

BYLAW NO.16
FENCING OF SWIMMING POOLS

- (3) Every person who has possession of the property on which any pool to which this Bylaw applies is situated shall ensure that the pool is not filled or partly filled with water at any time when the person knows or could reasonably be expected to know that any obligation imposed by this section on that or any other person is not being complied with.
- (4) The fact that a person complies with any obligation imposed by this Bylaw shall not excuse that person from any other duty imposed by any other Act, Regulation or Bylaw.

8. OBLIGATION OF TERRITORIAL AUTHORITIES

The Council shall take all reasonable steps to ensure that this Bylaw is complied with within its district.

9. OFFENCE

- (1) Every person who, without reasonable cause, fails to comply with any obligation imposed by Clause 6 or Clause 7 of this Bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$500.00 and, where the failure is a continuing one, to a further fine not exceeding \$50.00 for every day on which the failure has continued.
- (2) Where the owner or person entitled to possession or control of a pool to which this Bylaw applies is not entitled to possession of the property on which the pool is situated or the immediate pool area (whether because of any tenancy agreement, agreement to occupy a hotel room, motel, or camping ground, or otherwise) it shall be a defence to any proceedings for any offence described in subsection (1) of this section in relation to Clause 7 of this Bylaw if the Court is satisfied that the owner took all reasonable steps -
 - (a) To ensure that the obligation was complied with; and
 - (b) To ensure that the persons in possession of the property or entitled or likely to be in the immediate pool area are made aware of the existence of the pool.
- (3) Where any person is convicted of the offence described in subsection (1) of this section in relation to Clause 7 of this Bylaw the Court may order that the pool be drained of water and be kept empty until the pool is fenced in a manner that complies with this Bylaw or any condition imposed under section 12 of this Bylaw is met, as the case may require.

10. POWER OF ENTRY FOR COUNCIL OFFICERS

- (1) Without limiting any other powers of the Council, any officer of the Council, who has reasonable grounds to believe -

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- (a) That there is on any land within the district of the Council a swimming pool to which this Bylaw applies; and
- (b) That the pool is not fenced as required by this Bylaw or any condition imposed under Clause 12 of this Bylaw is not being complied with:-

May at any reasonable time enter on the land and carry out an inspection to determine whether or not there is on the land such a pool that is not fenced as required by this Bylaw or whether or not the condition is being complied with.

- (2) Nothing in subclause (1) of this clause shall confer on any person the power to enter any house, home unit, or apartment building unless the entry is authorised by a warrant given by a judicial officer on written application on oath, which shall not be granted unless the judicial officer is satisfied that the entry is essential to enable the inspection to be carried out.
- (3) Every warrant issued under subclause (2) of this clause shall be directed to a named officer of the Council and shall be valid for a period of 1 month from the date of its issue or such lesser period as the judicial officer considers appropriate; and the period of validity shall be shown in the warrant.
- (4) Every person exercising the power of entry conferred by subclause (1) of this clause shall carry a warrant of Appointment issued by the Council and specifying:
 - (a) The name and the office or offices held by the person.
 - (b) That the person is authorised by the Council to exercise the power conferred by subclause (1) of this clause to enter the land and carry out the inspection.

11 **EXEMPTED POOLS**

Nothing in this Bylaw shall apply in respect of –

- (a) Any pool that has no part of the top of its side walls less than 1.2 metres above the adjacent ground level or any permanent projection from or object standing on the ground outside and within 1.2 metres of the walls, where the outside surface of the side walls is constructed so as to inhibit climbing and any ladder or other means of access to the interior of the swimming pool can be readily removed or rendered inoperable and is removed or rendered inoperable whenever it is intended that the pool not be used.
- (b) Any excavation, structure, or product, in which the maximum depth of water does not exceed 400mm.

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- (c) Any excavation, structure, or product:
 - (i) That is not used in association with any house, home unit, apartment building, school, hospital, hotel, motel, camping ground, or other similar premises; and
 - (ii) That is not modified for use, or intended to be used, for swimming, wading, paddling, or bathing.
- (d) Any pool intended to be used for wading or paddling in any place that is under the administration of the Council.
- (e) Any pool that is wholly enclosed within a building that is used principally for a purpose or purposes not related to the use of the pool.
- (f) Any pool where –
 - (i) Persons are employed and present to provide supervision of the pool whenever the pool is available for use; and
 - (ii) Access to the pool is effectively prevented by a fence that complies with this Bylaw or by locked gates or doors whenever the pool is not intended to be available for use.

12. SPECIAL EXEMPTIONS

- (1) The Council may, by resolution, grant an exemption from some or all of the requirements of this Bylaw in the case of any particular pool where the Council is satisfied, having regard to the particular characteristics of the property and the pool, any other relevant circumstances, and any conditions it imposes under subclause (2) of this clause, that such an exemption would not significantly increase danger to young children.
- (2) In granting an exemption under subclause (1) of this clause, the Council may impose such other conditions relating to the property or the pool as are reasonable in the circumstances.
- (3) Any exemption granted or condition imposed under this clause may be amended or revoked by the Council by resolution.

