

# KAPITI COAST DISTRICT COUNCIL BEACH BYLAW 2009

<b>1</b>	<b>Title, Commencement and Application .....</b>	<b>2</b>
<b>2</b>	<b>Kapiti Coast District Council Beach Bylaw 2009 Validation .....</b>	<b>2</b>
<b>3</b>	<b>Objective .....</b>	<b>3</b>
<b>4</b>	<b>Interpretation .....</b>	<b>3</b>
<b>5</b>	<b>Appropriate Behaviour .....</b>	<b>5</b>
<b>6</b>	<b>Litter .....</b>	<b>5</b>
<b>7</b>	<b>Aircraft and Hovercraft.....</b>	<b>5</b>
<b>8</b>	<b>Vehicles: Conditions for Driving .....</b>	<b>6</b>
<b>9</b>	<b>Vehicles: Beach Restrictions.....</b>	<b>6</b>
<b>10</b>	<b>Motorised Watercraft .....</b>	<b>8</b>
<b>11</b>	<b>Horses and Stock.....</b>	<b>8</b>
<b>12</b>	<b>Hiring of Craft .....</b>	<b>10</b>
<b>13</b>	<b>Trading on the Beach .....</b>	<b>10</b>
<b>14</b>	<b>Coastal Protection Works .....</b>	<b>10</b>
<b>15</b>	<b>Defined Areas .....</b>	<b>11</b>
<b>16</b>	<b>Life Saving .....</b>	<b>11</b>
<b>17</b>	<b>Fires.....</b>	<b>11</b>
<b>18</b>	<b>Beach Preservation.....</b>	<b>12</b>
<b>19</b>	<b>Harvesting.....</b>	<b>12</b>
<b>20</b>	<b>Special Events.....</b>	<b>12</b>
<b>21</b>	<b>Permits Issued Pursuant to the Bylaw .....</b>	<b>13</b>
<b>22</b>	<b>Offenders against the Bylaw.....</b>	<b>13</b>
<b>23</b>	<b>Kāpiti Coast District Council General Bylaw .....</b>	<b>13</b>

**1 Title, Commencement and Application**

- 1.1 This Bylaw may be cited as the Kapiti Coast District Council Beach Bylaw 2009 and comes into force on 01 September 2009.
- 1.2 This Bylaw is made pursuant to Sections 145 and 146 of the Local Government Act 2002.
- 1.3 This Bylaw applies to any part of the beach (the term ‘beach’ is defined in section 4.1 of this Bylaw) in the Kapiti Coast District.
- 1.4 This Bylaw replaces the Kapiti Coast District Council Beach Bylaw 2002.

**2 Kapiti Coast District Council Beach Bylaw 2009 Validation**

- 2.1 The Kapiti Coast District Council Beach Bylaw 2009 was approved at a meeting of the Kapiti Coast District Regulatory Management Committee held on 07 May 2009 after completion of the Special Consultative Procedure.
- 2.2 The Common seal of the Kapiti Coast District Council was affixed, pursuant to a resolution of Council on 28 May 2009 in the presence of:

.....  
Jenny Rowan  
**Mayor**

.....  
Pat Dougherty  
**Chief Executive Officer**

### 3 Objective

3.1 Subject to the limitations of Sections 145 and 146 of the Local Government Act 2002, the purpose of this Bylaw is to manage human activities on the beach and protect the beach environment in accordance with the overarching objective defined in the ‘*Kapiti Coast District Council Coastal Strategy 2006*’, which states:

*“That the environment and lifestyle values that have always attracted people to the area are protected and enhanced and the historical, geological and cultural values are preserved”.*

3.2 Nothing in this Bylaw derogates from any provision of, or the necessity for compliance with:

- i. the Land Transport Act 1998 or any Act passed in amendment or substitution thereof;
- ii. the Summary Offences Act 1981 or any Act passed in amendment or substitution thereof;
- iii. any other applicable Acts, regulations or rules;
- iv. any other Council bylaws, District Plan requirements;
- v. any other requirements imposed by either Greater Wellington Regional Council or Department of Conservation; and
- vi. any customary rights.

