MANUKAU CITY CONSOLIDATED BYLAW 2008

CHAPTER 12

OFFENSIVE TRADES

EXPLANATORY NOTE

Bylaw made using powers of	*Health Act 1956* *Health (Registration of Premises) Regulations 1966* *Local Government Act 2002*		
Description	***Date Made***	***Council Minute***	***Commencement***
Bylaw first adopted by Council	*26 Jun 2008*	*CL/JUN/738/08*	*01 Jul 2008*
Updated chapter and bylaw references	*26 Jun 2008*	*CL/JUN/745/08*	*01 Oct 2008*

The purpose of this bylaw is to prevent or regulate any nuisance, offence or injury to public health and safety caused by discharges from offensive trade premises, and to consent and register offensive trade premises, where the activity does not require resource consent under the Resource Management Act 1991 in Manukau City. Offensive trade premises are required to be consented and registered by the Council under the Health Act 1956 and the Health (Registration of Premises) Regulations 1966.

Offensive trades are a specific group of activities defined by the Health 1956 that are anticipated to cause offensive (objectionable, unpleasant, nauseous or repulsive) discharges. These discharges can affect the amenity of the premises and the amenity of any adjacent or neighbouring properties. Furthermore, the discharges can cause a nuisance and be injurious to public health and safety if not properly controlled. The Bylaw allows people to operate offensive trade premises provided they hold a permit and comply with any rules made by the Council. The Bylaw authorises the Council to make rules over the design, construction and operation of offensive trade premises and the information required to accompany applications for a permit.

This Bylaw should be read in conjunction with the entire Manukau City Consolidated Bylaw 2008 and other regulations affecting trade premises within this Bylaw, including (but not limited to) the Biosecurity Act 1993, Health Act 1956, Resource Management Act 1991, Hazardous Substances and New Organism Act 1996, Building Act 2004, Proposed Auckland Regional Plan: Air, Land and Water[1], and Health (Registration of Premises) Regulations 1966.

This Explanatory Note is for information purposes only and does not form part of this Bylaw. Council resolutions made for this Bylaw are attached also for information purposes only and do not form part of this Bylaw.

CONTENTS

1. Interpretation 2
2. Requirements 2
3. Powers of the Council 2

[1] In addition to this bylaw, any offensive trade premise is required to comply with the Industrial or Trade Processes rules in Chapter 5 - Discharges to Land and Water, and Land Management of the Proposed Auckland Regional Plan: Air, Land and Water or any subsequent Operative Auckland Regional Plan: Air, Land and Water. These rules restrict the discharge of contaminants onto or into land from an industrial or trade process, and where these sites cannot meet the Permitted Activity rules, consent must be obtained from the Auckland Regional Council.

1. Interpretation

1.1 In this Chapter, unless inconsistent with the context:

OFFENSIVE TRADE PREMISE means any premise used for any trade, business, manufacture or undertaking specified in the Third Schedule to the Health Act 1956 and for the avoidance of doubt includes the modern day equivalents determined from time to time by Council resolution.

2. Requirements

2.1 Every person who owns or operates any offensive trade premise must ensure that:

(a) They hold a permit for that purpose issued by the Council; and

(b) They comply at all times with any conditions of the permit issued under 2.1(a); and

(c) They ensure that they carry out their offensive trade in such a manner so as to not create nor be likely to create a nuisance to any person at any time.

3. Powers of the Council

3.1 The Council may from time to time by resolution, make rules for the following matters:

(a) The design, layout and construction of any offensive trade premise; or

(b) The operation of any offensive trade premise; or

(c) The information to be supplied with any application for a permit for any offensive trade premise.

3.2 The Council may from time to time by resolution, for the avoidance of doubt, determine the modern day equivalents to the Third Schedule to the Health Act 1956.

ATTACHMENTS TO CHAPTER 12 OFFENSIVE TRADES

OF THE MANUKAU CITY CONSOLIDATED BYLAW 2008

FOR INFORMATION PURPOSES ONLY

HISTORY OF THE ATTACHMENT

Description	Date Made	Council Minute	Commencement
Attachment first adopted under 2008 consolidated bylaw	25 Sep 2008	CL/SEP/1083/08	01 Oct 2008

INTRODUCTION

Chapter 12 Offensive Trades allows people to own or operate offensive trade premises provided they have a permit and that they comply with any permit conditions. The Bylaw authorises the Council to make rules for the design, construction and operation of offensive trade premises and the information required to accompany applications for a permit.