13. EXPIRY OF CERTIFICATES OF COMPLIANCE

All certificates of compliance issued by the Waitakere City Council or the former Waitemata City Council pursuant to any form of bylaw or enactment or any former clause of this bylaw shall be deemed to have expired on the 1st day of August 1990 and have no further effect from that date.

14 **ALTERATIONS**

Every owner of a pool shall immediately notify the Council of any event or occurrence or any work which alters in any way a fence to which this bylaw applies or any structure deemed to comprise such a fence shall comply with any requirements imposed by the Council to ensure continued compliance with this bylaw.

"SCHEDULE"

REQUIREMENTS FOR FENCES UNDER THIS BYLAW

The requirements for fences under this bylaw shall be those stipulated in the Schedule to the Fencing of Swimming Pools Act 1987 and any amendments thereto.

WAITAKERE CITY COUNCIL

BYLAW NO. 23 1990

CLEAN INDOOR AIR

That the Waitakere City Council acting in pursuance and exercise of the power and authorities conferred on it by the Local Government Act 1974, the Bylaws Act 1910, their respective amendments and all other powers and authorities in anyway enabling it HEREBY CONFIRMS by SPECIAL ORDER to make the following bylaw:-

1 SHORT TITLE

The Short Title of this Bylaw shall be the Waitakere City Council Bylaw No. 23, 1990 - Clean Indoor Air.

2 COMMENCEMENT

This Bylaw shall come into force on the 5th day of October 1990.

3 INTERPRETATION

In this bylaw, unless the context otherwise requires:-

- (a) CITY means the City of Waitakere.
- (b) FINANCIAL INSTITUTION means any premises being used principally for the business of any bank, building society, insurance company or any other provider of "financial services" as defined in the Goods and Services Tax Act 1985.
- (c) HEALTH CARE CENTRE means any premises from or in which are provided health care services and includes any hospital, medical or dental rooms, surgery or clinic and any premises for physiotherapy, naturopathy, chiropractic or any other form of health care or therapy and includes any foyer, reception area, or any room or area in which patients are admitted to a health care centre.
- (d) INDOOR PUBLIC AREA means that part of any indoor area of a financial institution, public utility building, restaurant or sales outlet which is open to the public in the ordinary course of the business or activity being carried on there.
- (e) PREMISES includes any building or part of a building and any temporary structure, tent or marquee, or part thereof.
- (f) PROPRIETOR means any person who owns, governs, controls or directs the business or activity carried on within any financial institution, health care centre, public utility building or sales outlet.
- (g) PUBLIC UTILITY BUILDING means any premises occupied by any local authority or public body specified in the First schedule to the Local Government Act 1974 or the First and Second Schedules to the State Owned Enterprises Act 1986.

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- (h) **RESTAURANT** means any premises being used principally for the business of selling or offering for sale to the public food for consumption on the premises wherein at least 15 seats are provided for the use of patrons, and includes a restaurant as defined that is within any premises licensed under the Sale of Liquor Act 1989.
- (i) **SALES OUTLET** means any premises being used principally for the purpose of selling or offering for sale to the public any goods or services (including professional services) but does not include any:
- (i) Health care centre;
 - (ii) Licensed hotel or tavern;
 - (iii) Restaurant;
 - (iv) Bowling alley;
 - (v) Pool hall;
 - (vi) Bowling alley;
 - (vii) Dance hall;
 - (viii) Amusement gallery; or
 - (ix) Public Utility Building
- (j) **SMOKE** means to smoke, hold or otherwise have control over an ignited tobacco product, weed or plant; and "smoking" has a corresponding meaning.

4 PURPOSE

- (a) Because the smoking of tobacco or any other weed or plant is a danger to health and can also be a danger to health and a cause of material annoyance and discomfort to non-smokers present in indoor areas, the Waitakere City Council declares that the purposes of this bylaw are:
- (i) To conserve the public health, well-being, safety and convenience by regulating smoking in certain indoor areas of certain premises; and
 - (ii) To minimise the deleterious effects of smoking in indoor areas by prohibiting smoking in certain indoor areas of certain premises.
- (b) This bylaw is not intended to create any right to smoke or to impair or affect any other person's entitlement to regulate or prohibit smoking in any premises.

5 REQUIREMENTS AS TO SALES OUTLETS

- (a) No person shall smoke in any indoor public area of a sales outlet.
- (b) The proprietor of any sales outlet shall post or cause to be posted one or more signs of the kind specified by this bylaw.
- (c) The sign or signs shall be conspicuously posted so as to be clearly visible at all times to all persons entering or remaining in any such indoor public area.

