

2 FEBRUARY 2017

Meeting Status: **Public**

Purpose of Report: For Decision

REVIEW OF THE 2010 PUBLIC PLACES BYLAW AND THE 2010 TRADING IN PUBLIC PLACES BYLAW

PURPOSE OF REPORT

- 1 This report seeks the Committee's approval for:
 - a) proposed amendments to the 2010 Public Places Bylaw to create a draft Kapiti Coast District Council 2017 Public Places Bylaw (draft 2017 Bylaw);
 - b) proposed amendments to the 2010 Trading in Public Places Policy to create a draft 2017 Trading in Public Places Policy (draft 2017 Policy); and
 - c) publicly notifying the draft 2017 Bylaw and draft 2017 Policy using the special consultative procedure.

DELEGATION

- 2 Under B1 of the Governance Structure and Delegations for the 2016-2019 Triennium, the Strategy and Policy Committee is responsible for the development and/or review of strategies, plans, policies and bylaws.

BACKGROUND

- 3 The Council is required by the Local Government Act 2002 (Sections 155 – 160) to undertake regular reviews of its bylaws.
- 4 The process for reviewing a bylaw is:
 1. A local authority must, before commencing the process for making a bylaw, determine whether a bylaw is the most appropriate way of addressing the perceived problem;
 2. If a local authority has determined that a bylaw is the most appropriate way of addressing the perceived problem, it must, before making the bylaw, determine whether the proposed bylaw:
 - a) is the most appropriate form of bylaw; and
 - b) gives rise to any implications under the New Zealand Bill of Rights Act 1990.
 3. Having made these determinations, a local authority:
 - c) must consult on the proposed bylaw using the special consultative procedure;

- d) deliberate on any submissions/feedback received;
 - e) approve the bylaw; and
 - f) ensure the bylaw is publicly available in the prescribed way and format.
- 5 The 2010 Public Places Bylaw expires on 15 July 2017. If a new or revised bylaw is not adopted by that date, the 2010 Bylaw will automatically expire and Council will lose the ability to manage the activities identified in the 2010 Bylaw.
- 6 As a result, a review of the 2010 Bylaw was initiated in July 2016. The review was overseen by a steering group comprising the Community Services and Regulatory Services Group Managers and it was carried out by a project manager in conjunction with a working group comprising officers from Community Services, Infrastructure, Strategy and Planning, Legal and Communications.
- 7 The review involved gathering Council information relevant to the bylaw combined with information from key stakeholder groups and an on-line survey. Using this information, a thorough analysis of all clauses in the 2010 Bylaw and 2010 Policy was undertaken included examining:
- how the 2010 Bylaw has worked in practice;
 - whether there were activities that no longer need to be managed;
 - whether there were other activities that need to be managed;
 - whether clauses needed to be updated to account for legislative changes; and
 - whether the Bylaw was the most appropriate tool to address the issues being raised.
- 8 The review concluded that a public places bylaw continues to be a necessary tool which Council needs in order to provide for the safety of public places and the management of public places.
- 9 The 2010 Trading in Public Places Policy supports the 2010 Bylaw and therefore has been reviewed at the same time.
- 10 Copies of the 2010 Bylaw and the 2010 Policy are attached to this report in Appendices 1 and 2.

ISSUES AND OPTIONS

- 11 This section provides information on:
- The 2010 Bylaw and 2010 Policy;
 - The proposed changes to the 2010 Bylaw and 2010 Policy; and
 - Considers the section 155 Local Government Act 2002 determinations.

Purpose of the 2010 Bylaw

- 12 The 2010 Bylaw regulates a diverse range of activities for the well-being and enjoyment of the public in public places by:
- maintaining standards of public health and safety;
 - protecting the public from nuisance; and
 - minimising the potential for offensive behaviour on public land.
- 13 Public place is defined as:
- an area that is open to or used by the public, which is under the management or control of the Council, and includes roads, streets, footpaths, courts, alleys, pedestrian malls, cycle tracks, lanes, access-ways, bridle-ways, thoroughfares, squares, reserves, parks, pools, community halls, cemeteries, beaches, and recreational grounds.*
- 14 The 2010 Bylaw regulates activity on Council owned or managed land. It does not apply to privately owned land even if that land functions as a public place.

Activities regulated by the 2010 Bylaw

- 15 The activities regulated by the 2010 Bylaw are summarised below in Table 1.

Table 1: Activities regulated by the 2010 Bylaw
Street performances and appeals Trading in public places Hoardings, posters and notices Event management
Restricting the public from carrying out some activities in reserves, landscaped areas and amenity planting including: <ul style="list-style-type: none">• Burying or disturbing anything in those areas• Planting or pruning• Putting up signs• Releasing animals other than those that are permitted.
Restricting where motor vehicles can go in public places Restricting where cycles and skating devices can go
Overhanging trees or shrubs – landowners must not allow trees or shrubs to overhang public places.
Public swimming pools, libraries and other public buildings – enabling Council to set rules regulating the use of such facilities.
Naming of streets, numbering of buildings
Building work and excavations – requiring permission from Council as the landowner
Damage deposit: <ul style="list-style-type: none">• enabling Council as the landowner to require a deposit with a building consent and keep it in the event of any damage to footpaths, berms or kerbing.
Fences, walls, and stability of land:

<ul style="list-style-type: none"> enabling Council to require fences, walls and retaining walls to be built and maintained if it considers that they are necessary for public safety in a public place
<p>Other specific restrictions to prevent or restrict the following in public places:</p> <ul style="list-style-type: none"> Damage to facilities – buildings, public art, trees etc Building permanent structures Gates or doors opening out into a public place Work which defaces or obstructs access Drippings from eaves or structures Vehicles on the beach after darkness Exercising animals by a lead attached to a moving vehicle Repairs on vehicles (except in an emergency) Launching boats, aircraft etc (except in an emergency) Freedom camping that does not comply with the Freedom Camping Policy. Loud speaker noise that has not been approved by Council.

2010 Bylaw implementation

- 16 The review found that relatively few written approvals or licences have been issued for activities managed by the 2010 Bylaw. No direct cause for this has been identified at this stage. In some cases, activities only require a written approval if they do not comply with the standards set – for example, sandwich boards. Many of these activities may also require other regulatory approvals, for example, resource consent or food and liquor licences.
- 17 Fees and charges for approvals under the 2010 Bylaw are set out in the Table 2 below. No fee is charged for nine of the activities.

Table 2: Fees and charges relevant to the Public Places Bylaw	2016/17 fees
Performances and appeals – written approval	No fee
Itinerant trader	\$530
Stalls outside businesses	No fee
Footpath dining	No fee
Hoardings, signs, notices – removals	No fee
Reserve activities – written approval	No fee
Events	No fee
Overhanging trees	No fee
Residential damage deposit	\$544
Residential damage deposit with new vehicle crossing	\$948
Commercial damage deposit	\$1079
Fences etc	No fee
Extraordinary activities – bylaw permits – compliance check	\$185 \$92 for an additional inspection
Not carrying or displaying a copy of a licence	No fee

- 18 Any change to these fees would be dealt with as part of the annual review of all fees and charges carried out as part of preparing the Annual Plan.

Proposed changes to the 2010 Bylaw

- 19 The review concluded that much of the 2010 Bylaw remains appropriate. The general intent of the draft 2017 Bylaw remains the same as the 2010 Bylaw. The scope of the draft 2017 Bylaw also remains the same as the 2010 Bylaw and Policy.
- 20 However, a number of changes are also proposed. Please see Appendix 4 for a discussion of all proposed changes.
- 21 Some of the proposed changes are designed to improve the readability of the 2017 bylaw:
- Some clauses have been revised to update and improve the clarity of the bylaw, for example, the objective and the definition of public place.
 - Some of the activities controlled by this bylaw may also require other types of regulatory approvals, for example, resource consent. Notes have been added to advise readers of these requirements. This is an open for business initiative designed to help applicants get all the information they need in a more straightforward manner.
 - The bylaw clauses have been re-ordered into two groups. The first group deals with the management of various activities in public places (clauses 6 – 17). The second group deals with potential damage to public places and provides Council with some powers to manage that damage (clauses 18 – 22).
- 22 More substantive proposed changes address the following matters:
- low powered vehicles;
 - damage to public places; and
 - operational policies.

Low powered vehicles

- 23 The 2010 Bylaw places some restrictions on the use of cycles and skates (Clause 11). The 2010 Bylaw recognises there is potential for conflict when pedestrians and these types of vehicles share the same space especially if the vehicles are used dangerously. The Bylaw adheres to a pedestrian first policy.
- 24 Since 2010 the types of devices/low powered vehicles that may be used on footpaths and a walkway has expanded to include electric bicycles, electric skateboards and segways. The numbers of these devices seem to have increased as well as the variety. Mobility devices are excluded from this provision.
- 25 The proposed change to the 2010 Bylaw (Clause 12) is designed to retain the intent of the 2010 clause but ensure that the draft 2017 Bylaw can cover the wider range of vehicles.

- 26 Definitions of vehicle and mobility device have been added to support this change (Clause 4).

Damage to public places

- 27 The purpose of the proposed change (Clause 18) is to create a clause which covers damage to any public place rather than have this issue spread across in a number of clauses. The content of the 2010 Bylaw Clause 11.1 has been included in the proposed clause and some new provisions (18.1(f) – 18.1(o)) have been added which should enable Council to deal with damage issues more effectively.

Operational policies

- 28 The purpose of the proposed change is to provide the Council will an ability to develop policies to support the implementation of this bylaw without requiring the whole Bylaw to be reviewed.

Other issues

- 29 The review also considered whether or not some additional activities should be covered by the 2017 Bylaw. Consideration was given to the size and scale of the perceived problem, whether the problem was or could be managed by other tools, and whether a public places bylaw was the best tool to resolve the problem.
- 30 In some cases, problems raised are primarily managed by other tools, for example, dog problems are managed by the 2008 Dog Control Bylaw and beach problems are largely managed by the 2009 Beach Bylaw. In other cases, the activity or 'problem' is regulated by another organisation and there is no need to duplicate regulation, for example, drones. And in other cases it was considered that Council could use a different tool more effectively to resolve the problem, for example, using a policy and an educational approach to managing smoking in public places.

Drones

- 31 At the present time, the Civil Aviation Authority sets the rules for drone flying (see <https://www.caa.govt.nz/rpas/index-2/> for CAA information). Rule Part 101 requires all people flying drones to obtain the approval of the landowner whose land they intend to fly over and the approval of any people they may fly over. This means people require the Council's approval to fly drones over public places.
- 32 There are also CAA restrictions on flying drones around airports and aerodromes. Anything within the restriction zone around airports requires the approval of the airport manager. The Kāpiti airport has a process in place to process such applications.
- 33 The 2010 Bylaw review provides an opportunity for Council to change how this rule applies on the Kapiti Coast by granting approval for people to fly drones over some or all public places without obtaining a written approval from the Council.
- 34 However, the review concluded that, given that drones are regulated by the CAA, duplicating that regulation in a bylaw was not necessary. The issue of Council (as the landowner) granting consent to fly drones over public places

could be managed through a policy should the Council decide that was necessary. Improved information on Council's website about what the rules are and where to go for approvals would also be useful.

Freedom camping

35 The 2010 Bylaw includes a clause on freedom camping:

20.3 All persons wishing to freedom camp in the Kapiti Coast District must abide by the conditions for freedom camping as set out in the Kapiti Coast District Freedom Camping Policy 2010.

36 There is debate over whether or not a policy is the right tool to manage freedom camping or whether it should be covered by a freedom camping bylaw. This is a separate issue for the Council to consider so no change is proposed to this clause in the draft 2017 Bylaw.

Encroachments

37 The issue of encroachments arises wherever someone wants to permanently use a public space for a private purpose. Therefore, some of the activities covered by the 2010 Bylaw, such as occupying public space to run a food cart, are a type of encroachment. At this stage, the Council does not have a policy on encroachments so little change to the bylaw is proposed pending Council developing that policy at some future time.

Smoking in public places

38 Council has an existing policy on smoke free parks and playgrounds (report SP-08-333 refers) which advocates using educational tools and promoting awareness through signage. The bylaw and policy review concluded that these tools should continue to be used.

The 2010 Trading in Public Places Policy

39 The aim of the 2010 Trading in Public Places Policy is to ensure that trading activities on the Kāpiti Coast contribute to safe, lively and attractive public places without inhibiting the safety and efficiency of traffic flow and pedestrian movement.

40 The Policy guides:

- the granting of licences for trading in public places;
- the types of trading that are allowed; and
- conditions for:
 - health and safety;
 - pedestrian access;
 - consideration of established businesses; and
 - traffic flow.

41 It also provides guidelines for allowing the following trading or trading related activities on streets and public places:

- open air markets;
- temporary events;

- outdoor dining, foot path stalls, sandwich boards; and
- any other trading activity.

42 It is considered that this policy is still required to support the implementation of the bylaw.

Proposed Changes to 2010 Trading in Public Places Policy

43 In the first instance, the content of much of the Draft 2017 Policy is similar to the 2010 Policy particularly in respect of the activities covered and the sorts of matters Council will consider when assessing applications.

44 The more substantive changes are set out in Table 3 below:

Table 3: Proposed changes to the 2010 Policy	
Policy provisions	Proposed changes
Introduction and objective	These sections have been updated to reflect <i>Future Kāpiti Long Term Plan 2015-35 - Kāpiti – Vibrant, diverse and thriving</i> and the vision and goals of the Kāpiti District Economic Development Strategy 2015-18.
Scope	The activities managed remain the same.
Principles	The principles have been revised and updated to reflect the matters which Council may wish to regulate in respect of trading in public places.
Assessment criteria and Conditions	The criteria have been brought together in one section whereas they were repeated through various sections in the 2010 Policy. Similarly the conditions have been grouped in one section.
Application process	A section has been added to assist potential applicants.
Waiver for licences in certain conditions	A number of the trading activities covered by this policy may also require resource consent depending on where and how they are to be carried out. It is suggested that in this circumstance, Council may wish to include provision to allow the requirement for a licence to be waived provided that conditions on a resource consent covers the matters in this policy. This would mean that applicants may not be faced with two processes that tend to duplicate each other.
Guidelines	This section sets out additional criteria that are specific to the particular activity. Much of the content is the same as the 2010 Policy except for the section on mobile shops. Given that the demand for mobile shops is increasing guidelines are required to assist the

	processing of any applications.
--	---------------------------------

Section 155 Local Government Act 2002 determinations

- 45 When making or reviewing bylaws, Council is required by section 155 of the Local Government Act 2002 to make three determinations which combine to ensure the bylaw is necessary, is the most appropriate form of a bylaw, and considers any implications under the NZ Bill of Rights Act.

Is a bylaw required?

- 46 Council officers are of the view that a bylaw remains necessary to manage potentially conflicting activities in public places. The bylaw is needed to encourage behaviour change and reducing nuisance and risk to the general public. It is also essential for ensuring that Council has some powers it can use to deal with damage to public places. Council has no alternatives to a bylaw for managing these risks.
- 47 Subject to proposed amendments (addressed above), it remains an appropriate bylaw for the Kapiti District under the Local Government Act 2002 to manage public places which are owned and managed by the Council.
- 48 As a result a draft 2017 Public Places Bylaw has been prepared (see Appendix 5 for the draft 2017 Bylaw).

Is the revised draft 2017 Bylaw the most appropriate bylaw?

- 49 Council officers consider that draft 2017 Bylaw is the most appropriate form of the Bylaw because it:
- a) addresses activities which can cause nuisance in public places;
 - b) ensures that the bylaw focuses on activities which cannot be managed by other regulatory means.

New Zealand Bill of Rights Act 1990 implications

- 50 Council officers have considered whether the Draft 2017 Bylaw gives rise to any implications under the Bill of Rights and consider that no issues arise.