### 4 Interpretation

4.1 In this Bylaw, unless the context requires otherwise:

<b>Animals</b>	Means any mammal (excluding human beings), any bird, reptile, amphibian, fish or invertebrate organism of any kind
<b>Approved</b>	Means approved by Council or by any authorized Officer of Council
<b>Authorised Boat Launching Area</b>	Means a signposted section of the foreshore designated for the purpose of launching boats and parking trailers or vehicles after launching boats
<b>Authorised Disability Parking Area</b>	Means a signposted section of the foreshore designated for the purpose of people with disabilities to park and access the beach
<b>Beach</b>	Means the area covered and uncovered by the ebb and flow of the tide and any adjacent area which can be considered part of the beach environment, including any area of sand, pebbles, shingle, dunes or coastal vegetation that is vested in the Council or is under its management or regulatory control as per the Local Government Act 2002
<b>Chief Executive</b>	Means the Chief Executive of the Kapiti Coast District Council or a person acting under delegated authority on behalf of the Chief

	Executive
<b>Coastal Protection Works</b>	Means any hard or soft structures (such as sea walls, rock revetments, dune fencing and coastal plants) used to prevent erosion and controlled by the Council
<b>Council</b>	Means the Kapiti Coast District Council
<b>District</b>	Means the Kapiti Coast District
<b>Dunes</b>	Means the section of the beach lying generally above the high tide mark where mounds or ridges of sand formed by wind or water action exist. These dune areas may be covered or uncovered by vegetation
<b>Enforcement Officer</b>	Means any person appointed by the Council to enforce the provisions of this Bylaw and who holds a warrant under section 177 of the Local Government Act 2002
<b>Foreshore</b>	Means the land edging the sea, estuaries and rivers that are normally submerged and exposed by the sea's tidal ebb and flow, that is, the area between the line of mean high water springs level and the mean low water springs level
<b>Green Waste</b>	Means any waste organic material generated by human activities
<b>Horse</b>	Means any horse, mule, donkey or ass
<b>Land Yacht</b>	Means any unmotorised wheeled vehicle used in land sailing which consists of little more than a carriage and a sail
<b>Motorbike</b>	Means any motorised two-wheeled road or off-road vehicle, such as: dirt bikes, multi terrain bikes, road bikes, scooters and pocket or mini bikes etc.
<b>Motorised water craft</b>	Means any boat, jet ski or vessel propelled by a motor and controlled by a person or any other means
<b>Official Beach Access Point</b>	Means a Council sign posted road or track allowing pedestrian or vehicular access to the beach from public roads, parking bays, reserves or picnic areas
<b>Stock</b>	Includes poultry, cattle, deer, goats, sheep, pigs or any other farmed animal (excluding horses)
<b>Vehicle or Motor Vehicle</b>	Means any motor car, motor bike, or any other wheeled vehicle powered by an engine, wind or solar power or capable of moving at speeds greater than 8 Km/h

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## **5 Appropriate Behaviour**

- 5.1 No person shall use any dressing shed or toilet except for its intended purpose, nor loiter in or around any dressing shed or toilet.
- 5.2 No person shall clean fish or bring, deposit or leave any filth or rubbish in any dressing shed or toilet.
- 5.3 It is the responsibility of all surfcasters to take reasonable steps to ensure their lines or equipment do not present a safety hazard to other beach users.
- 5.4 No person shall remain upon any part of the beach in deliberate view of others in such a state of undress as to cause offence.

## **6 Litter**

- 6.1 No person shall dump green waste on any part of the beach.
- 6.2 Any person found discarding or dumping or directing the discarding or dumping of litter or green waste contrary to this Bylaw, is liable to prosecution and or a fine to recover the costs associated with its removal.

## **7 Aircraft and Hovercraft**

- 7.1 No person shall (except in the case of an emergency) land or attempt to land on any part of the beach any aircraft, glider, balloon, parachute or other craft for air flying nor any hovercraft, except a hang-glider, unless:
  - i. the Council has given written permission to carry out the activity; and
  - ii. all other statutory requirements are also complied with.
- 7.2 No person shall (except in the case of an emergency) land or attempt to land on any part of the beach any hang glider or para-glider unless:
  - i. the Council has given written permission to carry out the activity and all other statutory requirements are also complied with; or
  - ii. the person is landing a hang glider or para-glider on the foreshore between the southernmost limit of Ames Street, Paekakariki, and the Fisherman's Table Restaurant at the southern boundary of the District.
- 7.3 Any person landing or attempting to land a hang glider or paraglider on the foreshore between the southernmost limit of Ames Street, Paekakariki and the Fisherman's Table Restaurant, shall take all possible steps to avoid causing a nuisance or danger to other beach users.