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6 REQUIREMENTS AS TO HEALTH CARE CENTRES

- (a) No person shall smoke in any health care centre.
- (b) The proprietor of any health care centre shall post or cause to be posted one or more signs of the kind specified by this bylaw.
- (c) The sign or signs shall be conspicuously posted so as to be clearly visible at all times to all persons entering or remaining in the health care centre.

7 REQUIREMENTS AS TO FINANCIAL INSTITUTIONS AND PUBLIC UTILITY BUILDINGS

- (a) No person shall smoke in the indoor public area of a financial institution or public utility building.
- (b) The proprietor of any financial institution or public utility building shall post or cause to be posted one or more signs of the kind specified by this bylaw.
- (c) The sign or signs shall be conspicuously posted so as to be clearly visible at all times to all persons entering or remaining in any such indoor public area.

8 REQUIREMENTS AS TO LIFTS

- (a) No person shall smoke in a public lift in any premises.
- (b) The proprietor of any premises which contains one or more public lifts shall post or cause to be posted one or more signs of the kind specified by this bylaw.
- (c) The sign or signs shall be conspicuously posted so as to be clearly visible at all times to all users of the lift or lifts.

9 REQUIREMENTS AS TO RESTAURANTS

- (a) The proprietor of any restaurant shall designate at least FIFTY PER CENT (50%) of the total number of seats available in the restaurant for the consumption of food as smoke-free and shall clearly identify such seats by appropriate signs or notices.
- (b) Smoke-free seats shall be contiguous to each other.
- (c) No person shall smoke while sitting at any smoke-free seat or within one metre of any smoke-free seat.
- (d) The proprietor of any restaurant shall post or cause to be posted one or more signs of the kind specified by this bylaw.
- (e) The sign or signs shall be conspicuously posted so as to be clearly visible at all times to all persons entering or remaining in the area in which smoking is prohibited.

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10 DISPENSING POWER

Where in the opinion of the Waitakere City Council full compliance with any of the provisions of this bylaw would needlessly or injuriously affect the course or operation of the business of, or be attended with loss or inconvenience to, any proprietor without any corresponding benefit to the community, the Waitakere City Council may, on the special application of that proprietor, dispense with full compliance with the provisions of this bylaw upon such terms and conditions (if any) as the Waitakere City Council sees fit.

11 OFFENCES AND PENALTIES

- (a) Every person commits an offence against this bylaw who:
- (i) Does any act in contravention of any provision of this bylaw; or
 - (ii) Fails to comply with any requirement of any provision of this bylaw; or
 - (iii) Destroys, damages, defaces or otherwise alters in any way any sign posted in accordance with the provisions of this bylaw;
- and is liable on summary conviction to a fine not exceeding \$500.00 and where the offence is a continuing one to a further fine not exceeding \$50.00 for every day or part of a day thereof on which the offence continues.
- (b) The continued existence of anything in a state, or the intermittent repetition of any actions, contrary to any provision of this bylaw shall be deemed to be a continuing offence.

12 SIGNS

Every sign required to be posted pursuant to this bylaw shall conform with the description set out in Schedule A hereto.

13 REVOCATION AND SAVING

- (a) Any sign complying with the former Waitemata City Council Bylaw No. 18 - Clean Indoor Air and posted prior to the coming into force of this bylaw, shall be deemed to be posted in compliance with this bylaw until 1 August 1995, after which time all signs shall be in strict compliance with Schedule A hereto.
- (b) Subject to (a), the Waitemata City Council Bylaw No. 18 - Clean Indoor Air and amendments are hereby revoked.

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SCHEDULE A - SIGNS

Every sign shall:-

- (a) Carry the text 'SMOKE FREE ZONE' or 'NO SMOKING' or 'NON SMOKING PLEASE' in upper case or lower case letters, or a combination of both, such letters to be not less than 20 millimetres in height.
- (b) Consist of two or more contrasting colours, or consist of lettering contrasting to the background colour where the lettering is applied directly to a surface or is mounted on a clear panel.
- (c) Read "Waitakere City Council Bylaw No. 23 - Fine \$500 plus \$50.00 per day for continuing offence" at the bottom of the sign.
- (d) Be square or rectangular and have no side smaller than 250 millimetres.

The Common Seal of the)
WAITAKERE CITY COUNCIL)
was hereunto affixed pursuant to a)
resolution of Council passed on)
26 September 1990 in the presence of:)

CHIEF EXECUTIVE OFFICER

MANAGER: FINANCE & ADMINISTRATION

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WAITAKERE CITY COUNCIL

BYLAW NO. 21 1990

HAZARDOUS SUBSTANCES

The Waitakere City Council, acting in pursuance and exercise of the powers and authorities conferred on it by the Local Government Act 1974, the Health Act 1956, the Bylaws Act 1910, their respective amendments, and all other powers and authorities in any way enabling it HEREBY RESOLVES by SPECIAL ORDER to make the following bylaw:-

1 SHORT TITLE

The short title of this bylaw shall be the Waitakere City Council Bylaw No. 21, 1990 - Hazardous Substance.