CONSIDERATIONS

Policy considerations

- 51 The review involves the preparation of a revised Trading in Public Places Policy.
- 52 The 2010 Bylaw also links to a number of other policies:
- Food Stall Approvals at Markets, Events and Other Sites Policy 2009
 - Road Naming and Street Numbering Policy 2011
 - Reserves, structures and commemorative places naming policy 2011
 - Freedom Camping Policy 2012.

- 53 There is not expected to be any impact on these policies but they were taken into account during the review.
- 54 Should Council adopt a new public places bylaw, other work will be carried out to help implementation. This includes:
- Improving the information available on Council's website so it's easier for people to understand what they need to do should they need a licence under this bylaw;
 - Updating application forms and pamphlets again so it's easier for people to understand what they need to do; and
 - Providing information that makes it clear to people that they may need to apply for other regulatory approvals, for example, resource consent, and developing systems to help them get through those other processes.

Legal considerations

- 55 The process for reviewing and adopting a new bylaw is prescribed by the Local Government Act 2002. Council's Legal Counsel has been involved in all stages of the review.

Financial considerations

- 56 The review has been carried out within existing budgets as will implementation.

Tāngata whenua considerations

- 57 Consultation with Te Whakaminenga o Kāpiti is ongoing.

SIGNIFICANCE AND ENGAGEMENT

Degree of significance

- 58 This matter has a high degree of significance under Council policy.

Consultation already undertaken

- 59 Input has been sought from:
- Te Whakaminenga o Kāpiti;
 - The ART Forum;
 - Community Boards;
 - Chamber of Commerce;
 - The Youth Council;
 - The Older Persons Council;
 - Emergency services such as the Police Service and Fire Service;
 - The Accessibility Advisory Group;
 - The Cycleways, Walkways and Bridleways Advisory Group;

- The general public (through an on-line survey).
- 60 Information gathered from key stakeholders and the general public during the review is summarised in Appendix 3. Changes to the bylaw are proposed to manage low-powered vehicles. A number of the concerns raised are better dealt with through other tools than this bylaw.

Engagement planning

- 61 Engagement has been planned in three phases:
- discussions with key stakeholders about what activities should or should not be regulated in public places (November – December 2016);
 - informing the community about the review through information on Council's website and seeking informal feedback through an on-line survey (December to January 2017); and
 - call for submissions (March 2017).
- 62 A range of communication channels are being used to inform key stakeholders and audiences such as:

Targeted: face-to-face engagement with stakeholders, identifying and alerting key community influencers before a draft 2017 bylaw is prepared, alerting stakeholder groups to specific areas of the 2010 bylaw that may be of interest them.

Digital: an on-line survey, *Objective*, Council webpages, social media updates.

Media: releases and/or advisories, media briefings (if appropriate), Mayor's column, public ads/notices.

Publicity

- 63 Should the Council decide to proceed, it is required to use the special consultative procedure to seek public input into the draft 2017 bylaw and 2017 policy. As part of that, a Statement of Proposal has been prepared which sets out information on what is proposed and how to make a formal submission (see Appendix 7).
- 64 The communication channels identified in the engagement planning section above will also be used to ensure that people are aware submissions are being called for.

RECOMMENDATIONS

- 65 That the Strategy and Policy Committee:
- a) determines that a bylaw is the most appropriate way to address the need for managing the safety and nuisance issues that can occur on public places;
 - b) determines, subject to consultation, that the Draft Kapiti Coast District Council 2017 Public Places Bylaw (Appendix 5 to report CS-16-080) is the most appropriate form of bylaw and that there is no inconsistency with the New Zealand Bill of Rights Act 1990;
 - c) adopts for consultation the Draft 2017 Trading in Public Places Policy (Appendix 6 to report CS-16-080);

- d) adopts for consultation the Statement of Proposal to adopt the Kapiti Coast District Council 2017 Public Places Bylaw and the Draft 2017 Trading in Public Places Policy (Appendix 7 to report CS-16-080); and
- e) agrees that the Statement of Proposal to adopt the Kapiti Coast District Council 2017 Public Places Bylaw and the Draft 2017 Trading in Public Places Policy (Appendix 7 to report CS-16-080) is made publicly available as part of a special consultative procedure under sections 83 and 86 of the Local Government Act 2002.

Report prepared by	Approved for submission	Approved for submission
Philippa Richardson	Kevin Currie	Max Pedersen
Project Manager	Group Manager Regulatory Services	Group Manager Community Services

ATTACHMENTS

- 1 2010 Public Places Bylaw
- 2 2010 Trading in Public Places Policy
- 3 Information from consultation
- 4 Proposed changes to the 2010 Bylaw
- 5 Draft 2017 Public Places Bylaw
- 6 Draft 2017 Trading in Public Places Policy
- 7 Proposed Statement of Proposal

APPENDIX 1: 2010 PUBLIC PLACES BYLAW

KAPITI COAST DISTRICT COUNCIL PUBLIC PLACES BYLAW 2010

1	Title, Commencement and Application.....	2
2	Kapiti Coast District Council Public Places Bylaw 2010 Validation	2
3	Objective.....	3
4	Interpretation.....	3
5	Council may set Conditions.....	5
6	Restrictions affecting Public Places	5
7	Street Performances and Street Appeals	5
8	Trading in Public Places	6
9	Hoardings, Posters and Notices.....	6
10	Event Management.....	7
11	Reserves, Landscaped Areas and Amenity Planting	7
12	Motor Vehicles in public places	7
13	Overhanging Trees or Shrubs	8
14	Public Swimming Pools, Libraries and other Public Buildings	8
15	Naming of Streets	8
16	Numbering of Buildings	9
17	Building Work and Excavations	9
18	Damage Deposit.....	9
19	Fences, Walls and Stability of Land.....	9
20	Other Specific Restrictions.....	10
21	Skateboards	11
22	Licenses Issued under this Bylaw	11
23	Revocations and Savings	12
24	Fees and Charges.....	12
25	Offence and Penalty	13
26	Kapiti Coast District Council General Bylaw.....	13

1 Title, Commencement and Application

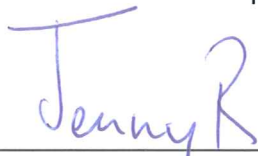
- 1.1 This Bylaw may be cited as the Kapiti Coast District Council Public Places Bylaw 2010 and comes into force on 01 July 2010.
- 1.2 This Bylaw is made pursuant to sections 145 and 146 of the Local Government Act 2002, section 684 of the Local Government Act 1974, and any other Act or Authority enabling the Council in that behalf.
- 1.3 This Bylaw applies to the Kapiti Coast District.
- 1.4 This Bylaw replaces Part 3: '*Streets and Public Places*' of the Kapiti Coast District Council General Bylaw 1991.

2 Kapiti Coast District Council Public Places Bylaw 2010 Validation

- 2.1 The Kapiti Coast District Council Public Places Bylaw 2010 was approved at a meeting of the Kapiti Coast District Council held on 10 June 2010 after completion of the Special Consultative Procedure.
- 2.2 Section 20.3 of the Kapiti Coast District Council Public Places Bylaw 2010 was amended by resolution at a meeting of the Kapiti Coast District Council held on 14 July 2011, in accordance with section 156(2)(a) of the Local Government Act 2002. The resolution was publicly notified on 25 August 2011.

DATED this day of 2011

THE COMMON SEAL of THE
KAPITI COAST DISTRICT COUNCIL
was affixed in the presence of:



Jenny Rowan, QSO, JP
Mayor of Kapiti Coast District



Pat Dougherty
Chief Executive



Cr
Councillor of Kapiti Coast District



3 Objective

- 3.1 This bylaw regulates a diverse range of activities. It seeks to maintain standards of public health and safety, protect the public from nuisance, minimise the potential for offensive behaviour and manage various types of land associated with or under the control of the Kapiti Coast District Council, for the well-being and enjoyment of the public in public places.
- 3.2 Nothing in this Bylaw derogates from any provision of, or the necessity for compliance with:
- i. the Summary Offences Act 1981 or any Act passed in amendment or substitution of the Summary Offences Act 1981;
 - ii. any other applicable Acts, regulations or rules;
 - iii. any other Council bylaws, District Plan requirements;
 - iv. any other requirements imposed by either Greater Wellington Regional Council or Department of Conservation; and
 - v. any customary rights.

4 Interpretation

4.1 In this Bylaw, the following terms are used¹:

Air Exchange Device	includes heating, ventilation and air conditioning systems.
Animal	means any mammal (excluding human beings), any bird, reptile, amphibian, fish or invertebrate organism of any kind.
Appeals	means any co-ordinated and organised events by an organisation who asks for, or seeks, any subscription, collection or donation from members of the public, and may involve more than one collection person operating at one time.
Authorised Officer	means any person authorised by the Council to carry out any of the duties provided for under this bylaw or any Council bylaw; and <ul style="list-style-type: none"> (a) includes any Council Enforcement Officer; and (b) includes any agent licensed by Council to carry out a duty or operate a public place on Council's behalf
Berm	means the grass or planted strip beside the road.
Gas Equipment	means gas bottles, the gas bottle cage and any other pipes and related equipment used to store and transfer natural gas.
Hoardings	means a board, including any frame or other supporting device whether fixed to the ground or attached to a vehicle or trailer, for displaying posters or notices announcing future events or for advertising or election purposes, but excluding sandwich boards.

¹ In this Bylaw, the interpretations of the General Bylaw 2010 and its amendments are also implied into and form part of this Bylaw unless the context requires otherwise.

Licensed Agent	any contractor licensed to operate a public place on Council's behalf (eg. a public swimming pool).
Motor Vehicle	has the same meaning as in the Land Transport Act 1998
Performance	means any musical, dramatic or other activity, examples include but are not limited to: dancing, singing, clowning or juggling, pavement art, poetry or busking.
Person	includes a corporation sole, and also a body of persons, whether corporate or unincorporated
Public Place	means an area that is open to or used by the public, which is under the management or control of the Council, and includes roads, streets, footpaths, courts, alleys, pedestrian malls, cycle tracks, lanes, access-ways, bridle-ways, thoroughfares, squares, reserves, parks, pools, community halls, cemeteries, beaches, and recreational grounds.
Skating Devices	means roller skates, roller blade, inline skates, skateboards, scooter or other similar wheeled device whether motorised or not. This definition does not include mobility scooters.
Temporary Event	has the same meaning as the definition for Temporary Event in the Kapiti Coast District Council District Plan 1999 or any of its future amendments. The current definition is as follows: <i>a temporary event must be of an intermittent nature and can include entertainment, cultural or sporting events. A temporary event includes structures associated with the event. This definition excludes permanently licensed premises.</i>
Trading	means the commercial use of any public place under the control of Council. It includes the selling, displaying or promotion of any goods and services whatsoever, whether for commercial or not-for-profit purposes, in, on, or over a public place. Trading applies to permanent, temporary and mobile (i.e. vehicle) traders and includes but is not limited to the following activities in or on a public place under the control of council: <ul style="list-style-type: none"> a. the sale, display or dispensing of goods, including food, drink, newspapers, fuel and lubricant; b. the provision of commercial services on a public place including shoe shining services; taking photographs, and the hire of recreational equipment; c. the provision of outdoor dining facilities for the consumption of food and drinks, including those offered by a liquor licensed premises; d. open air markets and street stalls selling, displaying or dispensing goods or services; e. the giving away of goods on a public place, including newspapers and magazines, to advertise any product, service or entertainment; f. the soliciting or collection of any subscription or donation g. soliciting sales or orders for sales of any goods, not in pursuance

of any invitation to call, or of any previous order or request for such goods (this is also known as hawking).

5 Council May Set Conditions

- 5.1 Subject to the provisions of this Bylaw, or any other Act of Parliament, all public places shall be open for use by the public at such times and at such charges and upon such conditions as the Council may prescribe or vary from time to time.
- 5.2 The Council may set or vary conditions for use of a public place by resolution, or by licence with any person.
- 5.3 Where appropriate, conditions regulating the use of a public place will be displayed at the entrance to, or in visible areas within, the public place.
- 5.4 A person shall not use the public place in contravention of the conditions set by the Council regulating the use of the public place.
- 5.5 Unless prior permission has been obtained from the Council, a person shall not use a public place after closing hours (where closing hours are specified).

6 Restrictions Affecting Public Places

- 6.1 The Council shall have the right to prevent any temporary event or other activity whatsoever being undertaken that is likely to damage the place, harm a person, unreasonably impede public access or which is otherwise undesirable, disorderly or dangerous.
- 6.2 The Council may close any public place at any time for the purpose of maintaining or improving it, or for any other purposes that the Council considers necessary or proper².
- 6.3 Any Authorised Officer may request any person to leave a public place:
 - (a) who has acted in a manner that is contrary to the conditions of use set by the Council, or
 - (b) who has contravened any of the provisions of this Bylaw.

7 Performances and Appeals in Public Places

- 7.1 If in the opinion of an authorised officer a performance or appeal is causing nuisance to the general public, the performer/s or person/s carrying out the appeal must cease activities immediately and obtain written approval from the Council before recommencing.

² The closure of a public place for a short period may include but is not limited to: re-sowing of grass, weed spraying, tree maintenance, a temporary event or performance requiring a tariff for entry.

8 Trading in Public Places³

- 8.1 To minimise disruption to other users and enable the Council to manage public places, a licence from the Council is required before Trading in a public place.
- 8.2 To obtain a licence under 8.1, all applicants must comply with the information requirements and guidelines listed in the Kapiti Coast District Council Trading in Public Places Policy 2010 and any of its subsequent amendments.

9 Hoardings, Posters and Notices

- 9.1 A person must obtain written approval from the Council before he or she erects any hoarding in a public place, unless the hoarding is being erected in a permitted area already approved by the Council for hoardings⁴.
- 9.2 The approval of a hoarding and new hoarding sites may be subject to conditions, including:
 - 1. placement
 - 2. fees
 - 3. dates a display board may be erected
 - 4. the display board design and compliance with any District Plan requirements
- 9.3 Hoardings erected outside permitted areas without approval from the Council must be removed within 1 hour of being instructed to do so, or as otherwise specified by the Council.
- 9.4 No person may erect any poster or notice containing material which a reasonable person would deem offensive.
- 9.5 Posters or notices displayed on hoardings and advertising any temporary event shall be removed within 24 hours of the end of the temporary event, or such other time as approved by the Council.
- 9.6 With the exception of approved hoardings under this clause, no one shall affix or place a poster or notice to any Council ornament, statue, sculpture, structure, building, post, tree or facilities in a public place without the Council's prior approval.

³ The Council's Trading in Public Places Policy provides information on how to obtain approval for activities such as outdoor dining, open air markets, events, footpath stalls and sandwich boards.

⁴ Contact the Council's Compliance, Monitoring and Enforcement Team (04 296 4700) for a list of approved signage locations.

- 9.7 Responsibility for compliance with this clause lies with the person who erects the hoarding or displays the poster or notice, or the organiser, promoter or person in charge of the advertised good, service or temporary event or, in the case of an election, the candidate or the candidate's agent.

10 Temporary Event Management

- 10.1 A person must notify the Council prior⁵ to a temporary event being held in a public place, and depending on the nature of the temporary event may be required to obtain written approval from the Council.
- 10.2 Unless with prior written approval of Council the person or persons responsible for any temporary event must ensure that any equipment associated with the temporary event is removed and the location used for the temporary event is restored back to its original state within 24 hours of the temporary event ending.