The purpose of the rules is to provide guidance on matters to be considered on permit applications or imposed as conditions of consent.

This document consolidates, for information purposes only, the Council resolutions for all rules authorised under Chapter 12 Offensive Trades of the Manukau City Consolidated Bylaw 2008 to assist Council officers, persons wishing to apply for a permit, and the general public.

CONTENTS

Attachment 1
Rules for design layout and constructions of premises 2

Attachment 2
Rule for the operation of premises 2

Attachment 3
Information to be supplied with any application for a permit 2

Attachment 4
Modern day equivalents to the Third Schedule to the Health Act 1956 3

ATTACHMENT 1

In accordance with clause 3.1(a) of Chapter 12 Offensive Trades the following rules apply for the design, layout and construction of any offensive trade premise:

(a) Storage containers must be covered to prevent rainwater entry;

(b) Waste compactors and bins must be located and operated in such a manner as to prevent leachate/wastes leaking from the bins and entering the stormwater system;

(c) Wastewater produced on-site must be collected either for recycling, or disposal to a system or facility with all the appropriate authorisations to accept material of that type;

(d) All environmentally hazardous substances stored on site must be located within a secondary containment device.

ATTACHMENT 2

In accordance with clause 3.1(b) of the Chapter 12 Offensive Trades the following rules apply for the operation of any offensive trade premises:

(a) All owners or operators must maintain and use appliances as necessary, in such a manner as required by the Council to effectively carry off in a harmless and inoffensive manner the fumes, gases, vapours, dust, or impurities generated on the premises;

(b) All owners or operators must ensure that no offensive liquid, substance or matter is discharged from the premises at any time.

(c) All owners or operators must ensure offensive material, refuse, residue or other substances which may be injurious to health or from which noxious or offensive vapours or gases may escape, is placed in closed receptacles or otherwise dealt with to prevent nuisance or injury to health and the escape of those vapours or gases;

(d) All owners or operators must ensure the premises and all drains, fittings, apparatus, machinery, utensils, vehicles, tools and appliances used in connection with the trade are maintained in a clean condition, good repair and capable of efficient operation;

(e) All owners or operators must ensure internal surfaces of the premises are kept clean and in good repair;

(f) All owners or operators must develop and implement a spill response plan to the satisfaction of Council.

ATTACHMENT 3

In accordance with clause 3.1(c) of the Chapter 12 Offensive Trades the following rules apply for the information to be supplied with any application for a permit for any offensive trade premise:

(a) A description of the proposed activities to be undertaken on the premises including the types and quantities of offensive material received, stored or generated on the site.

(b) A site plan and a description of the proposed use of all buildings, and specifications of:

- (i) the extent of and materials used in the construction of any paved area;
- (ii) the materials used in the construction of all buildings on the premises;
- (iii) the source of water supply;
- (iv) a plan showing the type and construction of all drains;
- (v) the means of lighting and ventilation;
- (vi) the method of treatment and disposal of fumes, gases, vapours, dust, solids and impurities generated on the premises.
- (vii) the method of control for any accidental release of any fumes, gases, vapours, dust, solids and impurities generated on the premises.
- (viii) the details of back flow preventors installed to prevent the contamination of potable water supplied to the site.

(c) The information supplied shall be commensurate with the size and scale of the offensive trade premise.

ATTACHMENT 4

In accordance with clause 3.2 of the Chapter 12 Offensive Trades for the avoidance of doubt, the Council has determined the modern day equivalents to the Third Schedule to the Health Act 1956 to be as follows:

Third Schedule to the Health Act 1956	Modern Day Equivalents
Gut scraping and treating.	
Blood or offal treating.	
Bone boiling or crushing.	
Nightsoil collection and disposal.	Any premise used for the storage, hire, emptying or cleaning of portable or temporary toilets.
Collection and storage of used bottles for sale.	
Refuse collection and disposal.	
Dag crushing.	
Septic tank desludging and disposal of sludge.	
Fellmongering.	
Fish cleaning.	
Slaughtering of animals for any purpose other than human consumption.	
Fish curing.	
Flax pulping.	
Flock manufacturing, or teasing of textile materials for any purpose.	
Storage, drying, or preserving of bones, hides, hoofs, or skins.	
Tallow melting.	
Tanning.	
Wood pulping.	
Wool scouring.	