2 COMMENCEMENT

This Bylaw shall come into force on the 13th day of March 1990.

3 INTERPRETATION

(1) In this bylaw, unless the context otherwise requires:

'Council'	means the Waitakere City Council.
'District'	means the District of Waitakere City Council.
'Hazardous Substance'	means any substance classified in Schedule A of this Bylaw and includes dangerous goods as defined in the Dangerous Goods Act 1974, toxic substances as defined in the Toxic Substances Act 1979 and any other flammable, toxic, explosive, noxious, infectious, radioactive or other substance which may impair health.
Kg	means kilogram
'LD50'	means the statistical estimate of the dosage necessary to kill 50 percent of an infinite population of test animals.
M	means metre
Mg	means milligrams
M.S.D.B.'s	means material safety data bulletins
NOS	means not otherwise specified
'Premises'	means any land, buildings, structure or place or part thereof in which hazardous substances are stored.

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'Principal Entrance'	means any entrance from a public place to the premises that Council designates to be a principal entrance.
'Store'	means retaining or having in possession for more than 1 hour.
'STP'	means in respect of gases, standard temperature and pressure of 20°C and 1 atmosphere respectively.
'Occupier'	in relation to any premises, means the person in actual occupation of those premises; and, in relation to any premises in which any manufacture, trade, or business is carried on (whether for pecuniary profit or not), includes the person carrying on that manufacture, trade, or business in the premises.
'Officer'	means a person appointed by Council to be an officer for the purposes of this Bylaw.
'United Nations Number'	means the identification number of a substance designated by the "United Nations Committee of Experts on the Transport of Dangerous Goods".
'Use'	means use at a rate or in a manner which presents a hazard to any other person.

4 **PURPOSE**

Because storage and handling of hazardous substances can result in accidents, pollution of environment and creation of risk to human life and property, the Waitakere City Council declares the purposes of this Bylaw are:-

- (a) To provide for effective control for hazardous substances.
- (b) To identify the location of type of risk.
- (c) To minimise the effect of accident spillage.
- (d) Generally provide controls to bring about an improvement in environmental standards.

5 No person, being the occupier of any premises within the District shall store, handle, blend, pack, use any hazardous substance listed in Schedule A of this Bylaw, in quantities exceeding the limits listed in Schedule B of this Bylaw, for that particular class(s) or category(s) of hazardous substance, unless prior approval in writing from the Council has been granted.

6 Every person, being an occupier of any premises within the District, and desiring approval to store, handle, use a hazardous substance for the purposes of Clause 5 of the Bylaw shall make application on the form specified in Schedule C of this Bylaw.

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HAZARDOUS SUBSTANCES

7 Every application made under Clause 6 of this Bylaw shall be accompanied by such details and plans necessary in the opinion of Council to show:-

- (a) The nature and quantity of hazardous substances.
- (b) The premise and the parts of those premises upon which hazardous substances are proposed to be stored, used or handled.
- (c) The nature of storage facilities proposed, including loading and unloading areas.
- (d) The intended use of the materials.
- (e) The nature of transportation methods to and from the site.
- (f) The suitability of the site for the storage of the hazardous substances proposed.
- (g) The adequacy of safety facilities and measures at the premises.
- (h) The suitability of access routes for transportation of hazardous substances to and from the site and the safety measures to be observed during transportation and loading and unloading of hazardous substances at the premises.
- (i) The adequacy of provision for emergency services, including the suitability of access to the premises, access within the premises, labelling and recording the materials stored on the premises and availability of suitable fire fighting rescues.
- (j) The adequacy of facilities and measures for the purposes of containing any hazardous substance to the confines of the applicant's premises and of the prevention of pollution.
- (k) The adequacy of facilities and measures for the cleaning up of any hazardous substance in the event of spillage or accident.
- (l) Such other matters as the Council may deem relevant in the consideration of application.

8 The Council may either prior to or during the consideration of an application made pursuant to this Bylaw, request a report to be made on the application from the New Zealand Fire Service, the Auckland Regional Council or any person or persons having or believed to have knowledge about the hazardous substance or substances referred to in the application.

9 The Council may refuse to grant permission if in its opinion there is an unacceptable risk of injury or death to any other person not being the occupier or employee of the occupier, making such application, or there is an unacceptable risk of damage to any property outside of the boundary of the premises to which the application relates.