11 Reserves, Landscaped Areas and Amenity Planting

- 11.1 No person shall do or cause to permit to be done in relation to any public reserve, landscaped areas and amenity planting, any of the following acts without prior permission of an Authorised Officer:
1. bury or disturb anything in a reserve;
 2. plant, prune or remove any tree or shrub or sow or scatter the seed of any tree, shrub, or plant of any kind, or introduce any substance that may be injurious to people, animals or plant life; or
 3. walk on any landscaped areas or amenity planting where walking is prohibited by a notice to that effect; or
 4. bolt, drill or place any fixture, plaque or sign; or
 5. release any animal other than those animals specifically permitted in that reserve area by any Council Bylaw or Act.
- 11.2 Every person using a public reserve must comply with the conditions of use displayed on any signage in or on that reserve which has been authorised by the Council.

12 Motor Vehicles in Public Places

- 12.1 No person shall take, ride or drive any motor vehicle into or on any public place:

⁵ Written notice must be given to the Council a minimum of 20 days before the planned event, or earlier if a resource consent is required.

- (a) except in areas where motor vehicles are allowed, such as roads, driveways and parking areas; or
- (b) unless permission has been granted by an Authorised Officer or a licence from the Council.

12.2 No person may park any motor vehicle in any reserve except in a place set aside by the Council for the parking of motor vehicles, or with the approval of an Authorised Officer.

13 Overhanging Trees or Shrubs

13.1 No owner or occupier of land shall:

- (a) allow any tree or shrub growing from their property to impede public access into, on or over a public place;
- (b) allow any tree or shrub growing from their property to impede public views along a road or footpath - to the extent that it presents a safety hazard to the public using the roads or footpath; or
- (c) allow any tree or shrub growing from their property to encroach by their roots into any public area and cause damage to drains, pipes or other public utilities.

13.2 The Council reserves the right to work with owners and occupiers to mitigate any encroachment issues caused by trees and shrubs from private property. The Council will provide the option for the owner or occupier to fix the encroachment issue themselves or the Council can carry out the remedial work at the owner and occupier's expense.

14 Public Swimming Pools, Libraries and other Public Buildings

14.1 Council or an Authorised Officer may cause to be displayed at the main entrance to any public swimming pool, library or other public building, a list of rules regulating the use of such facilities by members of the public. Any Authorised Officer, including any agent licensed by the Council, may request any person acting in breach of these conditions to leave the public place.

15 Naming of Streets

- 15.1 No person shall give any name to or affix, set up or paint any name on any street, private street or public place without the prior permission in writing of Council.
- 15.2 Council may from time to time cause to be affixed on a conspicuous part of some house or building at or near the end, corner or entrance of every street and in the direction of the line of such street, the name of such street.

16 Numbering of Buildings

- 16.1 The owner or occupier of every building shall number such building in accordance with the New Zealand Standard AS/NZS 4819. Building owners shall renew the numbers as often as they are obliterated or defaced or as Council shall order or direct but no longer than one month from the date of such order.
- 16.2 As per section 319B of the Local Government Act 1974 the Council reserves the right to alter the number of any building for electoral, postal or emergency services reasons.
- 16.3 Council may at any time affix or apply a number to any premises in such a manner and position as it thinks fit.

17 Building Work and Excavations

- 17.1 The prior written approval of the Council will be required before any person carries out building work or excavations on a public place. In setting conditions, the Council will have specific regard to the criteria in any codes of practice, the Land Transport Safety Authority Guidelines or other standards that are currently in force within the Council's jurisdiction.
- 17.2 Approval under clause 17.1 may be subject to conditions, including a requirement that the applicant pay a cash deposit or bond of up to 150% of the estimated cost of work as a guarantee the work is completed to the satisfaction of the Council and/or against any damage to the Council's property. The estimated cost of work shall be approved by the Council.
- 17.3 If any building work or excavation work is carried out on a public place without the Council's prior written approval, or contrary to the terms of the Council's prior written approval, the Council may remove or alter the work. The Council's costs may be recovered from the person who undertook the work, or the person for whom the work was being done.
- 17.4 If any damage occurs to the public place, the Council may require the public place to be reinstated.

18 Damage Deposit

- 18.1 A damage deposit set by Council shall be included with a building consent fee, where damage is likely to occur to any existing footpath, berm or kerbing, during building operations.

19 Fences, Walls and Stability of Land

- 19.1 In accordance with the Fencing Act 1978 the Council may require the owner of any land which has no fence, wall or retaining wall adjacent to a public place to erect a fence, wall or retaining wall if the Council considers that this is necessary for safety or other reasons relating to the use or administration of the public place.

- 19.2 Where any fence, wall, retaining wall or land adjacent to a public place is in a condition or state of disrepair which could cause injury to persons or damage to a public place, the Council may give notice requiring the owner to repair, remove or replace the fence, wall or retaining wall, or make the land safe.
- 19.3 No person being the owner or occupier of any land within an urban zone of the District shall erect or cause, or allow to be erected, or to remain erected, any fence composed wholly or partly of barbed wire upon or near the boundary of such land with any street, reserve or other public place, where such fence is in a position or at a height to be accessible to the public.

20 Other Specific Restrictions

20.1 No person shall, in, on or over any public place:

- (a) damage or deface any ornament, statue, sculpture, structure, building, turf, plant, tree, or facility;
- (b) erect any kind of permanent structure or equipment including but not limited to: a fence, wall, door, gate, air exchange device, gas equipment, or switchbox;
- (c) allow any gate or door on property abutting a public place to swing over or across the public place;
- (d) mix concrete or carry out any other work so as to deface or obstruct any public place;
- (e) cause, permit, or allow the drippings from the eaves or other projections of any building or other structure to fall upon any public place;
- (f) drive a vehicle on the beach after darkness⁶; and
- (g) exercise in a public place any animal by a lead attached to or being held from a moving vehicle.

20.2 Except for an emergency, no person shall, in, on or over any public place:

- (a) repair or work on any vehicle;
- (b) launch or land any boat, aircraft, hot air balloon, parachute, hang glider or paraglider in any public area not designated a landing zone.

⁶ The Kapiti Coast District Council Beach Bylaw 2009 specifies areas on the beach where driving is permitted during daytime hours.

- 20.3 All persons wishing to freedom camp in the Kapiti Coast District must abide by the conditions for freedom camping as set out in the Kapiti Coast District Council Freedom Camping Policy 2010 and any of its future amendments.
- 20.4 Without the prior approval of the Council no person shall, in, on or over any public place:
- (a) place or use loud speakers or other devices amplifying and emitting sound for advertising any trade or business;
 - (b) use or permit the use of a vehicle for the purpose of operating a loud speaker or an amplifier in a way that causes nuisance, or any similar device except for the purpose of campaigning for an election under the Electoral Act 1993, or for a local authority election under the Local Electoral Act 2001.

21 Cycles and Skating Devices

- 21.1 No person may use or ride a cycle or skating device in a prohibited area as defined in Schedule One of this Bylaw.
- 21.2 No person may use or ride a skating device in any public place in a manner:
- (i) that is dangerous or reckless; or
 - (ii) causes a nuisance to any member of the public.

22 Licenses⁷ Issued under this Bylaw

- 22.1 Any person with a License issued under this Bylaw must display or carry a copy of that license prominently for the view of members of the public, if the License indicates that it must be displayed, or have it available to be inspected by any Authorised Officer.
- 22.2 A licence issued under this Bylaw is not transferable to any other person.
- 22.3 The Council, on giving reasonable notice to the licence holder, may alter the terms and conditions of the licence in the event of a material change to any circumstances or the licence holder, or the public place.
- 22.4 The Council may suspend or cancel any licence issued under this Bylaw in the following cases:
- (a) without notice if:

⁷ Under clause 4 of the Kapiti Coast District Council General Bylaw 2010, a licence means a licence, permit, written consent or approval issued under any Bylaw.

- (i) urgent action is required to protect the public from unhygienic, unsafe or hazardous conditions in the public place where the licence applies;
 - (ii) urgent works are required in the public place where the licence applies;
 - (iii) any terms and conditions of the licence are breached, where the period covered by the licence is 3 days or less.
- (b) on the giving of 48 hours notice to the person who holds the licence if:
 - (i) the activity will interfere with intended road works or a special event;
 - (ii) any terms or conditions of the permit are breached where the period covered by the licence is more than 3 days.

23 Revocations and Savings

- 23.1 Part 3 of the Kapiti Coast District Council General Bylaw 1991 is revoked.
- 23.2 All licences or other acts of authority which originated under the Bylaw revoked by clause 24.1, and all applications, and other acts of parties and generally all documents, matters, acts, and things which so originated and are continuing at the commencement of this Bylaw, continue for the purposes of this Bylaw to have full force and effect.
- 23.3 The revocation of any of the Bylaw under clause 24.1 does not prevent any legal proceedings, criminal or civil, being taken to enforce that Bylaw and such proceedings continue to be dealt with and completed as if the Bylaw had not been revoked.

24 Fees and Charges

- 24.1 The Council may set fees and charges, either temporarily or permanently, as a condition for access to, or use of, any public place. Payment of such fees shall be a condition for access to, or use of, that place.
- 24.2 A voluntary organisation, school or community group, where the profits from any trading are retained wholly for charitable or community purposes may be exempt from the payment of fees at the Council's discretion.

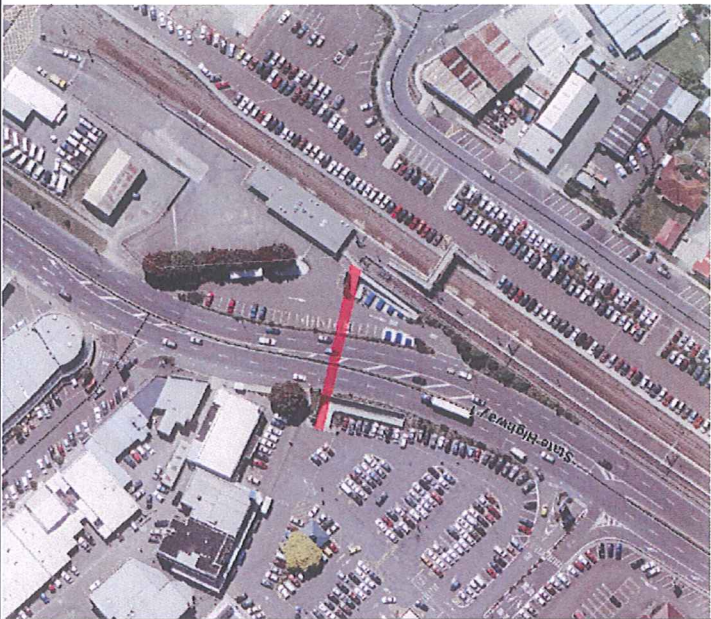
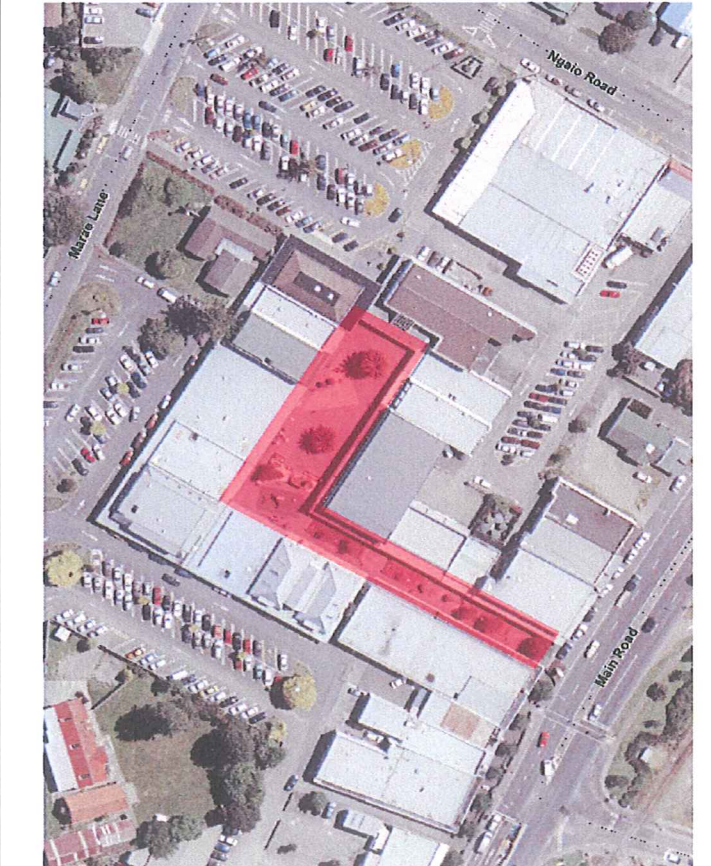
25 Offence and Penalty

- 25.1 The Council will seek to recover costs in relation to fixing or repairing any damage caused to Council property as a result of a breach to this Bylaw.
- 25.2 Every person who breaches this bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$20,000, as set out in the Local Government Act 2002.

26 Kapiti Coast District Council General Bylaw

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

SCHEDULE ONE: Prohibited Areas for Riding Cycles & Skating Devices

<p>Paraparaumu</p>	<p>The pedestrian underpass beneath State Highway One linking the railway station and the west side of State Highway One (Coastlands carpark).</p>	
<p>Waikanae</p>	<p>All public areas within Mahara Place, Waikanae.</p>	

APPENDIX 2: 2010 TRADING IN PUBLIC PLACES POLICY

Council Policy Title:	KAPITI COAST DISTRICT COUNCIL TRADING IN PUBLIC PLACES POLICY 2010
Policy Number:	POL: 1.5.5
Group Responsible:	Compliance, Monitoring and Enforcement
Committee/ Council:	Council
Active Date:	01 July 2010
Date Adopted:	10 June 2010
Next Review Date:	June 2020
Document Location:	Council Records, Council Website

INTRODUCTION

1. Policy Objective

Trading in public places can add to the character, vibrancy, visitor experience and safety of the community. It is important however to control trading activities in public places to ensure appropriate standards of health, safety, pedestrian priority and visual amenity are maintained. It is also important to consider the potential impacts on established businesses when determining where street vending activities can occur.

The aim of this Policy is to ensure that trading activities on the Kapiti Coast make public places safe, lively and attractive without inhibiting the safety and efficiency of traffic flow and pedestrian movement. This Policy guides:

- the granting of licences for trading in public places;
- the types of trading that is allowed; and
- conditions for:
 - health and safety;
 - pedestrian access;
 - consideration of established businesses; and
 - traffic flow.

2. Interpretation

In this Policy, unless the context requires otherwise:

Authorised Officer	means any person authorised by the Council to carry out any of the duties provided for under this Policy and includes any Council Enforcement Officer ¹ .
Temporary event	has the same meaning as the definition for Temporary event in the Kapiti Coast District Council District Plan 1999 or any of its future amendments. The current definition is as follows: <i>a temporary event must of an intermittent nature and can include entertainment, cultural or sporting temporary events. A temporary event includes structures associated with the temporary event. This definition excludes permanently licensed premises.</i>
License	means a licence, permit, registration, written consent or approval issued as per the requirements of any Act of Parliament, Council Bylaw or Policy.
Open Air Market	means any outdoor place that is accessible to the public, where goods or service are offered for sale, and usually consists of several merchandise stalls grouped together. These markets occur on a regular basis generally operating on one particular day each month or week throughout the year.
Non Profit Organisations	means an individual or group (including sports groups, school groups, charitable and community groups) who are fundraising and 100% of the profit goes to the named community or charitable organization.
Public Place	means an area that is open to or used by the public, which is under the control of the Council, and includes roads, streets, footpaths, courts, alleys, pedestrian malls, cycle tracks, lanes, access ways, bridle-way paths, thoroughfares, squares, reserves, parks, pools, community halls, cemeteries, beaches, and recreational grounds.
Recreation Equipment	means any equipment used for recreational purposes such as kayaks, canoes, boats, surf boards, bicycles, roller blades, or scooters.
Retail Stalls	means any stand, stall, tent, mobile shop, vehicle, vessel or other setup from which goods and/or food are sold.
The Council	means the Kapiti Coast District Council or any committee,

¹ See the Kapiti Coast District Council General Bylaw 2010 for the definition of Enforcement Officer.

community board, or an enforcement officer authorised to exercise the authority of the Council.