- 7.4 No person shall (except in the case of an emergency) attempt to become airborne or water-borne in any aircraft, glider, paraglider, hang glider, balloon, parachute or other craft for air flying nor any hovercraft, from any part of the beach, unless the Council has given written permission to carry out the activity and the person complies with all other statutory requirements.

## **8 Vehicles: Conditions for Driving**

- 8.1 No person shall, except for emergency purposes, on any part of the beach:
- 8.1.1 Drive a vehicle through an official vehicle beach access point at a speed greater than 10 km/h.
  - 8.1.2 Drive any vehicle at a speed greater than 20 km/h or in a manner which:
    - i. causes nuisance or annoyance to other beach users;
    - ii. causes damage to any part of the beach; or
    - iii. has adverse effects on plants and/or native animals or their habitats.
- 8.2 All vehicles (including land yachts) being driven on the beach must give way to pedestrians, bathers, horses and dogs at all times.
- 8.3 No person shall tow or drag any wave board or similar device behind any motor vehicle in such a way as to cause a danger or inconvenience to any person.

## **9 Vehicles: Beach Restrictions**

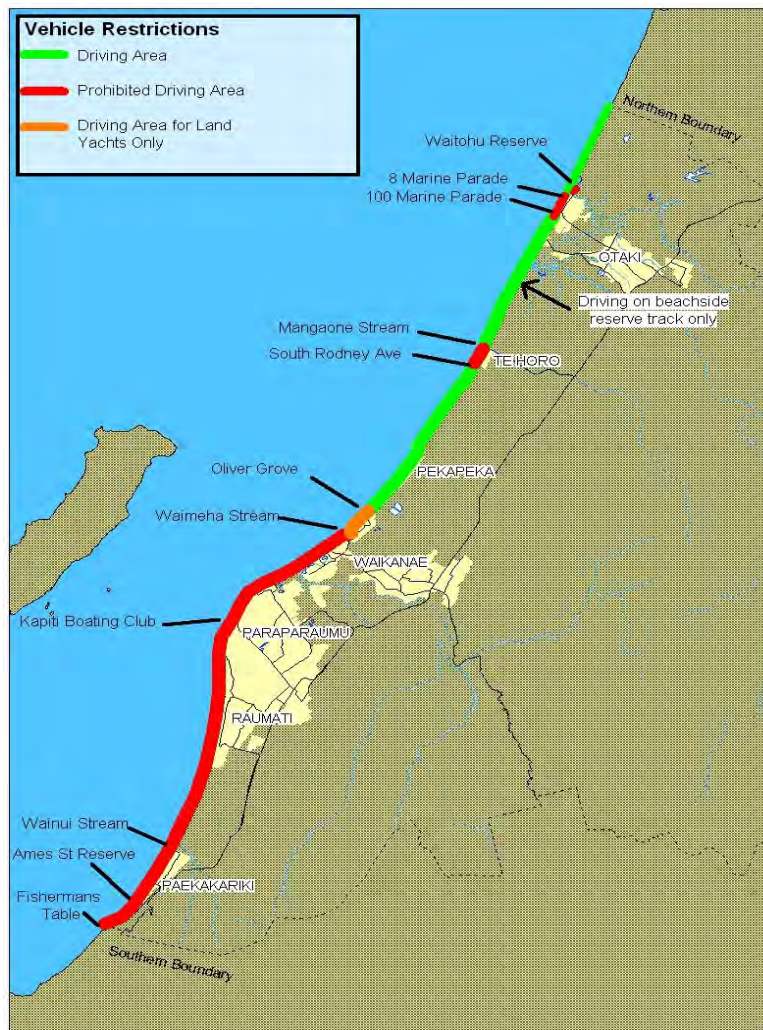
- 9.1 Two wheeled road or off-road motorbikes are not permitted to drive on any part of the beach.
- 9.2 No person may drive any vehicle in a prohibited driving area of the beach or on any dunes or coastal protection works, unless that person has the prior permission of the Council or when any of the following circumstances apply:
- i. an emergency or law enforcement situation; or
  - ii. Council, groups recognised by Council, Greater Wellington Regional Council or Department of Conservation Staff (or their delegated contractors) carrying out restoration or beach maintenance work.
- 9.3 All beaches in the District are prohibited driving areas apart from the following:
- 9.3.1 In relation to any vehicle (excluding two wheeled motorbikes):
    - i. the foreshore between the Official Beach Access Point at Olliver Grove, North Waikanae, to the Official Beach Access Point at the southern end of Rodney Avenue, Te Horo;