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- 10 The Council on granting approval to any person to store, handle, use or accept consignment of any hazardous substance, may impose any conditions it thinks fit including:-
- (a) The nature and volume of hazardous substances which may be held on premises.
 - (b) The provision of such additional safety measures, structures, devices and procedures as may be deemed necessary to protect public health, well being, safety and convenience.
 - (c) The provision of such additional safety and containment measures and facilities as are necessary to ensure that no spillage of hazardous substances will adversely affect the surrounding environment and as are necessary to ensure all hazardous substances are confined to the applicant's premises in the event of an accident.
 - (d) The principal entrance to the premises and the information and signs which must be displayed for the information of emergency services at the principal entrance.
 - (e) The parts of the premises where identified hazardous substances may, or may not be stored.
 - (f) The management techniques to be employed within the premises to minimise the likelihood of an accident and the procedures to be followed in the event of an accident.
 - (g) The provision of reasonable safety separation distances between a hazardous substance area and any other activity, depending upon circumstances relevant to the application.
 - (h) The comparability of hazardous substances with other materials and uses on the site or on adjoining site, whether or not the materials or uses involve other hazard substances.
 - (i) Such other conditions as may be considered appropriate or reasonable in the circumstances of the application.
- 11 The Council may at any time, after having granted approval to any person to store, handle, use any hazardous substance, amend any condition of approval or revoke any approval if an unacceptable risk of injury or death to any person, not being the occupier or an employee of the occupier, or a substantial risk of damage to any property outside the boundary of the premises to which the approval relates, continues to exist or where other circumstances of any kind requires such action, and give notice to the occupier of such action.
- 12 Every person who, being the occupier or an employee of an occupier, of any premises within the District, and having been granted approval to store, handle, use a hazardous substance shall abide by all conditions imposed by Council under Clause 7 of this Bylaw.
- 13 The Council may from time to time prescribe a fee for the consideration of an application for approval or variation of conditions of approval to store, handle, use or accept the consignment of hazardous substances under this Bylaw.
- 14 Every person making an application for approval under Clause 6 of this Bylaw shall pay the cost of all reports and consultants fees that are necessary for the application to be considered.
- 15 The Council will keep such records of approvals granted under this Bylaw as it thinks fit.

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- 16 The Council may if it thinks fit, delegate any of its powers under this Bylaw to an 'officer' appointed under Clause 18 of this Bylaw.
- 17 The Council may appoint any suitably skilled and qualified person to be an 'officer' for the purposes of this Bylaw.
- 18 Any officer may enter and inspect any premises for the purposes of this Bylaw and examine any hazardous substance, container or appliance containing or having contained a hazardous substance, and take photographs of any hazardous substance or container for hazardous substance, require the rectification of situations where an unacceptable risk is occurring, and seize, detain or remove any hazardous substance if he has reason to believe that a substantial risk does exist to any person other than occupier or an employee of the occupier, or investigate any accident involving hazardous substances.
- 19 The Officer may require any persons being in the occupier or an employee of the occupier of any premises to provide reasonable particulars in relation to the storage, use or handling of hazardous substances on those premises, including transportation methods and the disposal of waste hazardous substances.
- 20 Every occupier of premises where hazardous substances, listed in Schedule A of this Bylaw are stored, handled or used in quantities exceeding the limits listed in Schedule B of this Bylaw, and in the opinion of the officer any occupier of other premises where hazardous substances are stored, shall display at the principal entrance of the premises an appropriate warning sign or signs indicating the hazardous substance that is being stored, handled or used at the premises.
- 21 Every warning sign required by this Bylaw shall be in accordance with the New Zealand Chemical Industry Council Inc. Code of Practice "Warning signs for premises storing hazardous substances" or otherwise approved by Council.
- 22 No person shall use or cause to be used any hazardous substance in any manner that causes a substantial risk of injury or death to any other person, being the occupier of or an employee of the occupier of premises where the hazardous substance is being used, or that causes damage to any other premises.
- 23 Nothing in this Bylaw shall; derogate from the functions of the Council in respect to the administration of the Resource Management Act 1991, or the Department of Labour, the Auckland Regional Council, Department of Health, Ministry of Transport (Marine Division) or the New Zealand Railways Corporation or any other Government Department or state owned enterprise in the administration of any Acts or Regulations within their jurisdiction.
- 24 No person shall convey, transport, carry or deliver any hazardous substance in the District except in accordance with the provisions of NZS 5433, 1988 (Code of Practice for the Transport of Hazardous Substances on Land).
- 25 Every person shall take all reasonable and practicable steps to contain and neutralise any spillage of a hazardous substance to prevent the pollution of any watercourse, river, sea or other body of water whether directly or indirectly through a sewer system or not, or the pollution of any land except at a specified refuse disposal site operated by the Auckland Regional Council.