Trading

means the commercial use of any public place under the control of council. It includes the selling, displaying or promotion of any goods and services whatsoever, whether for commercial or not-for-profit purposes, in, on, or over a public place. Trading applies to permanent, temporary and mobile (i.e. vehicle) traders and includes but is not limited to the following activities in or on a public place under the control of council:

- a. the sale, display or dispensing of goods, including food, drink, newspapers, fuel and lubricant;
- b. the provision of commercial services on a public place including shoe shining services; taking photographs, and the hire of recreational equipment;
- c. the provision of outdoor dining facilities for the consumption of food and drinks, including those offered by a liquor licensed premises;
- d. open air markets and street stalls selling, displaying or dispensing goods or services;
- e. the giving away of goods on a public place, including newspapers and magazines, to advertise any product, service or entertainment;
- f. the soliciting or collection of any subscription or donation
- g. soliciting sales or orders for sales of any goods, not in pursuance of any invitation to call, or of any previous order or request for such goods (this is also known as hawking).

PREAMBLE

3. Policy Principles

The following principles shall apply when considering trading activities in public places:

- The Council's decision to license and encourage trading in public places is consistent with the following Outcomes of the Long Term Community Plan:
 - Outcome 2: *Local Character is retained within a cohesive District.*
 - Outcome 4: *The community makes wise use of local resources and people have the ability to act in a sustainable way on a day to day basis.*
 - Outcome 5: *There is increased choice to work locally.*
 - Outcome 7: *the District has a strong healthy and involved community.*

- Kapiti's streetscapes and public places should be vibrant, safe and attractive.
- The Council supports local business and the sale of locally made or grown produce.
- Kapiti's public places should provide opportunities for the public to participate in the public environment – leisure, retail, recreation and entertainment.
- Businesses, groups and individuals that are licensed to use public places for trading activities are responsible for managing those activities in accordance with Council Guidelines and Policies.
- Trading activities should add to the Districts vibrancy, marketability, improve public safety and strengthen the existing function of areas.
- The effects on parking, traffic movement and existing businesses will be taken into account.
- Fees shall be set:
 - i. to reflect the value of the space being used by the commercial trader; or
 - ii. on a cost-recovery basis for Non Profit Organisations.

4. Scope of Activities

The Trading in Public Places Policy provides guidelines for allowing the following trading or trading related activities on streets and public places:

- open air markets;
- temporary events;
- outdoor dining, foot path stalls, sandwich boards; and
- any other trading activity.

5. Where is Trading in a Public Place Allowed

Factors that will be considered when determining the location and suitability of trading activities:

- (i) the location:
 - is easily accessible

- is suitable for the planned activity
 - will not cause nuisance or pose a risk to public safety
- (ii) The trading activities:
- will not cause undue disruption to pedestrian movements or traffic flows
 - will not adversely affect businesses
 - will not damage public property
 - and the local community will not be adversely affected (e.g. from excessive noise for instance)

SPECIFIC REQUIREMENTS FOR DIFFERENT TRADING ACTIVITIES

6. Trading at Temporary Events and Open Air Markets

Any group or individual interested in establishing an open air market or holding a temporary event on public place must make an application² to the Council.

The Council will approve the establishment of open air markets or temporary events on public places on a case-by-case basis, taking into account the nature of the public place and the potential effects on the general public and nearby businesses. The Council will also consider the following specific issues when assessing the application:

- identifying the type of goods³ and services being sold
- any District Plan implications
- ensuring adequate space for pedestrians and traffic flow
- allocating set hours and days for operation
- identifying issues relating to storage and rubbish disposal⁴

² Application forms are available from the Council's Compliance, Monitoring and Enforcement Team, Ph: 04 296 4700

³ Please refer to the guidelines in the *Food Stall Approvals at Markets, Temporary events and Other Sites Policy* 2009.

⁴ Depending on the size and nature of an temporary event or open air market a Waste Management Plan may need to be completed in order to comply with the Solid Waste Bylaw 2010.

- ensuring high standards of public health and safety

Depending on the nature of the Temporary Event or Open Air Market a licence may be issued pursuant to the Public Places Bylaw 2010 or the Resource Management Act 1991.

Application Information

For a successful request for an Open Air Market or Temporary Event Licence, the application must include:

- name and full contact details of the market or temporary event manager/coordinator
- detailed information on the types of goods to be sold (the Council may request to see the goods)
- the proposed location, days and hours of operation
- evidence of public liability insurance (if requested by the Council)
- any other information required to reasonably assess the application
- the application fee

This completed application must be submitted to the Council a minimum of 20 days before the planned temporary event or market, or earlier if a resource consent is required.

7. Outdoor Dining, Footpath Stalls and Sandwich Boards

The purpose of this section of the Trading in Public Places Policy is to provide a balanced framework to ensure safe and efficient pedestrian movement on footpaths while also providing opportunity for non-pedestrian activities such as alfresco dining.

This section guides the prioritisation of footpath space for pedestrian activity, conditions for the licensing of non-pedestrian activities on footpaths and the use of temporary footpath obstructions such as dining furniture, footpath stalls and sandwich boards.

Pedestrian Priority

The primary purpose and priority use for footpaths is safe and efficient pedestrian movement. The Council requires that a minimum continuous unobstructed footpath width of **1.2 metres** is maintained to ensure pedestrian movement.

On occasion the available footpath space is such that the designated width is unachievable because of the large variation in footpath widths that exist throughout the Kapiti District. To account for this, an Authorised Officer may make minor discretionary modifications to the ideal minimum unobstructed footpath width as appropriate.

Where in the opinion of an Authorised Officer, any dining furniture, footpath stall, sandwich board or other obstruction becomes an unacceptable barrier to the use of the footpath or hinders the flow of pedestrians, the Licence holder or person acting on his or her behalf will be required to remove, or reposition, the offending obstruction immediately.

7.1 Licence Required

A Licence is required before outdoor dining or footpath stalls are permitted on any public footpath. If a sandwich board does not comply with Appendix 1 a licence may be required.

Applicants must provide the following when submitting an application for a Licence:

- a) A scaled site plan of existing conditions that accurately show:
 - the width of the footpath from the building façade to the kerb edge;
 - the proposed location and size of the temporary dining furniture, sandwich board, footpath stall or other obstruction in relation to existing features, including the kerb edge, neighbouring properties, street trees, rubbish bins, street light poles, signs, pillars, street furniture, fire hydrants, parking meters, telephone boxes, mail boxes or any other significant features on the footpath;
 - there is a clear continuous width of **1.2 metres** of unobstructed pedestrian thoroughfare in relation to the temporary obstruction;
 - the location of doorways and service openings.
- b) The appropriate fee.

7.2 Guidelines for Outdoor Dining

The following guidelines outline the conditions of approval for outdoor seating areas on footpaths and other public spaces (these guidelines are in addition to the information requirements listed in section 7.1 of this Policy).

- The outdoor seating area must be immediately outside of the applicant's premises.

- Tables and chairs are to be high quality, durable, waterproof and weather resistant, designed for outdoor use, be well maintained and must comply with NZS 4121: Design for Access and Mobility.
- The outdoor seating area must not interfere with safe and efficient pedestrian movement and the minimum unobstructed footpath width of **1.2 metres**.
- The outdoor seating area must allow for unobstructed access to and from the premises.
- The layout and orientation of furniture in the proposed seating area must allow for at least 0.6 metres of unobstructed space between the seating and the kerb line, in addition to the 1.2 metre unobstructed footpath width.
- Adequate space is to be provided within the area to allow for easy movement and chair use.
- Toilet accommodation on the premises must be sufficient to for the increased number of persons using the outdoor seating area.
- Outdoor seating areas will not be permitted on street corners with pedestrian crossings or near entry points of designated crossings.
- Full details of any heating devices, their planned location, and safety measures taken to ensure they are stable and secure, are to be provided with the application.
- Private trading activities that introduce changes to paving or street furniture for amenity purposes require specific approval.
- Evidence of public liability insurance, to the satisfaction of the Council that covers any proposed outdoor seating area.
- Disclosure of whether alcohol is to be supplied/served/consumed in any proposed outdoor seating area⁵.
- All temporary obstructions, including seating, tables, umbrellas and heating devices must be removed from the footpath outside of the business trading hours and stored away from the public area so that they do not impede public access.

⁵ Any person who intends to sell alcohol from an outdoor dining area is required to apply for a re-definition of their liquor licensed area. Please contact the Kapiti Coast District Council Liquor Licensing inspector 04 296 4700.

- The licence holder is responsible for ensuring that patrons keep the outdoor seating within the approved boundaries of the outdoor seating area
- Temporary or permanent barriers in outdoor seating areas must have separate approval by Council. If approved they are to be located within the designated outdoor seating area.
- Outdoor seating areas may be required to be marked as stipulated by the Council. To assist in the detection of approved outdoor seating areas and temporary obstructions by people with visual impairments, tactile or solid barriers may be required as part of the design. The cost of installing, maintaining and removing outdoor seating markers will be met by the licence holder.
- The licence holder is required to regularly clean the approved seating area including tables, chairs, and immediate footpath surrounds. Where smoking is allowed ashtrays or other suitable devices must be provided and maintained.
- The Licence and approved site plan must be made available to an Authorised Officer on request.

7.3 Guidelines for Footpath Stalls

The following guidelines outline the conditions of approval for footpath stalls on footpaths and other public spaces (these guidelines are in addition to the requirements listed in section 7.1 of this Policy).

- A retailer may place a stall outside the frontage of their premises at any time during trading hours, however the stall is only to be in place for the display and sale of merchandise related to the retailing activity
- The stall is to be placed as close as practicable to the shop frontage and not interfere with safe pedestrian movement and the minimum unobstructed footpath width of **1.2 metres**.
- All goods displayed in, on or at a stall are to be free from sharp edges or projections which may cause injury to pedestrians and be free from any form of nuisance and not hazardous to the public at large. All goods must be secure from falls and wind gusts.

Non profit groups operating fundraising stalls must also apply for a licence from the Council⁶.

⁶ The Council has identified a number of sites throughout the District for community groups to sell goods. See the Kapiti Coast District Council Customer Services 04 296 4700 for details.

7.4 Guidelines for Sandwich Boards

If the guidelines in Appendix 1 are met, you are permitted to place a sandwich board (without the need for a licence) on the footpath immediately outside your premises. The Council reserves the right to inspect the board at any time and may set additional conditions as it sees fit.

Sandwich boards need to be placed so that they do not impede pedestrian access or the minimum **1.2 metre** unobstructed footpath width. Only one sandwich board is permitted per premises.

Where there are several organisations wanting to use a sandwich board at the same premises (e.g. outside shopping malls) the Council will work with the affected people and the property owner to develop a compliant solution, such as shared signage on one sandwich board or a directory.

8. Other Trading Activities

The Council reserves the right to grant licences for all other trading activities in public locations throughout the District.

Traders considering selling food or fresh produce must also comply with any additional requirements specified within the Kapiti Coast District Council *Food Stall Approvals at Markets, events and Other Sites* Policy 2009.

The Council will charge a fee for a licence. Non Profit Organisations may not be required to pay a licence fee.

Licences are non-transferable and can be revoked in accordance with the Kapiti Coast District Council Public Places Bylaw 2010.

Any person with a license issued under the Kapiti Coast District Council Public Places Bylaw 2010 must display or carry a copy of that license prominently for the view of members of the public, if the licence indicates that it must be displayed, or have it available to be inspected by an Authorised Officer or sworn member of the Police.

8.1 Stall Appearance and Storage

The Council may revoke a trading licence if the licence holder does not keep the stall or area tidy and safe to the satisfaction of the Council.

The trading area must be left clean and tidy to the satisfaction of the Council and all rubbish must be properly disposed of. Rubbish must not be stored in public view during operating hours.

The operator must keep noise to reasonable levels to the satisfaction of the Council.

8.2 Times of Operation and Licence duration

The approved time and duration of the operation may be stated on the Licence.

8.3 Application process

The application for a licence must include:

- name and full contact address details
- detailed information of the type of goods to be sold (the Council may request to see the goods)
- the proposed days and hours of operation
- the application fee (Non Profit Organisations are exempt)
- evidence of public liability insurance (if required)
- any additional information required for food sales
- any other information reasonably required to fully assess the application

9. FEES

Licence fees are expected to include the cost of:

- monitoring and enforcement;
- administration;
- any foreseen cleanup costs; and
- the value of the adjoining land.

The Council reserves the right to charge an occupancy fee for the use of public places in addition to the standard licence fee. A bond may also be required depending on the nature of the temporary event and the location.

The licence applicant must pay the full licence fee and have all the required permits before the licence will be issued.

10. MONITORING AND ENFORCEMENT

The Council will monitor trading activities in public places regularly to ensure that traders are complying with their licence conditions and that no unauthorised trading is occurring in public places.

The Council reserves the right to revoke trading licences or leases for non-compliance issues. Subject to the Kapiti Coast District Council Public Places Bylaw 2010 the standard protocol for non-compliance is as follows:

1. if a trader does not comply with the conditions of this Policy or any conditions on the licence, the Council will verbally notify the trader of the issue; or
2. the Council will provide a written warning to the trader identifying the issue(s) and required remedy; or
3. if the problem persists, the Council will impound any non-compliant sandwich board⁷ or consider revoking the trading licence or lease of any non-compliant trader, and may also consider prosecution.

Individuals or groups that trade on footpaths or other public spaces without a required licence will be asked to remove their material and cease with the trading activity immediately.

11. PENALTY

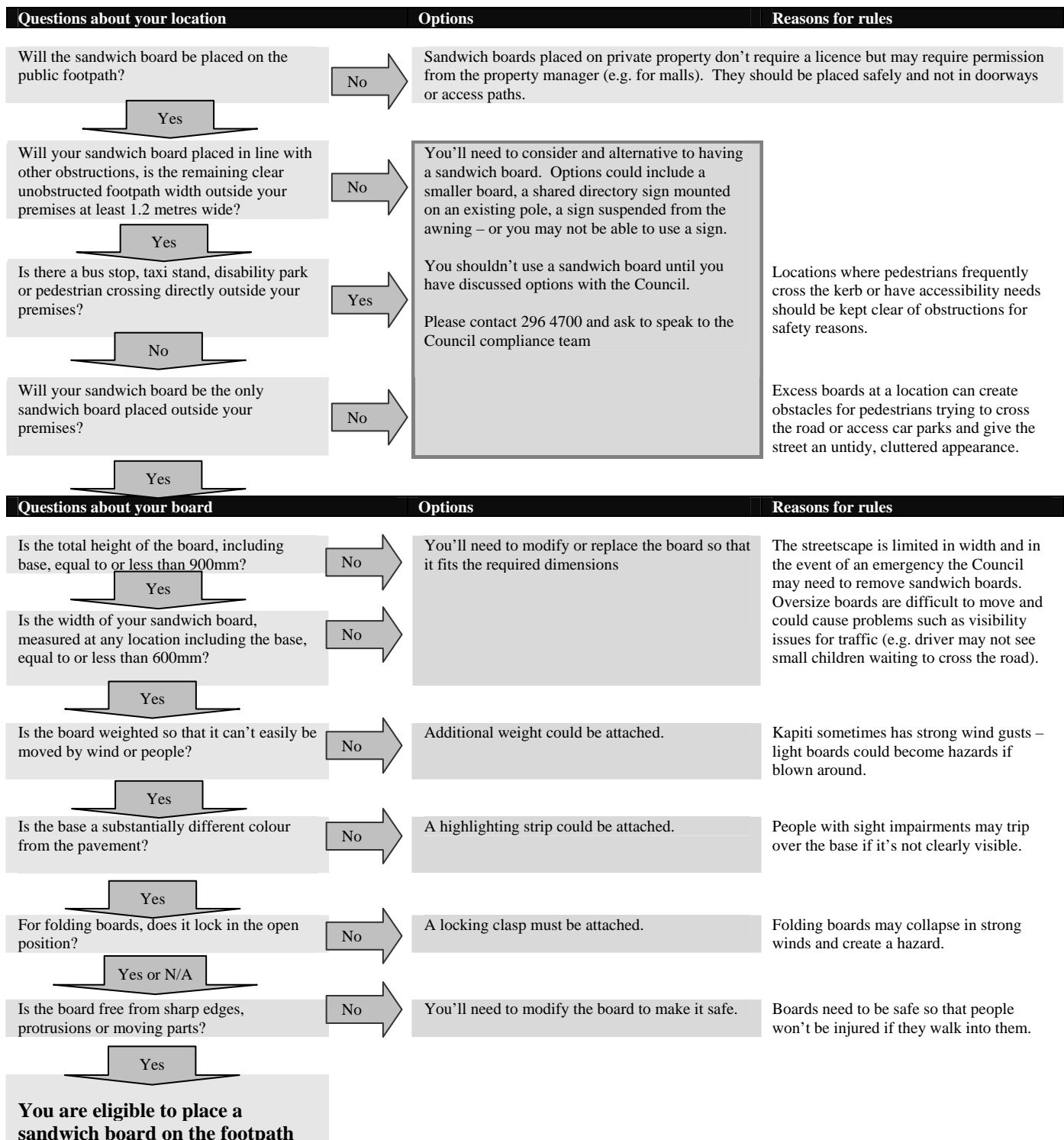
Non-compliance with this Policy is a breach of the Kapiti Coast District Council Public Places Bylaw 2010 or any of its subsequent amendments.

