Skin Piercing may be touched by bare fingers, nor contaminated by packaging which has been contacted by bare fingers.
- 9.4. All jewellery used for Skin Piercing must be Sterile.

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- 9.5. Any product that has been applied to a client's body (including wax) must not be reused on another client.
- 9.6. Any applicator that makes contact with a person's Skin must not be reused (double-dipped) or be replaced in a receptacle containing wax or any product unless the product has been decanted into single use containers.
- 9.7. All equipment and disposables used as part of treatment or after care must be used and stored in such a way to prevent contamination.

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#### **10. Ngā Ratonga Aukati | Prohibited or Restricted Services**

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- 10.1. Commercial Services that pierce the eyeball (including tattooing of the eyeball or scleral tattooing) are prohibited unless undertaken by appropriately qualified health practitioners (Ophthalmologists) who are covered by the Health Practitioners Competence Assurance Act 2003 in the practice of their profession.

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#### **11. Te Patu Moroiti i ngā Taputapu | Sterilisation of Equipment**

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- 11.1. No tools or equipment used for any Prescribed Process, such as needles and similar equipment that pierces or risks cutting the Skin (including pedicure, manicure or waxing equipment), shall be reused unless it has been Sterilised in one of the following ways:
  - a) thoroughly cleansed and Sterilised in an Autoclave in accordance with manufacturer's instructions. Evidence of the use of chemical indicator strips to demonstrate that the appropriate temperatures have been achieved during the Sterilisation cycle must be kept and be made available for inspection for a minimum of 12 months.
  - b) thoroughly cleansed by a method appropriate to the nature of the article concerned and then submitted to a process of Sterilisation approved by an Authorised Officer.
- 11.2. All disposable needles used for any Prescribed Process must be disposed of in an appropriate "sharps" container for medical waste, which in turn must be disposed of in an approved manner.
- 11.3. All materials containing body fluids and blood (including follicles) must be disposed of as medical waste in an approved manner. Medical waste must not be stored on the Premises for any longer than two weeks.
- 11.4. All non-medical waste is to be stored in a covered receptacle and removed from the Premises regularly.
- 11.5. Where an Instrument or like article used for projecting a needle into the Skin of any person, would be rendered inoperable or be damaged if a hand piece attached to it were Sterilised, the hand piece shall be deemed to be

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Disinfected if it has been cleaned of all visible soiling then wiped with a clean paper towel saturated with:

- a) a solution of industrial methylated spirit; or
  - b) ethyl alcohol or isopropyl alcohol (in each case containing not less than 70 per cent alcohol).
- 11.6. Prior to cleansing the hand piece, the needle shall be removed from the hand piece and disposed.

**Explanatory Note:**

Operators should follow manufacturer's instructions in cleaning products, in particular concentration and use by dates.

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## **12. Te Patu Huakita, te Whakamā, te Akuaku me te Whakatika | Disinfection, Cleaning, Cleansing and Repair**

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- 12.1. Where any Premises, equipment or procedures used to carry out any procedure or Prescribed Process are in such a condition whereby clients may be exposed to contamination or Communicable Disease, the Licensee must on receipt of a notice signed by an Authorised Officer cleanse, reconstruct or repair the Premises, equipment or redesign the procedures as directed within the time specified on the notice or cease using the Premises until any such time agreed by the Authorised Officer.
- 12.2. All equipment, Instruments and utensils that are unable to be Sterilised must be thoroughly Cleaned and then Disinfected by a thermal or chemical Disinfection procedure in accordance with the manufacturer's instructions.
- 12.3. After thorough Cleaning, approved solutions for Disinfecting include, but are not limited to:
- a) Ethyl alcohol, isopropyl alcohol or methylated spirits (in each case containing not less than 70% alcohol); or
  - b) an industrial strength disinfecting solution (such as a chlorine, phenol or Quaternary ammonium cation (QUAT) based solution) used in accordance with manufacturer's instructions.
- 12.4. For any chemical used to Disinfect, Operators must be able to demonstrate knowledge of chemical dilution rates, application method and contact times.

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**13. Ngā Mauhanga | Records**

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- 13.1. Accurate records must be maintained to assist Operators with providing aftercare advice for clients and as an opportunity to audit the quality of procedures, should complications occur.
- 13.2. Prior to commencing any Prescribed Process, the Operator must obtain and record the following information in writing:
- a) client name, address, and phone contact;
  - b) client date of birth;
  - c) details of the procedure type and potential risks associated with the Prescribed Process to be administered;
  - d) consent for the Prescribed Process to be administered that is signed by the client; and
  - e) client health information including, but not limited to:
    - i. any medication taken which may affect the Prescribed Process;
    - ii. any known blood or bleeding disorder or blood thinning medication taken;
    - iii. any medical history of known allergies or adverse reactions;
    - iv. any medical history in relation to Communicable Disease or infectious disease; and
    - v. any history of epilepsy or seizures.
- 13.3. The Operator must hold client records on site and ensure that information is updated after every visit. These records must be made accessible to an Authorised Officer upon request.
- 13.4. Records must be strictly confidential and all personal client information must be kept secure in a secure area, in accordance with the Privacy Act 2020.
- 13.5. The Operator must hold records regarding information collected under clause 12.2 (regarding equipment, instruments, and utensils) on site for a period of 12 months from the date of the initial Prescribed Process. These records must be made accessible to an Authorised Officer upon request.
- 13.6. The Operator must collate information relating to the monitoring and regular servicing and calibration of all equipment used for Sterilisation such as an autoclave. Such records must be kept for a minimum period of 12 months from the date the monitoring or servicing was carried out. The records shall

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be made available to an Authorised Officer or a Medical Officer of Health upon request.