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HAZARDOUS SUBSTANCES

- 26 Every occupier of a premises used for the storage, handling or use of hazardous substances shall keep sufficient safety equipment for the protection of any person engaged in the containment, recovery and cleaning up operations of a spillage of a hazardous substance and have a written emergency procedure for substances used.
- 27 Every occupier of premises used for the storage, handling or packing of hazardous substances shall provide approved storage facilities for hazardous substances and shall have available current M.S.D.B.'s for all hazardous substances stored or used on the premises.
- 28 Every occupier of premises used for the storage, handling or packing of hazardous substances shall use the best practicable means to minimise accumulations of empty or waste containers in all yard areas adjacent to buildings on the site.
- 29 All yard areas and cart docks used for the storage, handling of hazardous substances shall have approved bunding systems to contain any spillage of liquid hazardous substances. No bunded area shall have any outlet to a sanitary or stormwater sewer system.
- 30 No person shall dispose of any unwanted or waste hazardous substance without the prior approval of Council and the Auckland Regional Authority.
- 31 Every application for approval of Council to dispose of any unwanted or waste hazardous substance shall be made in accordance with Schedule D of this Bylaw.
- 32 The Council on granting approved to any person to dispose of unwanted or waste hazardous substances may impose any conditions it thinks fit, including method of disposal, time and rate of disposal, the disposal site and mode of transportation to the disposal site.

33 **DISPENSING POWER**

Where in the opinion of the Council full compliance with any of the provisions of the Bylaw would needlessly or injuriously affect the course or operation of any business of any occupier the local authority may, on the special application of that occupier dispense with the full compliance with the provisions of this Bylaw PROVIDED THAT any other terms or conditions any) that the Council may deem fit to impose shall be complied with by such occupier as aforesaid.

34 **APPEALS**

Any occupier of premises directly affected by any decision or requirement of an officer of Council and is aggrieved by that decision may appeal in writing to the Chief Executive Officer of the Council, who shall constitute an Appeal Committee to hear the appeal.

On hearing the application the Chief Executive Officer on the advice of the Appeal Committee may confirm, reverse or modify the decision or requirements.

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35 OFFENCES AND PENALTIES

Every person commits an offence against this Bylaw who does any act in contravention of or fails to comply with any requirements thereof. Every person commits an offence against this bylaw who does in any way or form destroy, damage or alter any sign erected in accordance with the provisions of this bylaw. Every person who commits an offence against this bylaw is liable on summary conviction to a fine not exceeding \$500.00 and where the offence is a continuing one to a further fine not exceeding \$50.00 for every day or part of a day during which the offence continues. The continued existence of any work or thing in a state contrary to any requirement of this Bylaw shall be deemed to be a continuing offence.

The Common Seal of the)
WAITAKERE CITY COUNCIL)
was hereunto affixed pursuant to a)
resolution of Council passed on)
28 February 1990 in the presence of:)

CHIEF EXECUTIVE OFFICER

MANAGER: FINANCE & ADMINISTRATION

SCHEDULE A

CLASSIFIED HAZARDOUS SUBSTANCES

The following classes (Class 1 - Class 9) of substances are declared to be hazardous substances for the purposes of this Bylaw.

'Class 1' means any explosive substance subject to the provisions of the Explosives Act 1957 and its amendments and regulations thereto.

'Class 2A' means any gas, other than gases included in other classes of hazardous substances in this bylaw, which are compressed, liquefied or dissolved under pressure.

'Class 2B' means any flammable gas other than a liquefied flammable gas, and acetylene.

'Class 2C' means compressed or dissolved acetylene, whether or not contained within a porous substance.

'Class 2D' means liquefied petroleum gas, and any other liquefied flammable gas.

'Class 2E' means chlorine.

'Class 2F' means anhydrous ammonia.

'Class 2G' means liquid oxygen.

'Class 3A' means any flammable liquid or mixture of liquids and liquids containing solids in solution or a suspension of any kind which in each case has a flash point, determined by the methods set out in the Second Schedule of the Dangerous Goods Regulations 1985, less than 23°C and nitro-cellulose with, by mass, a nitrogen content not exceeding 12.6% wetted with, by mass, not less than 45% flammable liquids having a flash point, determined by the methods set out in the Second Schedule of the Dangerous Goods Regulations 1985, less than 23°C.

'Class 3B' means any flammable liquid or mixture of liquids and liquids containing solids in solution or a suspension of any kind which in each case has a flash point, determined by the methods set out in the Second Schedule of the Dangerous Goods Regulations 1985, of 61°C or less than 61°C but not less than 23°C, and nitro-cellulose with, by mass, a nitrogen content not exceeding 12.6% wetted with, by mass not less than 45% flammable liquids having a flash point, determined by the methods set out in the second schedule of the Dangerous Goods Regulations 1985, of 61°C or less than 61°C by not less than 23°C.

'Class 3C' means fuel oil.

'Class 4' means flammable solids, being substances liable to spontaneous combustion or substances which, on contact with water, emit flammable gases, and listed in the Dangerous Goods Order 1983.

'Class 5A' means oxidising substances including bromates, chromates and dichromates, chlorates chlorites, chromium trioxide (anhydrous), hypochlorites (with more than 39% available chlorine) inorganic peroxides, nitrates, perborates, perchlorates, permanganates, persulphates, potassium nitrate sodium nitrate, tetranitromethane, urea hydrogen peroxide, hydrogen peroxide, zirconium picramate wetted with not less than 20% water.