Every person who breaches this Bylaw commits an offence and is liable upon summary conviction to a fine not exceeding \$20,000, as set out in the Local Government Act 2002.

⁷ The Council may release an impounded sandwich board in accordance with section 167 of the Local Government Act 2002.

APPENDIX 1

Use this flow chart to determine whether you require a sandwich board licence.



If you have an item that doesn't fit the description of a sandwich board but you still wish to put some form of advertisement on a public footpath, please contact the Kapiti Coast District Council Compliance Team; and

- follow the flow chart above to determine what aspects of your advertisement do not comply with this Policy;
- prepare additional information in support of your proposal specifically addressing the aspects that don't comply with the policy and highlighting how the proposed items fits the principles of the policy, i.e. to prioritise footpath space for safe and efficient pedestrian movement while contributing to the character and vibrancy of our public places; and
- contact the Council on 296 4700 to discuss your proposal.

APPENDIX 3: SUMMARY OF FEEDBACK FROM CONSULTATION TO DATE

The table below summarises the feedback received from the organisations consulted during November and December 2017.

Organisations	Feedback	Comment
Community boards	Behavioural issues in Mahara Place	This is not a matter that can appropriately be controlled through a bylaw and is a matter for the Police.
	Graffiti on private buildings	Given that the bylaw affects only public places, it is not the right tool to address graffiti on private land.
	Street numbering – why don't Council buildings display numbers?	
	Bylaw should not deal with banning smoking in public places or managing drones	It is not proposed to use the bylaw to manage these activities. Other tools are more appropriate.
	Fees – asking for information on how much fees are.	Fees are discussed in the 2 February report to the Strategy and Policy Committee
Chamber of Commerce	At this stage, members have been encouraged to contribute through the on-line survey.	
Accessibility Advisory Group	Advised it does not think the 2010 bylaw needs change.	
The Youth Council	Concerns about dogs off leads on walkways – feeling anxious as they pass.	The Dog Control Bylaw deals with all dog related issues.
	Skating and cycling – accepts there needs to be some constraints but suggest it was balanced by info on places where it is ok to skate.	Information could be put on Council's website to identify where skating and cycling is ok.
	Busking – felt there needed to be a time limit on buskers staying in one place – suggested 2 - 4 hours.	Council has a policy on smoking. Any changes related to smoking would be best addressed through that policy.
	Smoking should be banned in areas which youth use – skate parks, bus stations and trains stations for example.	
Older Persons Council executive team	Key concern raised – the increase in low powered vehicles vis a vis pedestrians on footpaths and how to managed these activities in shared places.	Changes to the bylaw are proposed to address this issue.
Emergency Management Group	Management of drones particularly around the Kapiti	The CAA regulates drones and there is no need to duplicate that regulation in a bylaw.

	Coast Airport	
	Protecting underground electricity lines in public places	These matters are best managed through asset management plans rather than a bylaw.
	Planting trees on berms a concern for Electra	
	Concerns about Council's approach to monitoring and enforcement	Council' approach to monitoring and enforcement is set out in the 2014 Enforcement Policy.
Cycleways, Walkways and Bridleways Advisory Group	No issues raised	

‘Express yourself Kāpiti’ questionnaire on the bylaw (on Council's website)

An on-line questionnaire was run between 1 December 2016 and 9 January 2017 on the public places bylaw. This survey was not designed to be statistically representative rather it was aimed at finding out what issues or activities in public places are causing concern. The aim was to use this information to inform the review of the Bylaw and Policy.

The questionnaire asked the following questions:

1. What activities in our public places do you think need rules to manage them? (Tick any of the following activities that apply or add any others in the text box provided)
 - Trading in public places (for example outdoor dining, open-air markets, street stalls and food trucks)
 - Temporary hoardings and signs
 - Events such as festivals and fairs
 - Skating or cycling in public places
 - Fundraising in public places
 - Busking and performances in public places
 - Other (please specify)
2. Are there times when someone else's activities reduced your enjoyment in a public place? Please tell us about your experience.
3. Are there any activities covered by our current Public Places Bylaw that you think shouldn't be included in our updated Bylaw?
 - Which activities?
 - Why should they not be included in our updated Bylaw?
4. What activities not covered in the current Public Places Bylaw do you think should be included in the updated Bylaw?
 - Which activities?
 - Why should they be included in our updated Bylaw?
5. Any further comments to add on managing our public places?

Responses to the on-line survey

213 people filled out the survey.

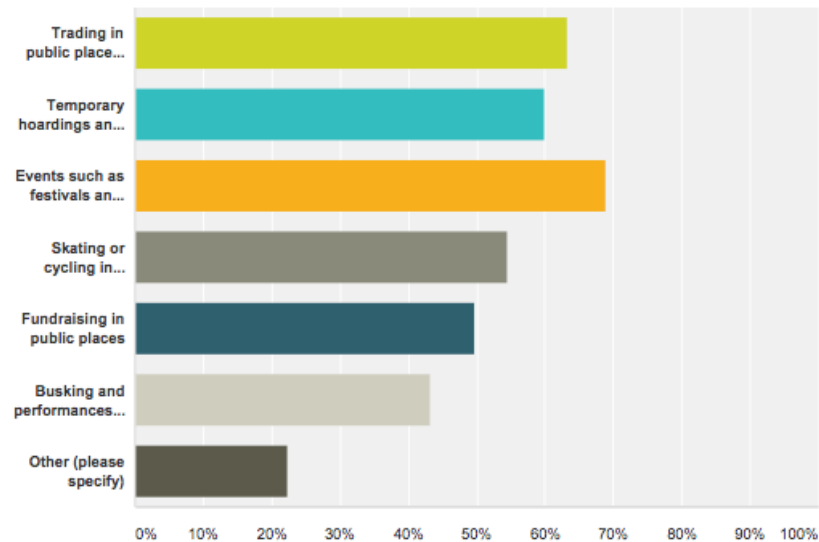
125 people responded to Question 1: what activities in our public places do you think need rules to manage them? The activities identified were already managed under

the 2010 Bylaw. The responses show that most people who filled in the question want these activities to continue to be managed. See below for the results.

Express yourself questionnaire #1

Q2 What activities in our public places do you think need rules to manage them?

Answered: 125 Skipped: 88



Answer Choices	Responses
Trading in public places, for example outdoor dining, open-air markets, street stalls and food trucks	63.20% 79
Temporary hoardings and signs	60.00% 75
Events such as festivals and fairs	68.80% 86
Skating or cycling in public places	54.40% 68
Fundraising in public places	49.60% 62
Busking and performances in public places	43.20% 54
Other (please specify)	22.40% 28
Total Respondents: 125	

The responses to the other questions have been grouped together into two categories:

(1) Activities which people thought should be managed in some way (number of comments):

- Smoking (5)
- Driving on beaches / dangerous driving by cars and motorbikes (9)
- Drones (1)
- Dogs (11)
- Permanent hoardings/signs (1)
- Hoardings blocking paths (1)
- Fishers blocking access to the beach (1)
- Skate boards and scooters (2)
- Nudism (1)

- Private functions occupying public space and cause nuisance (i.e., parking) (2)
- camping / freedom camping (3)
- street runs for ice cream trucks
- Campervans taking up a lot of space (2)
- Cyclists on footpaths (3)
- Cyclists on walkways (2)
- Irresponsible use of mobility scooters (1)
- Youth in Mahara Place (1)
- Loud music (1)
- Drunk or stoned people (3)
- Door to door sales people (2)
- Fireworks (1)
- Litter (3)
- Fundraisers (4)
- No skateboarding in beach areas (1)
- A policy/bylaw which deals with people living long-term in public places – lack of accommodation (1)
- Low powered vehicles (1)
- Vandalism and tagging of public places (1)

(2) Activities which should not be covered by the bylaw:

- Busking
- Trading, hoardings and pop-up events
- Fundraising activities
- Food trucks
- Spreading ashes
- all activities except hoardings and signage
- Skating in the railway station underpass

Some themes also emerged from the questionnaire:

- A desire for more activities to take place in public places.
- A desire for less regulation particularly around trading activities.
- A view that the Council does not have the resources to police bylaws and therefore should not have bylaws.
- A view that the 2010 Bylaw may be ok but there needs to be more signs and information, better awareness and enforcement.
- A view that Council's bylaws are hard to find so people don't know what's in them.
- A view that cycling and walking are not compatible activities and therefore concerns about these activities occurring in the same space.

Comment:

Some of the activities identified in (1) above are managed by some other tool than this bylaw, for example, dogs are managed through the 2008 Dog Control Bylaw, beaches under the 2009 Beach Bylaw, and permanent signs are managed through the District Plan.

For those activities, which are covered by this bylaw, the issue would appear to be not so much the wording in the bylaw as enforcement of the bylaw.

APPENDIX 4: PROPOSED CHANGES TO THE 2010 BYLAW

No.	2010 Bylaw clause	Proposed changes to bylaw clause	Issue / why
3.1	Objective: This bylaw regulates a diverse range of activities. It seeks to maintain standards of public health and safety, protect the public from nuisance, minimise the potential for offensive behaviour and manage various types of land associated with or under the control of the Kāpiti Coast District Council, for the well-being and enjoyment of the public in public places.	This bylaw enables the management of public places in order to contribute to a thriving economy and a vibrant and diverse community by: <ul style="list-style-type: none"> a) Protecting the public from nuisance; b) Maintaining standards of public health and safety; c) Minimising the potential for offensive behaviour in public places; and d) Regulating trading in public places. 	The purpose of the proposed changes is to: <ul style="list-style-type: none"> • Update the objective so it links to current Council goals and objectives; and • Improve readability.
4	Definition of hoarding	means a board, including any frame or other supporting device whether fixed to the ground or attached to a vehicle or trailer, for displaying posters or notices announcing future events or for advertising or election purposes. This includes flags or banners and includes sandwich boards.	The purpose of the proposed change to ensure that flags, banners and sandwich boards are covered by the Bylaw. Please see 9 below for the wording of the clause covering hoardings.
4	Definition of mobility device (new)	means— <ul style="list-style-type: none"> (a) a vehicle that— <ul style="list-style-type: none"> (i) is designed and constructed (not merely adapted) for use by persons who require mobility assistance due to a physical or neurological impairment; and (ii) is powered solely by a motor that has a maximum power output not exceeding 1 500 W; or (b) a vehicle that the [[Agency]] has declared under 	The definition is required to support changes proposed to Clause 12. See explanation under Clause12.

No.	2010 Bylaw clause	Proposed changes to bylaw clause	Issue / why
		section 68A(1) of the Land Transport Act 1998 to be a mobility device.	
4	Definition of public car park (new)	Includes a road, street or area designated for car parking (including a building) that is under the control of the Council and to which the public has access, whether free or on payment of a charge, where a person can park a vehicle.	The definition is required to support a change proposed to Clause 12. See explanation under Clause 12.
4	Definition of public place: Means an area that is open to or used by the public, which is under the management or control of the Council, and includes roads, streets, footpaths, courts, alleys, pedestrian malls, cycle tracks, lanes, access-ways, bridle-ways, thoroughfares, squares, reserves, parks, pools, community halls, cemeteries, beaches, and recreational grounds.	Public Place means an area that is open to or used by the public which: a) is owned by Kapiti Coast District Council or vested in or under the care, control and management of the Kapiti Coast District Council; and b) Includes roads, streets, footpaths, courts, alleys, pedestrian malls, cycle tracks, lanes, access-ways, bridle-ways, walkways, thoroughfares, squares, reserves, parks, pools, community halls, libraries, cemeteries, beaches, and recreational grounds.	The purpose of the proposed changes is to improve readability.
4	Definition of trading Means the commercial use of any public place under the control of Council. It includes the selling, displaying or promotion of any goods and services whatsoever, whether for commercial or not-for-profit purposes, in, on, or over a public place. Trading applies to permanent, temporary and mobile (i.e. vehicle) traders and includes but is not limited to the following activities in or on a public place under the control of council: 	Means the selling, displaying or promotion of any goods and services whatsoever, whether for commercial or not-for-profit purposes, in, on, or over a public place. Trading applies to permanent, temporary and mobile (i.e. vehicle) traders and includes but is not limited to the following activities in or on a public place under the control of council: a. the sale, display or dispensing of goods, including food, drink, newspapers, fuel and lubricant; b. the provision of commercial services on a public	The purpose of the proposed change is to reduce confusion by making it clear that the provision applies to both commercial and not-for-profit trading.

No.	2010 Bylaw clause	Proposed changes to bylaw clause	Issue / why
	<ul style="list-style-type: none"> a. the sale, display or dispensing of goods, including food, drink, newspapers, fuel and lubricant; b. the provision of commercial services on a public place including shoe shining services; taking photographs, and the hire of recreational equipment; c. the provision of outdoor dining facilities for the consumption of food and drinks, including those offered by a liquor licensed premises; d. open air markets and street stalls selling, displaying or dispensing goods or services; e. the giving away of goods on a public place, including newspapers and magazines, to advertise any product, service or entertainment; f. the soliciting or collection of any subscription or donation; g. soliciting sales or orders for sales of any goods, not in pursuance of any invitation to call, or of any previous order or request for such goods (this is also known as hawking). 	<ul style="list-style-type: none"> place including shoe shining services; taking photographs, and the hire of recreational equipment; c. the provision of outdoor dining facilities for the consumption of food and drinks, including those offered by a liquor licensed premises; d. open air markets and street stalls selling, displaying or dispensing goods or services; e. the giving away of goods on a public place, including newspapers and magazines, to advertise any product, service or entertainment; f. the soliciting or collection of any subscription or donation g. soliciting sales or orders for sales of any goods, not in pursuance of any invitation to call, or of any previous order or request for such goods (this is also known as hawking). 	
4	Definition of vehicle (new)	<p>means:</p> <ul style="list-style-type: none"> a) means a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and b) includes a hovercraft, a skateboard, in-line skates, and roller skates; but c) does not include— <ul style="list-style-type: none"> (i) a perambulator or pushchair: 	The definition is required to support changes proposed to Clause 21. See explanation under Clause 21.