- 13.7. A record of medical waste disposal must be kept for a minimum period of 12 months from the date of disposal. The records must be made available to an Authorised Officer or a Medical Officer of Health on request.

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#### **14. Ngā Kapenga | Exemptions**

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- 14.1. The provisions of clause 4.5 of this part of the bylaw shall not apply:

- a) where the procedures are carried out in the practice of medicine, dentistry, nursing, physiotherapy, pharmacy or podiatry respectively, by a medical practitioner registered pursuant to the Medical Practitioners Act 1995, a dentist registered under the Dental Act 1988, a nurse registered under the Nurses Act 1977, a physiotherapist registered under the Physiotherapists Act 1949, a pharmacist registered under the Pharmacy Act 1970, a podiatrist registered under the Medical Auxiliaries Act 1966, or any Health Practitioner registered under the Health Practitioners Competence Assurance Act 2003 or subsequent Act;
- b) acupuncture undertaken by members of the New Zealand Register of Acupuncturists or members of the New Zealand Acupuncture Standards Authority or by members of Acupuncture NZ;
- c) a person acting under the direction or supervision of a any person described and acting in accordance with clause 14.1 (a), where the purpose is the practice of medicine, dentistry, nursing, physiotherapy, pharmacy or podiatry;
- d) to any tertiary educational institution authorised to train persons to become qualified in the practices of Beauty Therapy and/or nail technology; or
- e) in a situation where an Authorised Officer is satisfied that compliance with any requirements of this part of the bylaw would be impractical or unreasonable, having regard to the Premises in question, or the Prescribed Process being undertaken. A written exemption may be granted with such modifications, and subject to such conditions as are in the interests of public health as may be desirable in the circumstances.

- 14.2. Kua kore tēnei wāhanga o ngā ture ā-rohe e hāngai ki ngā ringatā e tā moko ana ki ngā marae i Wairarapa, whai rawa i ngā tikanga Māori. Me whai whakaaro ngā ringatā ki ngā paerewa, ki ngā tohutohu hoki o roto i te 2010 Customary Tattooing Guidelines for Operators a te Manatū Hauora hei ārahi matua, me ētahi anō tohutohu ārahi e tuwhera ana. He taonga te tā moko. Ko tā te Atikara 2 o Te Tiriti o Waitangi he tiaki i te rangatiratanga o Ngāi Māori ki ō rātou taonga.

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**Explanatory Note:**

Section 14.2 in English means practitioners undertaking Tā moko on a marae in the Wairarapa and in accordance with tikanga Māori (traditional Māori custom) – where no payment is received - are exempt from complying with this part of the bylaw.

Practitioners should consider the minimum standards of this part and the Ministry of Health's 2010 Customary Tattooing Guidelines for Operators as a best practice guide, alongside other available guidance. Tā moko is considered to be a taonga (or cultural treasure). Article 2 of the Treaty of Waitangi protects Māori rangatiratanga over taonga.

- 14.3. Any Operator may apply for an exemption from any requirement in this part of the bylaw where the Operator can demonstrate that any risk to public health is mitigated to the same extent as what is provided for in this part of the bylaw.

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**15. Ngā Hara me ngā Hāmene | Offences and Penalties**


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- 15.1. An Authorised Officer undertaking inspections under this part may take or remove a sample or thing for analysis, for the purpose of determining whether or not this part is being complied with.
- 15.2. Any person who breaches or fails to comply with this part of the bylaw commits an offence and may be liable on conviction to a penalty under the Health Act 1956 or the Local Government Act 2002 (LGA). Refer to Wairarapa Consolidated Bylaw 2025: Part 1 - Introductory (Section 15.2) for details of what constitutes a breach.
- 15.3. A breach or failure to comply with this part of the bylaw may result in a Certificate of Registration being cancelled.

**Explanatory Note:**

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

- is liable to a fine not exceeding \$20,000 in accordance with section 242 of the Local Government Act 2002;
- is liable to a fine not exceeding \$500 in accordance with section 66 of the Health Act 1956;
- where the offence is continuing, is liable to a fine not exceeding \$50 every day the offence continues in accordance with section 66 of the Health Act 1956
- where a person provides artificial tanning services to a person under 18, is liable to a fine not exceeding \$2,000 for an individual or \$10,000 for a body corporate in accordance with section 114(3) of the Health Act 1956.

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