'Class 5B' means oxidising substances being all organic peroxides.

SCHEDULE A

CLASSIFIED HAZARDOUS SUBSTANCES (cont'd)

'Class 6.1A' means any toxic substance listed as a 'deadly poisons' in the first schedule of the Toxic Substances Regulations 1983 and amendments thereto, and any other toxic substance having a LD50 less than 10mg/kg, and substances recognised as being carcinogens.

'Class 6.1B' means any toxic substance listed as a 'dangerous poison' in the second schedule of the Toxic Substances Regulations 1983 and amendments thereto, and toxic substances having a LD50 of, or greater than 10mg/kg but less than 200mg/kg.

'Class 6.1C' means any toxic substance listed as a 'standard poison' in the third schedule of the Toxic Substances Regulations 1983 and amendments thereto, and toxic substances having a LD50 of, or greater than 200mg/kg but less than 1000mg/kg.

'Class 6.1D' means any toxic substance listed as a 'harmful substance' in the fourth schedule of the Toxic Substances Regulations 1983 and amendments thereto, and toxic substances having a LD50 of, or greater than 1000mg/kg.

'Class 6.2' means any substance containing pathogenic micro-organisms.

'Class 7' means radioactive materials subject to the provisions of the Radiation Protection Act 1965, and its amendments and regulations made thereto.

'Class 8' means any corrosive substance including hydrochloric acid, hydrofluoric acid, nitric acid, sulphuric acid, phosphoric acid hydrofluorosilicic acid, chlorosulphonic acid, potassium hydroxide in solution, sodium hydroxide in solution, sodium hypochlorite in solution, and aqueous ammonia.

'Class 9' means any substance recognised as being dangerous, which is not included in Classes 1-8 in this Bylaw.

SCHEDULE B

**QUANTITIES OF HAZARDOUS SUBSTANCES THAT MAYBE STORED
OR USED WITHOUT APPROVAL OF COUNCIL**

CLASS AND DESCRIPTION OF HAZARDOUS SUBSTANCES	QUANTITY (LIMIT) WHICH MAY BE STORED PURSUANT TO THIS BYLAW WITHOUT APPROVAL OF COUNCIL
Class 1 - Explosives	Up to 1000 kg (fireworks) 15 kg (small arms ammunition) 5 kg (gunpowder) 2.5 kg (other explosives) NB. Refer Clause 21 in respect to the administration of the Explosives Act 1957 and its amendments, and regulations thereto.
Class 2A - Gases other than gases listed in other classes of hazardous substances in this Bylaw.	No limit (exempt from this Bylaw) NB. Gases which are toxic substances will be subject to Class 6 - Toxic Substances.
Class 2B - Gases	Up to 100m ³ @ STP
Class 2C - Gases	Up to 100m ³ @ STP
Class 2D - Gases	Up to 150kg
Class 2E - Gases	Up to 250kg
Class 2F - Gases	Up to 1000 litres
Class 2G - Gases	Up to 200m ³ @ STP
Class 2 - Aerosols	No limit (exempt from this Bylaw)
Aerosols having a flammable content less than 45%	NB. Aerosols containing poisons will be subject to Class 6 - Toxic Substances
Class 2 - Aerosols	Up to 1000 litres
Aerosols having a flammable content of 45% or more	
Class 3A - Flammable Liquids	Up to 250 litres
Class 3B - Flammable Liquids	Up to 50,000 litres
Class 4 - Flammable Solids	Up to 25 kg
Class 5A - Oxidising Agents	Up to 100 kg
Class 5B - Organic Peroxides	Up to 10 kg
Class 6.1A - Toxic Substances	Any quantity (no exemption), except for laboratory or research purposes, then up to 5 kg
Class 6.1B - Toxic Substances	Up to 10 kg
Class 6.1C - Toxic Substances	Up to 100 kg
Class 6.1D - Toxic Substances	Up to 500 kg
Class 6.2 - Toxic Substances	Any quantity (no exemption), except for laboratory research or hospital purposes
Class 7 - Radioactive Substances	Any quantity having a radioactivity exceeding 100 becquerels/gram. NB: Refer Class 21 in respect to the Administration of the Radiation Protection Act 1965 and its amendments and regulations thereto.

BYLAW NO. 21
HAZARDOUS SUBSTANCES

Class 8 - Corrosives	Up to 250 kg
Class 9 - Miscellaneous Hazardous Substances	Up to 1000 kg

Provided that in any material containing a hazardous substance in diluted form, the quantity (limit) referred to in this Schedule B shall be calculated on a percentage and volume basis.