- ii. the formed shingle track through the reserve area adjacent to the foreshore between the northern bank of the Mangaone Stream, Te Horo Beach, to the southern bank of the Otaki River mouth;
- iii. the formed shingle track adjacent to the foreshore between the northern bank of the Otaki River mouth to the Official Beach Access Point opposite 100 Marine Parade, Otaki Beach;
- iv. the foreshore between the Official Beach Access Point opposite 8 Marine Parade, Otaki Beach, to the northern limit of the District (Note: The Waitohu Reserve area is outside the limits of the foreshore and is off limits to all vehicles); and

9.3.2 In relation to land yachts only:

- i. the foreshore between the north bank of the Waimeha Stream Mouth, North Waikanae, and the Official Beach Access Point at Olliver Grove, North Waikanae

**MAP 1: Vehicle Zones on the Beach Foreshore**



- 9.4 No person shall, except for emergency purposes, bring or drive any motor vehicle, land yacht, or trailer onto any part of the beach except via an Official Beach Access Point signposted for vehicle use.
- 9.5 No person shall, except for emergency purposes:
- 9.5.1 park any craft, trailer or vehicle on or near any Authorised Boat Launching and Disability Parking areas so as to obstruct or impede the reasonable use of such areas; or
  - 9.5.2 park beyond the signposted boundaries of an Authorised Boat Launching or Disability Parking area in a vehicle prohibited part of the beach; or
  - 9.5.3 access an Authorised Boat Launching or Disability Parking area from a vehicle prohibited part of the beach.
- 9.6 No person shall, except for emergency purposes, park any vehicle and or trailer in an Authorised Boat Launching area, other than:
- i. vehicles and trailers used during the launching or retrieving of boats; or
  - ii. vehicles and trailers used for the storage of fishing equipment.
- 9.7 No person shall, except for emergency purposes, park any vehicle in an Authorised Disability Parking area, other than vehicles displaying a valid mobility permit<sup>1</sup>.
- 9.8 Vehicles displaying mobility permits must give way to vehicles launching boats at all times when driving through boat launching areas or accessways.

## **10 Motorised Watercraft**

- 10.1 All motorised water craft shall, except in emergency situations, launch and land in Authorised Boat Launching areas only.