No.	2010 Bylaw clause	Proposed changes to bylaw clause	Issue / why
		<ul style="list-style-type: none"> (ii) a shopping or sporting trundler not propelled by mechanical power: (iii) a wheelbarrow or hand-trolley: (iv) a pedestrian-controlled lawnmower: (v) a pedestrian-controlled agricultural machine not propelled by mechanical power: (vi) an article of furniture: (vii) a wheelchair not propelled by mechanical power: (viii) any other contrivance specified by the rules not to be a vehicle for the purposes of this definition: (ix) any rail vehicle 	
8	<p>Trading in public places</p> <p>8.1 To minimise disruption to other users and enable the Council to manage public places, a licence from the Council is required before Trading in a public place.</p> <p>8.2 To obtain a licence under 8.1, all applicants must comply with the information requirements and guidelines listed in the Kāpiti Coast District Council Trading in Public Places Policy 2010 and any of its subsequent amendments.</p>	<p>Retain clause 8 with one minor change</p> <p>8.1 To minimise disruption to other users and enable the Council to manage public places, a licence from the Council is required before Trading in a public place.</p> <p>8.2 To obtain a licence under 8.1, all applicants must comply with the information requirements and guidelines listed in the Kāpiti Coast District Council Trading in Public Places Policy 2017 and any of its subsequent amendments.</p>	<p>These clauses empower the Trading in Public Places Policy. The date in 8.2 will need to be updated to 2017.</p>
9	<p>Hoardings, posters and notices</p> <p>9.1 A person must obtain written approval from the Council before he or she erects any hoarding in a public place, unless the hoarding is being</p>	<p>Retain 9 with some minor changes:</p> <p>Hoardings, posters, notices and sandwich boards:</p> <p>9.1 A person must obtain written approval from the</p>	<p>These types of signs are not always covered by the District Plan because they are generally temporary, i.e., often associated with events and small.</p> <p>The purpose of the proposed changes is to remove</p>

No.	2010 Bylaw clause	Proposed changes to bylaw clause	Issue / why
	<p>erected in a permitted area already approved by the Council for hoardings¹.</p> <p>9.2 The approval of a hoarding and new hoarding sites may be subject to conditions, including:</p> <ul style="list-style-type: none"> a) placement b) fees c) dates a display board may be erected d) the display board design and compliance with any District Plan requirements <p>9.3 Hoardings erected outside permitted areas without approval from the Council must be removed within 1 hour of being instructed to do so, or as otherwise specified by the Council.</p> <p>9.4 No person may erect any poster or notice containing material which a reasonable person would deem offensive.</p> <p>9.5 Posters or notices displayed on hoardings and advertising any temporary event shall be removed within 24 hours of the end of the temporary event, or such other time as approved by the Council.</p> <p>9.6 With the exception of approved hoardings under this clause, no one shall affix or place a poster or notice to any Council ornament, statue, sculpture, structure, building, post, tree or facilities</p>	<p>Council before he or she erects any hoarding in a public place, unless the hoarding is being erected in a permitted area already approved by the Council for hoardings².</p> <p>9.2 The approval of a hoarding and new hoarding sites may be subject to conditions, including:</p> <ul style="list-style-type: none"> a) placement; b) fees; c) dates a display board may be erected; d) the display board design; and e) compliance with any District Plan requirements. <p>9.3 Hoardings erected outside permitted areas without approval from the Council must be removed within 1 hour of being instructed to do so, or as otherwise specified by the Council.</p> <p>9.4 No person may erect any poster or notice containing material which a reasonable person would deem offensive.</p> <p>9.5 Posters or notices displayed on hoardings and advertising any event shall be removed within 24 hours of the end of the event, or such</p>	<p>the word 'temporary' in order to be consistent with other changes.</p>

¹ Contact the Council's Compliance Team (04 296 4700) for a list of approved signage locations.

² Contact the Council's Compliance Team (04 296 4700) for a list of approved signage locations

No.	2010 Bylaw clause	Proposed changes to bylaw clause	Issue / why
	<p>in a public place without the Council's prior approval.</p> <p>9.7 Responsibility for compliance with this clause lies with the person who erects the hoarding or displays the poster or notice, or the organiser, promoter or person in charge of the advertised good, service or temporary event or, in the case of an election, the candidate or the candidate's agent.</p>	<p>other time as approved by the Council.</p> <p>9.6 With the exception of approved hoardings under this clause, no one shall affix or place a poster or notice to any Council ornament, statue, sculpture, structure, building, post, tree or facilities in a public place without the Council's prior approval.</p> <p>9.7 Responsibility for compliance with this clause lies with the person who erects the hoarding or displays the poster or notice, or the organiser, promoter or person in charge of the advertised good, service or temporary event or, in the case of an election, the candidate or the candidate's agent.</p>	
10	<p>Temporary event management</p> <p>10.1 A person must notify the Council prior³ to a temporary event being held in a public place, and depending on the nature of the temporary event may be required to obtain written approval from the Council.</p> <p>10.2 Unless with prior written approval of Council the person or persons responsible for any temporary event must ensure that any equipment associated with the temporary event is removed and the location used for the temporary event is restored back to its original state within 24 hours of the temporary event ending.</p>	<p>Retain clause 10.1 and 10.2 unchanged and add a new clause 10.3:</p> <p>10.3 A damage deposit set by Council shall be included with a resource consent or written approval fee, where damage is likely to occur to any existing facilities during a temporary event.</p>	<p>Depending on the nature of an event and the venue chosen, there may be potential for damage to existing infrastructure such as irrigation systems. The Council would benefit from a clause which enables it to recover costs if need be. .</p>

³ Written notice must be given to the Council a minimum of 20 days before the planned event, or earlier if a resource consent is required.

No.	2010 Bylaw clause	Proposed changes to bylaw clause	Issue / why
New Clause	Revised clause covering damage to Council property	<p>Damage to public places (Council property)</p> <p>No person shall do or cause to permit to be done in relation to any public place, any of the following acts without prior permission of an Authorised Officer:</p> <ol style="list-style-type: none"> 1. bury or disturb anything in a public place (excluding cemeteries); 2. plant, prune or remove any tree or shrub or sow or scatter the seed of any tree, shrub, or plant of any kind, or introduce any substance that may be injurious to people, animals or plant life; or 3. walk on any landscaped areas or amenity planting where walking is prohibited by a notice to that effect; or 4. bolt, drill or place any fixture, plaque or sign; or 5. release any animal other than those animals specifically permitted in that reserve area by any Council Bylaw or Act; or 6. dispose or place any waste or garden material on any public place including bush and coastal dune areas; or 7. construct or place any permanent structure, accessway or track of any kind in a public place; or 8. play or practice golf on any public place; or 9. by any means whatsoever destroy, shoot, 	<p>The purpose of the proposed change is to create a combined clause which covers damage to public places rather than have this issue covered in a number of clauses. The content of Clause 11.1 has been include here plus new issues which should enable Council to manage these issues better.</p>

No.	2010 Bylaw clause	Proposed changes to bylaw clause	Issue / why
		<p>snare, injure, interfere with or take any animal, fish, reptile, lizard, gecko, eel (native or otherwise), bird, bird's nest, or bird's egg, or any native flora or attempt so to do, in or from any reserve. Provided that in the case of any animal or bird protected by the Wild Life Act 1953 no such permission shall be granted unless and until the provisions of that Act have been complied with; or</p> <p>10. restrict or prohibit access or safe use of any public place including a cycleway, walkway or bridleway, park or reserve; or</p> <p>11. graze any animal in a park or reserve and that in such an event the Council may seek reparation for any damage caused to public assets; or</p> <p>12. damage, destroy or interfere with a pump, watercourse, water race, stormwater drain, water trough or drinking fountain; or</p> <p>13. damage, destroy or interfere with a building, foundation, structure or other property belonging to the Council; or</p> <p>14. damage, destroy or interfere with a street light, or lamp post; or</p> <p>15. damage, destroy or interfere with a warning light, sign or barricade placed by the Council to warn the public of danger.</p>	
11	Reserves, landscaped areas and amenity planting	<p>11 PARKS AND RESERVES</p> <p>11.1 Every person using a public reserve must</p>	The purpose of the proposed changes is to focus this clause on requirements specific to Parks and

No.	2010 Bylaw clause	Proposed changes to bylaw clause	Issue / why
	<p>11.1 No person shall do or cause to permit to be done in relation to any public reserve, landscaped areas and amenity planting, any of the following acts without prior permission of an Authorised Officer:</p> <p>11.2 bury or disturb anything in a reserve;</p> <p>11.3 plant, prune or remove any tree or shrub or sow or scatter the seed of any tree, shrub, or plant of any kind, or introduce any substance that may be injurious to people, animals or plant life; or</p> <p>11.4 walk on any landscaped areas or amenity planting where walking is prohibited by a notice to that effect; or</p> <p>11.5 bolt, drill or place any fixture, plaque or sign; or</p> <p>11.6 release any animal other than those animals specifically permitted in that reserve area by any Council Bylaw or Act.</p> <p>11.7 Every person using a public reserve must comply with the conditions of use displayed on any signage in or on that reserve which has been authorised by the Council.</p>	<p>comply with the conditions of use displayed on any signage in or on that reserve which has been authorised by the Council. [11.2]</p> <p>11.2 The Council may prescribe opening times for any reserve, and no person shall enter or be in such park or Reserve at any other time without permission from the Council.</p> <p>11.2 The Council may, at any time, by public notice or by notice displayed at the entrances to any reserve, declare that park or reserve to be closed.</p> <p>11.4 An Authorised Officer may prevent any sport or other recreation activity being played on any reserve if in the Authorised Officers opinion that sport or activity is liable to damage the reserve or any article within the reserve or be a danger to any user of the reserve.</p> <p>11.5 The Council may fix charges for the entry to any reserve or portion of reserve in accordance with the Reserves Act 1977. Where a person has entered any reserve, or a portion thereof set aside for a particular purpose, before the commencement of an event for which an entrance fee will be charged, they must either leave the reserve or that portion or pay the entrance fee.</p>	<p>reserves. The content of 11.1 has been moved to the new clause covering damage to public places.</p>
12	<p>Motor vehicles in public places</p> <p>12.1 No person shall take, ride or drive any motor vehicle into or on any public place:</p> <p>a) except in areas where motor vehicles are</p>	<p>11.1 MOTOR VEHICLES IN PUBLIC PLACES</p> <p>11.1 No person shall take, ride or drive any motor vehicle into or on any public place:</p>	<p>The purpose of the proposed change in 11.2 is to replace 'place' with 'public carpark'. The phrase "place set aside" is open to interpretation and would be very difficult to enforce if it came to it.</p>

No.	2010 Bylaw clause	Proposed changes to bylaw clause	Issue / why
	<p>allowed, such as roads, driveways and parking areas; or</p> <p>b) unless permission has been granted by an Authorised Officer or a licence from the Council.</p> <p>12.2 No person may park any motor vehicle in any reserve except in a place set aside by the Council for the parking of motor vehicles, or with the approval of an Authorised Officer.</p>	<p>a) except in areas where motor vehicles are allowed, such as roads, driveways and parking areas; or</p> <p>b) unless permission has been granted by an Authorised Officer or a licence from the Council.</p> <p>11.2 No person may park any motor vehicle in any reserve except in a public carpark set aside by the Council for the parking of motor vehicles, or with the approval of an Authorised Officer.</p>	<p>A definition for public carpark is added.</p>
15	<p>Naming of streets</p> <p>15.1 No person shall give any name to or affix, set up or paint any name on any street, private street or public place without the prior permission in writing of Council.</p> <p>15.2 Council may from time to time cause to be affixed on a conspicuous part of some house or building at or near the end, corner or entrance of every street and in the direction of the line of such street, the name of such street.</p>	<p>Retain 15.1 No person shall give any name to or affix, set up or paint any name on any street, private street or public place without the prior permission in writing of Council.</p> <p>Delete 15.2</p>	<p>The purpose of the proposed changes is to reduce duplication. The Council has general powers under the Local Government Act 2002, section 319(a) to name roads and under section 319(b) to allocate or change street numbers. The Road Naming and Street Numbering Policy 2011 sets out how this will be carried out.</p>
16	<p>Numbering of buildings</p> <p>16.1 The owner or occupier of every building shall number such building in accordance with the New Zealand Standard AS/NZS 4819. Building owners shall renew the numbers as often as they are obliterated or defaced or as Council shall order or direct but no longer than one month from the date of such order.</p>	<p>Retain 16.1 The owner or occupier of every building shall number such building in accordance with the New Zealand Standard AS/NZS 4819. Building owners shall renew the numbers as often as they are obliterated or defaced or as Council shall order or direct but no longer than one month from the date of such order.</p> <p>Delete 16.2 and 16.3</p>	<p>The purpose of the proposed changes is to reduce duplication. The Council has general powers under the Local Government Act 2002, section 319(a) to name roads and under section 319(b) to allocate or change street numbers. The Road Naming and Street Numbering Policy 2011 sets out how this will be carried out.</p>

No.	2010 Bylaw clause	Proposed changes to bylaw clause	Issue / why
	<p>16.2 As per section 319B of the Local Government Act 1974 the Council reserves the right to alter the number of any building for electoral, postal or emergency services reasons.</p> <p>16.3 Council may at any time affix or apply a number to any premises in such a manner and position as it thinks fit.</p>		
17	<p>Building work and excavations</p> <p>17.1 The prior written approval of the Council will be required before any person carries out building work or excavations on a public place. In setting conditions, the Council will have specific regard to the criteria in any codes of practice, the Land Transport Safety Authority Guidelines or other standards that are currently in force within the Council's jurisdiction.</p> <p>17.2 Approval under clause 17.1 may be subject to conditions, including a requirement that the applicant pay a cash deposit or bond of up to 150% of the estimated cost of work as a guarantee the work is completed to the satisfaction of the Council and/or against any damage to the Council's property. The estimated cost of work shall be approved by the Council.</p> <p>17.3 If any building work or excavation work is carried out on a public place without the Council's prior written approval, or contrary to the terms of the Council's prior written approval, the Council may remove or alter the work. The Council's costs may be recovered from the person who undertook</p>	<p>Amend 17.1 The prior written approval of the Council will be required before any person carries out building work or excavations on a public place. In setting conditions, the Council will have specific regard to the criteria in the District Plan, any codes of practice, the New Zealand Transport Agency guidelines or other standards that are currently in force within the Council's jurisdiction.</p> <p>Retain 17.2, 17.3, 17.4 with no change.</p>	<p>The purpose of the proposed change to 17.1 is to add the District Plan to the clause.</p>

No.	2010 Bylaw clause	Proposed changes to bylaw clause	Issue / why
	<p>the work, or the person for whom the work was being done.</p> <p>17.4 If any damage occurs to the public place, the Council may require the public place to be reinstated.</p>		

APPENDIX 5: DRAFT 2017 PUBLIC PLACES BYLAW

DRAFT

DRAFT KAPITI COAST DISTRICT COUNCIL 2017 PUBLIC PLACES BYLAW

1	Title, Commencement and Application	2
2	Kapiti Coast District Council Public Places Bylaw 2017 Validation	2
3	Objective	3
4	Interpretation	4
5	Council May Set Conditions	6
6	Restrictions Affecting Public Places	7
7	Performances and Appeals in Public Places	7
8	Trading in Public Places	7
9	Hoardings, Posters, Notices and Sandwich boards	8
10	Temporary Event Management	9
11	Motor Vehicles in Public Places	10
12	Vehicles (excluding mobility devices)	11
13	Overhanging Trees or Shrubs	11
14	Public Swimming Pools, Libraries and other Public Buildings	11
15	Other Specific Restrictions	11
16	Naming of Streets	12
17	Numbering of Buildings	12
18	Damage to public places	12
19	Parks and Reserves	13
20	Building Work and Excavations	14
21	Damage Deposit	14
22	Fences, Walls and Stability of Land	14
23	Licenses Issued under this Bylaw	15
24	Operational policies	15
25	Revocations and Savings	16
26	Fees and Charges	16
27	Offence and Penalty	16
28	Kapiti Coast District Council General Bylaw	16
	SCHEDULE ONE: Prohibited Areas for Vehicles	17

1 Title, Commencement and Application

- 1.1 This Bylaw may be cited as the Kapiti Coast District Council Public Places Bylaw 2017 and comes into force on [date].
- 1.2 This Bylaw is made pursuant to sections 145 and 146 of the Local Government Act 2002 and any other Act or Authority enabling the Council in that behalf.
- 1.3 This Bylaw applies to the Kapiti Coast District.
- 1.4 This Bylaw replaces the Kapiti Coast District Council Public Places Bylaw 2010.