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SCHEDULE C

**APPLICATION FOR APPROVAL OR VARIATION OF AN EXISTING APPROVAL TO STORE, USE
OR HANDLE OR ACCEPT CONSIGNMENT OF HAZARDOUS SUBSTANCES WITHIN THE
WAITAKERE CITY COUNCIL DISTRICT**

I [state full name of applicant] hereby apply for approval or variation of an existing approval to store, use, handle, or accept consignment of the following hazardous substances:

[state nature and volume of hazardous substances]

The property in respect of which this application is made is situated at [describe the property in a manner which will allow it to be readily identified].

The hazardous substances will be transported to and from the site [cite the transportation method].

Supplementary material [set out any other information considered relevant to the application].

I am the [state whether owner, occupier, lessee, etc] of the property.

Name of Owner Address:

Name of Occupier: Address:

Date this day of 19

Address for Service:

Signature:

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SCHEDULE D

APPLICATION FOR APPROVAL TO DISPOSE OF WASTE HAZARDOUS SUBSTANCES
WITHIN THE WAITAKERE CITY COUNCIL DISTRICT

I [state full name of applicant] hereby apply for approval to dispose of the following waste hazardous substances:

[state nature and volume of hazardous substances]

The property where the waste hazardous substances to which this application is made is situated at [describe the property in a manner which will allow it to be readily identified].

The disposal method proposed is [set out all information considered relevant to the application].

I am the [state whether owner, occupier, lessee, etc] of the property.

Name of Owner Address:

Name of Occupier: Address:

Date this day of 19

Address for Service:

Signature:

WAITAKERE CITY COUNCIL

BYLAW NO. 24 1991

CONSTRUCTION NOISE

Waitakere City Council, acting on behalf of the Mayor, Councillors and Citizens of the City of Waitakere **HEREBY CONFIRMS** by **SPECIAL ORDER** the following bylaw pursuant to the powers contained in the Local Government Act 1974, and the Standards Act 1965 and any other Act or authority in any way enabling the Council in that behalf.

1 SHORT TITLE

The short title of this bylaw shall be the Waitakere City Council Bylaw No. 24, 1991 - Construction Noise.

2 COMMENCEMENT

This bylaw shall come into force on the 11th day of March 1991.

3 INTERPRETATION

The expression 'NZS' and 'NZSS' when used herein shall mean a specification declared by the Standards Council to be a New Zealand Standard Specification pursuant to the provisions of the Standards Act 1965.

4 ADOPTION OF NZS 6803P: 1984

The Standard Specification known as NZS 6803P: 1984 is hereby adopted as the means of measurement and prediction of noise from construction work as that term is defined in that Standard Specification.

5. ADOPTION OF STANDARDS BY REFERENCE

The following Standard Specifications are cited in NZS: 6803P: 1984 and are therefore incorporated by reference in this bylaw:

NZS 6801:1977 Methods of Measuring Noise
NZS 6802:1977 Assessment of Noise in the Environment

6 NOISE LIMITS

- 6.1 No person undertaking construction work shall exceed the upper limits for levels of construction work noise received in residential areas set out in Table 1 of NZS 6803P: 1984.
- 6.2 Subject to paragraph 6.1 no person undertaking construction work in industrial or commercial areas shall exceed the upper limits for levels of construction work noise set out in Table 2 of NZS 6803P: 1974.
- 6.3 No person undertaking construction work shall exceed the upper limits for indoor noise levels created by construction work set out in Table 3 of NZS 6803P: 1984.

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BYLAW NO. 24
CONSTRUCTION NOISE

6.4 No person using explosives on a construction site shall exceed the peak overall sound pressure levels specified in Clause 5.1.2 of NZS 6803P: 1984.

7 BREACH OF BYLAW

Any person who shall do, or cause or allow to be done, anything in contravention of this bylaw, or who shall omit or neglect to do, or knowingly omit to remain undone, any matter or thing required under this bylaw, shall be deemed to have committed a breach thereof and shall be liable accordingly.

8 PENALTIES FOR BREACH OF BYLAWS

8.1 Every person who commits a breach of this bylaw is liable to a fine not exceeding \$500.00 and, where the breach is a continuing one, then to a further fine not exceeding \$150.00 for every day or part of a day during which the breach has continued.

8.2 The Council may, after a conviction for the continuing breach of the bylaw, apply to any Court of competent jurisdiction for an injunction to restrain the further continuance of the breach by the person so convicted.

9 DISPENSATION

The Chief Executive Officer of the Waitakere City Council or any officer of the Council so delegated by the Chief Executive Officer may upon application in writing authorise construction work in contravention of Clause 6 of this bylaw where he is of the opinion full compliance with Clause 6 would be attended with loss or inconvenience to any person without any corresponding benefit to the community and may impose such conditions as he or she considers appropriate.

The Common Seal of the)
WAITAKERE CITY COUNCIL)
was hereunto affixed pursuant to a)
resolution of Council passed on)
27 February 1991 in the presence of:)

CHIEF EXECUTIVE OFFICER

MANAGER: FINANCE & ADMINISTRATION

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