## **11 Horses and Stock**

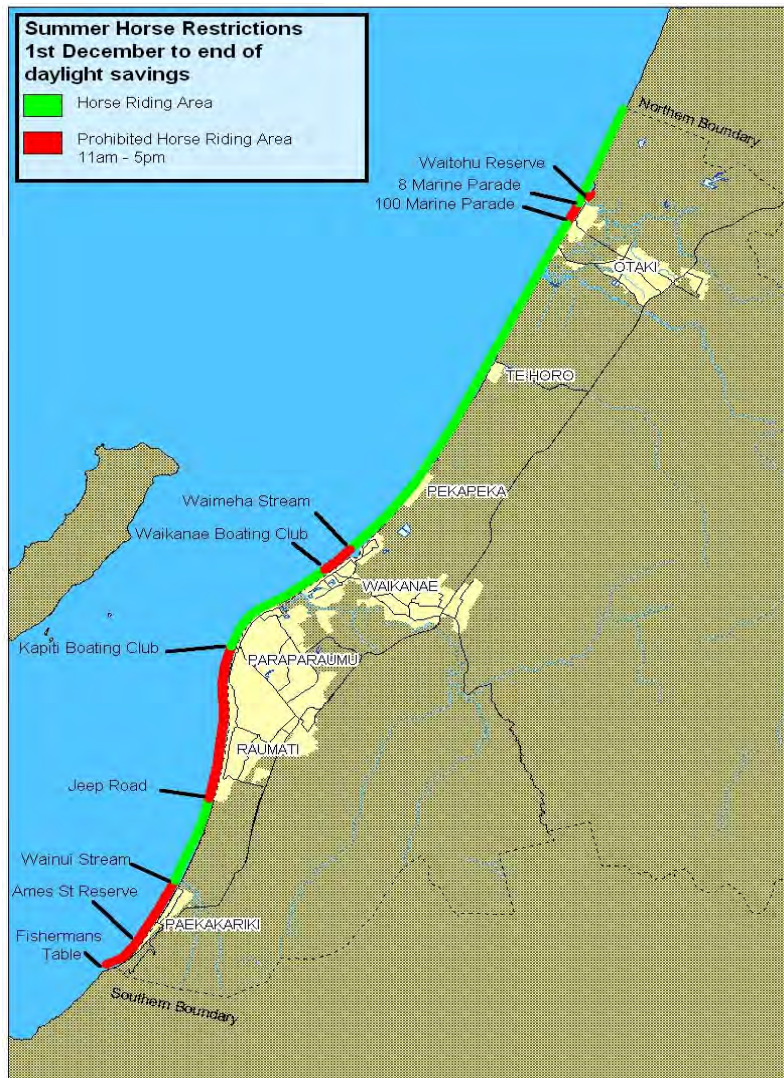
- 11.1 Between 11am –5pm from 01 December to the end of Daylight Savings (currently the first Sunday in April) no person shall ride, drive or lead a horse on the foreshore in the following restricted areas:
- i. from the southern boundary of the District to the Wainui Stream mouth at the north of the Paekakariki Settlement;
  - ii. from the Official Beach Access at Jeep Road, Raumati South, to the Kapiti Boating Club, Paraparaumu Beach;

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<sup>1</sup> A current mobility permit must be displayed in the vehicle at all times. Inquiries about the mobility permit scheme can be made to the Kapiti Disability Information and Equipment Centre - Ph: 04 298 2914, fax 04 298 2941.

- iii. from the Waikanae Boating Club, Waikanae Beach to the Waimeha Stream mouth, Waikanae Beach;
  - iv. from the beach access point opposite 100 Marine Parade, Otaki Beach to the beach access point opposite 8 Marine Parade, Otaki Beach.
- 11.2 At all other times and locations, a person may ride, drive or lead a horse on the foreshore.

**MAP 2: Horse Summer Zone Restrictions on the Beach**



- 11.3 No person shall, on any part of the foreshore, ride any horse in a manner which causes danger or unreasonable inconvenience to any person or causes damage to the beach environment.
- 11.4 The Council may from time to time issue a permit authorizing horse racing or riding in a restricted area of the foreshore, in which case:
- i. the provisions of this Bylaw apply except so far as varied by the permit and any conditions on the permit; and
  - ii. the rider must either clearly display the approved sticker or carry the permit so that it can be produced on demand.
- 11.5 Horses are prohibited from traversing all areas of the beach other than the foreshore and appropriately marked beach access ways.
- 11.6 A Council permit is required to lead stock on the beach.
- 11.7 No person who has obtained prior written permission from the Council to drive or lead any stock on any part of the beach shall do so in a manner which causes danger or inconvenience to any person or causes damage to the beach environment.

Please refer to the Kapiti Coast District Council Dog Bylaw 2008 for rules and restrictions for dogs on Kapiti Coast beaches
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## **12 Hiring of Craft**

- 12.1 The Council may authorise the use of any part of the foreshore for the hiring, storing, launching and recovery of any types of water borne craft made available for public hire, and may issue a permit to any person or persons for the carrying out of one or more of those activities.
- 12.2 Any such permit may include such conditions as may be desirable in the interests of the safety and inconvenience of the public.

## **13 Trading on the Beach**

- 13.1 No person shall, on any part of the beach, sell, offer for sale, or trade, any article without prior written permission of the Council.

## **14 Coastal Protection Works**

- 14.1 No person shall damage, break, destroy, remove or otherwise interfere with any coastal protection works legally placed, planted, erected or maintained on any part of the beach for the control of sand or shingle or for the prevention of erosion without a written permit from the Council.