2 Kapiti Coast District Council Public Places Bylaw 2017 Validation

- 2.1 The Kapiti Coast District Council Public Places Bylaw 2017 was approved at a meeting of the Kapiti Coast District Council held on [date] after completion of the Special Consultative Procedure.

DATED this day of 2017

**THE COMMON SEAL of THE
KAPITI COAST DISTRICT COUNCIL**
was affixed in the presence of:

Mayor of Kapiti Coast District

Chief Executive

Councillor of Kapiti Coast District

3 Objective

- 3.1 This bylaw enables the management of public places in order to contribute to a thriving economy and a vibrant and diverse community by:
- a) Protecting the public from nuisance;
 - b) Maintaining standards of public health and safety;
 - c) Minimising the potential for offensive behaviour in public places; and
 - d) Regulating trading in public places.
- 3.2 Nothing in this Bylaw derogates from any provision of, or the necessity for compliance with:
- a) the Summary Offences Act 1981 or any Act passed in amendment or substitution of the Summary Offences Act 1981;
 - b) any other applicable Acts, regulations or rules;
 - c) any other Council bylaws, District Plan requirements;
 - d) any other requirements imposed by either Greater Wellington Regional Council or Department of Conservation; and
 - e) any customary rights.

4 Interpretation

4.1 In this Bylaw, the following terms are used¹:

Air Exchange Device	includes heating, ventilation and air conditioning systems.
Animal	means any mammal (excluding human beings), any bird, reptile, amphibian, fish or invertebrate organism of any kind.
Appeals	means any co-ordinated and organised events by an organisation who asks for, or seeks, any subscription, collection or donation from members of the public, and may involve more than one collection person operating at one time.
Authorised Officer	means any person authorised by the Council to carry out any of the duties provided for under this bylaw or any Council bylaw; and (a) includes any Council Enforcement Officer; and (b) includes any agent licensed by Council to carry out a duty or operate a public place on Council's behalf
Berm	means the grass or planted strip beside the road.
Gas Equipment	means gas bottles, the gas bottle cage and any other pipes and related equipment used to store and transfer natural gas.
Hoardings	means a board, including any frame or other supporting device whether fixed to the ground or attached to a vehicle or trailer, for displaying posters or notices announcing future events or for advertising or election purposes. This includes flags, banners and sandwich boards.
Licensed Agent	any contractor licensed to operate a public place on Council's behalf .
Mobility device	means— (a) a vehicle that— (i) is designed and constructed (not merely adapted) for use by persons who require mobility assistance due to a physical or neurological impairment; and (ii) is powered solely by a motor that has a maximum power output not exceeding 1 500 W; or (b) a vehicle that the [[Agency]] has declared under section 68A(1) of the Land Transport Act 1998 to be a mobility device.
Motor Vehicle	has the same meaning as in the Land Transport Act 1998 - a) Means a vehicle drawn or propelled by mechanical power; and b) Includes a trailer;

¹ In this Bylaw, the interpretations of the **General Bylaw 2010** and its amendments are also implied into and form part of this Bylaw unless the context requires otherwise.

- c) but does not include—
- I. A vehicle running on rails; or
 - II. A trailer (other than a trailer designed solely for the carriage of goods) that is designed and used exclusively as part of the armament of the New Zealand Defence Force; or
 - III. A trailer running on 1 wheel and designed exclusively as a speed measuring device or for testing the wear of vehicle tyres; or
 - IV. A vehicle designed for amusement purposes and used exclusively within a place of recreation, amusement, or entertainment to which the public does not have access with motor vehicles; or
 - V. A pedestrian-controlled machine [; or]
 - VI. [(vii a vehicle that the [[Agency]] has declared under section 168A is not a motor vehicle; or]
 - VII. a mobility device]

Performance	means any musical, dramatic or other activity, examples include but are not limited to: dancing, singing, clowning or juggling, pavement art, poetry or busking.
Person	includes a corporation sole, and also a body of persons, whether corporate or unincorporated
Public car park	includes a road, street or area designated for car parking (including a building) that is under the control of the Council and to which the public has access, whether free or on payment of a charge, where a person can park a vehicle.
Public Place	<p>means an area that is open to or used by the public which:</p> <ul style="list-style-type: none"> a) is owned by Kapiti Coast District Council or vested in or under the care, control and management of the Kapiti Coast District Council; and b) Includes roads, streets, footpaths, courts, alleys, pedestrian malls, cycle tracks, lanes, access-ways, walkways, bridle-ways, thoroughfares, squares, reserves, parks, pools, community halls, libraries, cemeteries, beaches, and recreational grounds.
Skating Devices	means roller skates, roller blade, inline skates, skateboards, scooter or other similar wheeled device whether motorised or not. This definition does not include mobility scooters.
Temporary Event	<p>has the same meaning as the Kapiti Coast District Council District Plan 1999 or any of its future amendments:</p> <p><i>a temporary event must be of an intermittent nature and can include entertainment, cultural or sporting events. A temporary event includes structures associated with the event. This definition excludes permanently licensed premises.</i></p>
Trading	means the selling, displaying or promotion of any goods and services whatsoever, whether for commercial or not-for-profit purposes, in, on, or over a public place. Trading applies to

permanent, temporary and mobile (i.e. vehicle) traders and includes but is not limited to the following activities in or on a public place under the control of council:

- a. the sale, display or dispensing of goods, including food, drink, newspapers, fuel and lubricant;
- b. the provision of commercial services on a public place including shoe shining services; taking photographs, and the hire of recreational equipment;
- c. the provision of outdoor dining facilities for the consumption of food and drinks, including those offered by a liquor licensed premises;
- d. open air markets and street stalls selling, displaying or dispensing goods or services;
- e. the giving away of goods on a public place, including newspapers and magazines, to advertise any product, service or entertainment;
- f. the soliciting or collection of any subscription or donation
- g. soliciting sales or orders for sales of any goods, not in pursuance of any invitation to call, or of any previous order or request for such goods (this is also known as hawking).

Vehicle

means:

- a) means a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and
- b) includes a hovercraft, a skateboard, in-line skates, and roller skates; but
- c) **does not include—**
 - (i) a perambulator or pushchair:
 - (ii) a shopping or sporting trundler not propelled by mechanical power:
 - (iii) a wheelbarrow or hand-trolley:
 - (iv) a pedestrian-controlled lawnmower:
 - (v) a pedestrian-controlled agricultural machine not propelled by mechanical power:
 - (vi) an article of furniture:
 - (vii) a wheelchair not propelled by mechanical power:
 - (viii) any other contrivance specified by the rules not to be a vehicle for the purposes of this definition:
 - (ix) any rail vehicle

5 Council May Set Conditions

- 5.1 Subject to the provisions of this Bylaw, or any Act of Parliament, all public places shall be open for use by the public at such times and at such charges and upon such conditions as the Council may prescribe or vary from time to time.
- 5.2 The Council may set or vary conditions for use of a public place by resolution, or by licence with any person.
- 5.3 Where appropriate, conditions regulating the use of a public place will be displayed at the entrance to, or in visible areas within, the public place.

- 5.4 A person shall not use the public place in contravention of the conditions set by the Council regulating the use of the public place.
- 5.5 Unless prior permission has been obtained from the Council, a person shall not use a public place after closing hours (where closing hours are specified).

6 Restrictions Affecting Public Places

- 6.1 The Council shall have the right to prevent any temporary event or other activity whatsoever being undertaken that is likely to damage the place, harm a person, unreasonably impede public access or which is otherwise undesirable, disorderly or dangerous.
- 6.2 The Council may close any public place at any time for the purpose of maintaining or improving it, or for any other purposes that the Council considers necessary or proper².
- 6.3 Any Authorised Officer may request any person to leave a public place:
- (a) who has acted in a manner that is contrary to the conditions of use set by the Council, or
 - (b) who has contravened any of the provisions of this Bylaw.

7 Performances and Appeals in Public Places

- 7.1 If in the opinion of an authorised officer a performance or appeal is causing nuisance to the general public, the performer/s or person/s carrying out the appeal must cease activities immediately and obtain written approval from the Council before recommencing.

8 Trading in Public Places³

NOTE: in some circumstances, resource consent may be required. Please contact the duty planner on [\[add contact details\]](#) for guidance and information.

² The closure of a public place for a short period may include but is not limited to: re-sowing of grass, weed spraying, tree maintenance, a temporary event or performance requiring a tariff for entry.

³ The Council's Trading in Public Places Policy provides information on how to obtain approval for activities such as outdoor dining, open air markets, events, footpath stalls and sandwich boards.

- 8.1 To minimise disruption to other users and enable the Council to manage public places, a licence from the Council will be required before trading in a public place unless the applicant has obtained a resource consent pursuant to the District Plan, provided that the resource consent includes conditions which address the criteria in this Bylaw.
- 8.2 To obtain a licence under 8.1, all applicants must comply with the information requirements and guidelines listed in the Kapiti Coast District Council Trading in Public Places Policy [date].

9 Hoardings, Posters, Notices and Sandwich boards

<p>NOTE: In some circumstances, resource consent may be required. Please contact the duty planner on [add contact details] for guidance and information.</p>

- 9.1 A person must obtain written approval from the Council before he or she erects any hoarding in a public place, unless the hoarding is erected in a permitted area already approved by the Council for hoardings⁴.
- 9.2 A person must obtain written approval from the Council before he or she places a sandwich board on the footpath immediately outside their premises, unless the sandwich board complies with the guidelines in Appendix 1 of the Trading in Public Places Policy [date].
- 9.3 The approval of a hoarding and new hoarding sites may be subject to conditions, including:
- a) placement;
 - b) fees;
 - c) dates a display board may be erected;
 - d) the display board design; and
 - e) compliance with any District Plan requirements.
- 9.4 Hoardings erected outside permitted areas without approval from the Council must be removed within 1 hour of being instructed to do so, or as otherwise specified by the Council.
- 9.5 No person may erect any poster or notice containing material which a reasonable person would deem offensive.
- 9.6 Posters or notices displayed on hoardings and advertising any event shall be removed within 24 hours of the end of the event, or such other time as approved by the Council.
- 9.7 With the exception of approved hoardings under this clause, no one shall affix or place a poster or notice to any Council ornament, statue, sculpture, structure, building, post, tree or facilities in a public place without the Council's prior approval.
- 9.8 Responsibility for compliance with this clause lies with the person who erects the hoarding or displays the poster or notice, or the organiser, promoter or person in charge of the advertised good, service or temporary event or, in the case of an election, the candidate or the candidate's agent.

10 Temporary Event Management

<p>NOTE: Other approvals may be required to run an event including resource consent, building consent and food licences.</p>

⁴ Contact the Council's Compliance Team (04 296 4700) for a list of approved signage locations.

- 10.1 A person must notify the Council prior⁵ to a temporary event being held in a public place, and depending on the nature of the event may be required to obtain written approval from the Council.
- 10.2 Unless with prior written approval of Council, the person or persons responsible for any temporary event must ensure that any equipment associated with the temporary event is removed and the location used for the temporary event is restored back to its original state within 24 hours of the temporary event ending.
- 10.3 A damage deposit set by Council shall be included with a resource consent fee or written approval fee, where damage is likely to occur to any existing facilities during a temporary event.

11 Motor Vehicles in Public Places

- 11.1 No person shall take, ride or drive any motor vehicle into or on any public place:
- (a) except in areas where motor vehicles are allowed, such as roads, driveways and public car parking areas; or
 - (b) unless permission has been granted by an Authorised Officer or a licence from the Council.
- 11.2 No person may park any motor vehicle in any reserve except in a public carpark or area set aside by the Council for the parking of motor vehicles, or with the approval of an Authorised Officer.

⁵ Written notice must be given to the Council a minimum of 40 days before the planned event.

12 Vehicles (excluding mobility devices)

- 12.1 No person may use or ride a vehicle in a prohibited area as defined in Schedule One of this Bylaw.
- 12.2 No person may use any material or thing (including a vehicle, bicycle, motorised scooter, model aircraft, skateboard, roller skates or roller blades, shopping trolley or similar object) recklessly or in a manner which may intimidate, be dangerous, be injurious to or cause a nuisance to any person in a public place.

13 Overhanging Trees or Shrubs

- 13.1 No owner or occupier of land shall:
- (a) allow any tree or shrub growing from their property to impede public access into, on or over a public place;
 - (b) allow any tree or shrub growing from their property to impede public views along a road or footpath - to the extent that it presents a safety hazard to the public using the roads or footpath; or
 - (c) allow any tree or shrub growing from their property to encroach by their roots into any public area and cause damage to drains, pipes or other public utilities.
- 13.2 The Council reserves the right to work with owners and occupiers to mitigate any encroachment issues caused by trees and shrubs from private property. The Council will provide the option for the owner or occupier to fix the encroachment issue themselves or the Council can carry out the remedial work at the owner and occupier's expense.

14 Public Swimming Pools, Libraries and other Public Buildings

- 14.1 Council or an Authorised Officer may cause to be displayed at the main entrance to any public swimming pool, library or other public building, a list of rules regulating the use of such facilities by members of the public. Any Authorised Officer, including any agent licensed by the Council, may request any person acting in breach of these conditions to leave the public place.

15 Other Specific Restrictions

- 15.1 Except for an emergency, or with written approval from an authorised officer, no person shall, in, on or over any public place:
- a) repair or work on any motor vehicle;
 - b) launch or land an aircraft, hot air balloon, parachute, hang glider or paraglider in any public area;
 - c) launch or land any boat in any public area not designated an authorised boat launching area⁶.

⁶ See the 2009 Beach Bylaw for more information.

15.2 All persons wishing to freedom camp in the Kapiti Coast District must abide by the conditions for freedom camping as set out in the Kapiti Coast District Freedom Camping Policy 2010.

15.3 Without the prior approval of the Council, no person shall, in, on or over any public place:

- (a) place or use loud speakers or other devices amplifying and emitting sound for advertising any trade or business;
- (b) use or permit the use of a vehicle for the purpose of operating a loud speaker or an amplifier in a way that causes nuisance, or any similar device except for the purpose of campaigning for an election under the Electoral Act 1993, or for a local authority election under the Local Electoral Act 2001.

16 Naming of Streets

16.1 No person shall give any name to or affix, set up or paint any name on any street, private street or public place without the prior permission in writing of Council.

17 Numbering of Buildings

17.1 The owner or occupier of every building shall number such building in accordance with the New Zealand Standard AS/NZS 4819. Building owners shall renew the numbers as often as they are obliterated or defaced or as Council shall order or direct but no longer than one month from the date of such order.