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## 15 Defined Areas

- 15.1 The Council may from time to time following public consultation, upon such terms and conditions and for such period or periods as it thinks fit, declare that a defined area of the beach shall be notified and identified as an area where specific activities may be expected to occur, either:
- a) to limit damage to the natural environment; or,
  - b) to restrict an activity that might not be acceptable in all areas; or
  - c) to provide for safety matters.

For example and without limitation, a defined area could include:

- i. dune restoration areas;
- ii. clothing optional areas; and
- iii. vehicle driving areas.

*Note: Unless specific prohibitions are established, a defined area does not exclude the general public from use of those areas.*

## 16 Life Saving

- 16.1 No person shall obstruct, hinder or interfere with any life-saving operations or with any person engaged in life saving activities.
- 16.2 The Council may at its discretion authorize any life-saving club to erect and remove danger notices from any place.
- 16.3 No person shall swim in any place, or in the vicinity of any place, which is declared unsafe for such activity by a Council approved “danger” board or notice. No person shall swim or bathe in any place after being warned by an enforcement officer or qualified life-saving attendant that it is dangerous to swim in such a place.
- 16.4 No person shall use, displace, or otherwise interfere with any appliance, warning device or sign provided by the Council or by any life saving club unless authorized by the Chief Executive, an enforcement officer, surf club member, or member of Police.

## 17 Fires

- 17.1 A Council permit is required for all fires on the beach and will be subject to the following conditions always being met:
- i. fires are confined to specified areas of the beach (see Schedule 1 of the Kapiti Coast District Council Fire Prevention Bylaw for details); and
  - ii. the rules stipulated in the Fire Permit and ‘Open Air Burning Guide’

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are complied with.

## **18 Beach Preservation**

- 18.1 No person is permitted to cultivate or tend any plant/s on the beach, other than those that naturally occur within the Foxton Ecological District unless with prior permission of the Council.
- 18.2 Other than horses or dogs, no person is permitted to introduce or release any animal into the beach environment, without prior written permission of the Council.
- 18.3 The Council reserves the right to work with landowners to ensure that private access-ways to the beach are consolidated when cause for consolidation is justified to prevent harm to the coastal dune system.

## **19 Harvesting**

- 19.1 Except with the written permission of the Chief Executive no beach material listed in clause 19.2 may be removed:
- i. using any power equipment or tool (such as a chainsaw) to chop up or break down material; and
  - ii. in quantities exceeding that which can be carried on foot (unless the permitted quantity is specified in some other bylaw or Act of Parliament).
- 19.2 Except with the written permission of the Chief Executive, no person shall remove any of the following resources from the beach in quantities greater than that specified in clause 19.1 above:
- i. sand;
  - ii. driftwood;
  - iii. native estuary vegetation; and
  - iv. stones - where they form the predominant beach material.

## **20 Special Events**

- 20.1 Any person or organization wishing to hold a special event on the foreshore shall apply in writing to the Council for a permit to hold such an event. This application should be received at the Council a minimum of six weeks before the planned event.
- 20.2 The issuing of a permit for a special event may be subject to a bond to cover the costs of any clean-up or remediation undertaken by the Council following the

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event. The bond amount will be determined by the Council Compliance Manager based on the size and potential risk of staging the said event.

## **21 Permits Issued Pursuant to the Bylaw**

- 21.1 Where the Council issues any permit pursuant to the terms of this Bylaw, it may impose any reasonable conditions on that permit that it thinks fit.
- 21.2 When undertaking a permit required activity on the beach, permits or permit stickers must be either visibly displayed or readily available so that they can be produced on demand.

## **22 Offenders against the Bylaw**

- 22.1 Any person who commits a breach of any of the provisions of this bylaw shall, if so requested, supply Council Enforcement Officers or Police their full name and address<sup>2</sup>.
- 22.2 Every person who commits an offence against any provision of this Bylaw or any condition imposed on a permit issued under this Bylaw could be subject to a fine not exceeding \$20,000<sup>3</sup> upon summary conviction.

## **23 Kāpiti Coast District Council General Bylaw**

- 23.1 The provisions of the Kāpiti Coast General Bylaw 2010 and any bylaw passed in amendment or substitution are implied into and form part of this bylaw.

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<sup>2</sup> Failure to do so is an offence under Section 178 of the Local Government Act 2002.

<sup>3</sup> As per section 242(4) of the Local Government Act 2002.