18 Damage to public places

18.1 No person shall do or cause to permit to be done in relation to any public place, any of the following acts without prior permission of an Authorised Officer:

- a) bury or disturb anything in a public place;
- b) damage, plant, prune or remove any tree or shrub or sow or scatter the seed of any tree, shrub, or plant of any kind, or introduce any substance that may be injurious to people, animals or plant life; or
- c) walk on any landscaped areas or amenity planting where walking is prohibited by a notice to that effect; or
- d) bolt, drill or place any fixture, plaque or sign; or
- e) release any animal other than those animals specifically permitted in that reserve area by any Council Bylaw or Act; or
- f) dispose or place any waste or garden material on any public place including bush and coastal dune areas; or
- g) construct or place any permanent structure, accessway or track of any kind in a public place; or

- h) play or practice golf on any public place; or
- i) by any means whatsoever destroy, shoot, snare, injure, interfere with or take any animal, fish, reptile, lizard, gecko, eel (native or otherwise), bird, bird's nest, or bird's egg, or any native flora or attempt so to do, in or from any reserve. Provided that in the case of any animal or bird protected by the Wild Life Act 1953 no such permission shall be granted unless and until the provisions of that Act have been complied with; or
- j) Restrict or prohibit access or safe use of any public place including a cycleway, walkway or bridleway, park or reserve; or
- k) Graze any animal in a public place and that in such an event the Council may seek reparation for any damage caused to public assets; or
- l) damage, destroy or interfere with a pump, watercourse, water race, stormwater drain, water trough or drinking fountain; or
- m) damage, destroy or interfere with a building, foundation, structure or other property belonging to the Council; or
- n) damage, destroy or interfere with a street light, or lamp post; or
- o) damage, destroy or interfere with a warning light, sign or barricade placed by the Council to warn the public of danger.

19 Parks and Reserves

- 19.1 Every person using a reserve must comply with the conditions of use displayed on any signage in or on that reserve which has been authorised by the Council.
- 19.2 The Council may prescribe opening times for any reserve, and no person shall enter or be in such a reserve at any other time without permission from the Council.
- 19.3 The Council may, at any time, by public notice or by notice displayed at the entrances to any reserve, declare that reserve to be closed.
- 19.4 An Authorised Officer may prevent any sport or other recreation activity being played on any reserve if in the Authorised Officers opinion that sport or activity is liable to damage the reserve or any article within the reserve or be a danger to any user of the reserve.
- 19.5 The Council may fix charges for the entry to any reserve or portion of reserve in accordance with the Reserves Act 1977. Where a person has entered any reserve, or a portion thereof set aside for a particular purpose, before the commencement of an event for which an entrance fee will be charged, they must either leave the reserve or that portion or pay the entrance fee.

20 Building Work and Excavations

- 20.1 The prior written approval of the Council will be required before any person carries out building work or excavations on a public place. In setting conditions, the Council will have specific regard to the criteria in the District Plan, any codes of practice, the Land Transport Safety Authority Guidelines or other standards that are currently in force within the Council's jurisdiction.
- 20.2 Approval under clause 17.1 may be subject to conditions, including a requirement that the applicant pay a cash deposit or bond of up to 150% of the estimated cost of work as a guarantee the work is completed to the satisfaction of the Council and/or against any damage to the Council's property. The estimated cost of work shall be approved by the Council.
- 20.3 If any building work or excavation work is carried out on a public place without the Council's prior written approval, or contrary to the terms of the Council's prior written approval, the Council may remove or alter the work. The Council's costs may be recovered from the person who undertook the work, or the person for whom the work was being done.
- 20.4 If any damage occurs to the public place, the Council may require the public place to be reinstated.

21 Damage Deposit

- 21.1 A damage deposit set by Council shall be included with a building consent fee, where damage is likely to occur to any existing footpath, berm or kerbing, during building operations.

22 Fences, Walls and Stability of Land

- 22.1 In accordance with the Fencing Act 1978 the Council may require the owner of any land which has no fence, wall or retaining wall adjacent to a public place to erect a fence, wall or retaining wall if the Council considers that this is necessary for safety or other reasons relating to the use or administration of the public place.
- 22.2 Where any fence, wall, retaining wall or land adjacent to a public place is in a condition or state of disrepair which could cause injury to persons or damage to a public place, the Council may give notice requiring the owner to repair, remove or replace the fence, wall or retaining wall, or make the land safe.
- 22.3 No person being the owner or occupier of any land within an urban zone of the District shall erect or cause, or allow to be erected, or to remain erected, any fence composed wholly or partly of barbed wire upon or near the boundary of such land with any street, reserve or other public place, where such fence is in a position or at a height to be accessible to the public.

23 Licenses⁷ Issued under this Bylaw

- 23.1 Any person with a License issued under this Bylaw must display or carry a copy of that license prominently for the view of members of the public, if the License indicates that it must be displayed, or have it available to be inspected by any Authorised Officer.
- 23.2 A licence issued under this Bylaw is not transferable to any other person.
- 23.3 The Council, on giving reasonable notice to the licence holder, may alter the terms and conditions of the licence in the event of a material change to any circumstances or the licence holder, or the public place.
- 23.4 The Council may suspend or cancel any licence issued under this Bylaw in the following cases:
- (a) without notice if:
 - (i) urgent action is required to protect the public from unhygienic, unsafe or hazardous conditions in the public place where the licence applies;
 - (ii) urgent works are required in the public place where the licence applies;
 - (iii) any terms and conditions of the licence are breached, where the period covered by the licence is 3 days or less.
 - (b) on the giving of 48 hours notice to the person who holds the licence if:
 - (i) the activity will interfere with intended road works or a special event;
 - (ii) any terms or conditions of the permit are breached where the period covered by the licence is more than 3 days.

24 Operational policies

- 24.1 The Council may, from time to time, as the Council sees fit, adopt operational policies related to matters regulated by this bylaw.
- 24.2 Operational policies may set out, without limitation, such matters as:
- I. guidance information
 - II. application procedures
 - III. administrative arrangements
 - IV. terms and conditions
 - V. definitions.

⁷ Under clause 4 of the Kapiti Coast District Council General Bylaw 2010, a licence means a licence, permit, written consent or approval issued under any Bylaw.

25 Revocations and Savings

- 25.1 The Kapiti Coast District Council 2010 Public Places Bylaw is revoked.
- 25.2 All licences or other acts of authority which originated under the Bylaw revoked by clause 25.1, and all applications, and other acts of parties and generally all documents, matters, acts, and things which so originated and are continuing at the commencement of this Bylaw, continue for the purposes of this Bylaw to have full force and effect.
- 25.3 The revocation of any of the Bylaw under clause 25.1 does not prevent any legal proceedings, criminal or civil, being taken to enforce that Bylaw and such proceedings continue to be dealt with and completed as if the Bylaw had not been revoked.

26 Fees and Charges

- 26.1 The Council may set fees and charges, either temporarily or permanently, as a condition for access to, or use of, any public place. Payment of such fees shall be a condition for access to, or use of, that place.
- 26.2 A voluntary organisation, school or community group, where the profits from any trading are retained wholly for charitable or community purposes may be exempt from the payment of fees at the Council's discretion.


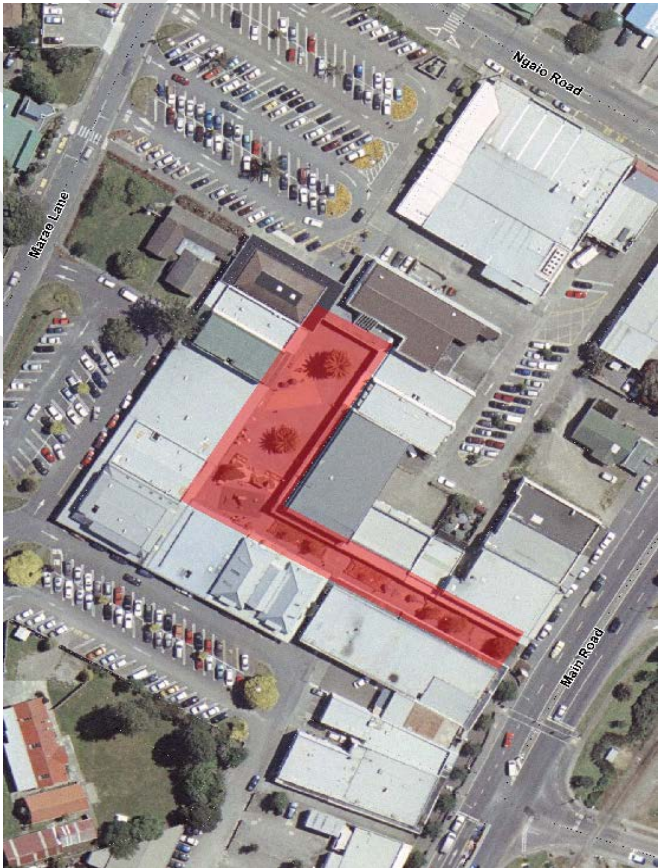
27 Offence and Penalty

- 27.1 The Council will seek to recover costs in relation to fixing or repairing any damage caused to Council property as a result of a breach to this Bylaw.
- 27.2 Every person who breaches this bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$20,000, as set out in the Local Government Act 2002.

28 Kapiti Coast District Council General Bylaw

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

SCHEDULE ONE: Prohibited Areas for Vehicles

Paraparaumu	The pedestrian underpass beneath State Highway One linking the railway station and the west side of State Highway One (Coastlands carpark).	
Waikanae	All public areas within Mahara Place, Waikanae.	

APPENDIX 6: DRAFT TRADING IN PUBLIC PLACES POLICY 2017

DRAFT

KAPITI COAST DISTRICT COUNCIL TRADING IN PUBLIC PLACES POLICY

27 January 2017

Table of Contents

1. INTRODUCTION	2
1.1. Policy Objective	2
1.2. Scope of Activities.....	3
1.3. Interpretation.....	3
1.4. Other requirements	5
2. ASSESSING APPLICATIONS	5
2.1. Written approval	5
2.2. Principles.....	5
2.3. Assessment Criteria	6
2.4. Conditions	7
3. APPLICATION PROCESS	8
4. GUIDELINES	8
4.1. Trading at temporary events	8
4.2. Trading at open air markets	8
4.3. Mobile shops	9
4.4. Outdoor dining, footpath stalls and sandwich boards	10
5. FEES	12
6. MONITORING AND ENFORCEMENT	12
7. MAKING A COMPLAINT.....	12
APPENDIX 1: SANDWICH BOARDS.....	13

1. INTRODUCTION

In keeping with the vision in the *Future Kāpiti Long Term Plan 2015-35 - Kāpiti – Vibrant, diverse and thriving* and the Outcome ‘*Thriving economy, vibrant culture, diverse community*’, the Council is committed to encouraging trading in public places while managing any adverse effects from these activities.

The vision and goals of the Kāpiti District Economic Development Strategy 2015-18 have also been taken into account as the policy has been developed, in particular:

- a) The development pathway *Foster a productive business environment*:

We want our businesses to:

- enjoy the ease of doing business with no unnecessary impediments to growth;
- be able to network with likeminded businesses;
- *find it easy to navigate through regulatory processes*;
- have access to mentors, support, talent, investment, capital and markets.

The Council’s focus on *Open for Business* includes developing *customer focused regulatory functions*. Council is committed to helping applicants to understand and obtain the regulatory approvals they may need for their trading activities.

The Councils’ [date] Public Places Bylaw which came into effect on [date] regulates trading activities in public places to ensure appropriate standards of public health, safety, pedestrian priority and visual amenity are maintained. The [date] Trading in Public Places Policy (the Policy) has been developed in order to support the implementation of the [date] Public Places Bylaw in respect of these activities.

Please note: this Policy applies to public places only. Trading activities taking place on private property must comply with the District Plan.

1.1. Policy Objective

The aim of this Policy is to ensure that trading activities in public places on the Kāpiti Coast can occur while public health, traffic safety and efficiency, pedestrian priority and visual amenity standards are maintained.

This Policy guides:

- the granting of licences for trading in public places;
- the types of trading that are allowed; and
- the conditions that may be imposed for managing:
 - public health and safety;
 - waste management;
 - pedestrian access;
 - impacts on established businesses; and
 - traffic flow.

The Council cannot restrict trading for anti-competitive reasons or in a way that is contrary to the intent of the Commerce Act 1986.

1.2. Scope of Activities

This Policy provides guidelines for the following trading or trading related activities on streets and public places:

- open air markets;
- temporary events;
- mobile shop trading;
- outdoor dining, foot path stalls, sandwich boards; and
- any other trading activity.

Please note: In some circumstances, these activities may also require resource consent. Please contact the duty planner on [insert contacts] for guidance and information.

1.3. Interpretation

In this Policy, unless the context requires otherwise:

Authorised Officer	means any person authorised by the Council to carry out any of the duties provided for under this Policy and includes any Council Enforcement Officer ¹ .
Temporary event	<p>has the same meaning as the definition for Temporary event in the Kapiti Coast District Council District Plan 1999 or any of its future amendments. The current definition is as follows:</p> <p>a temporary event must of an intermittent nature and can include entertainment, cultural or sporting temporary events. A temporary event includes structures associated with the temporary event. This definition excludes permanently licensed premises.</p>
Licence	means a licence, permit, registration, written consent or approval issued as per the requirements of any Act of Parliament, Council Bylaw or Policy.
Mobile shop (also known as a 'travelling shop' or mobile vendor)	means a mobile unit, whether self-propelled or not, located on a road or other public place offering or exposing goods and / or services for sale (for example, flower carts, coffee carts and food trucks). It does not include mobile libraries.
Open Air Market	means any outdoor public place that is accessible to the public, where goods or service are offered for sale, and usually consists of several merchandise stalls grouped together. These markets occur on a regular basis generally operating on one particular day each month or week throughout the year.

¹ See the Kapiti Coast District Council General Bylaw 2010 for the definition of Enforcement Officer.

Non Profit Organisations	means an individual or group (including sports groups, school groups, charitable and community groups) who are fundraising and 100% of the profit goes to the named community or charitable organization.
Public Place	<p>means an area that is open to or used by the public which:</p> <ul style="list-style-type: none"> a) is owned by Kapiti Coast District Council or vested in or under the care, control and management of the Kapiti Coast District Council; and b) Includes roads, streets, footpaths, courts, alleys, pedestrian malls, cycle tracks, lanes, access-ways, walkways, bridle-ways, thoroughfares, squares, reserves, parks, pools, community halls, libraries, cemeteries, beaches, and recreational grounds.
Recreation Equipment	means any equipment used for recreational purposes such as kayaks, canoes, boats, surf boards, bicycles, roller blades, or scooters.
Retail Stalls	means any stand, stall, tent, mobile shop, vehicle, vessel or other setup from which goods and/or food are sold.
The Council	means the Kāpiti Coast District Council or any committee, community board, or an enforcement officer authorised to exercise the authority of the Council.
Trading	<p>means the selling, displaying or promotion of any goods and services whatsoever, whether for commercial or not-for-profit purposes, in, on, or over a public place. Trading applies to permanent, temporary and mobile shop (i.e. vehicle) traders and includes but is not limited to the following activities in or on a public place under the control of Council:</p> <ul style="list-style-type: none"> a) the sale, display or dispensing of goods, including food, drink, newspapers, fuel and lubricant; b) the provision of commercial services on a public place including shoe shining services, taking photographs, and the hire of recreational equipment; c) the provision of outdoor dining facilities for the consumption of food and drinks, including those offered by a alcohol licensed premises; d) open air markets, street stalls and busking selling, displaying or dispensing goods or services; e) the giving away of goods on a public place, including newspapers and magazines, to advertise any product, service or entertainment; f) the soliciting or collection of any subscription or donation; and g) soliciting sales or orders for sales of any goods, not in pursuance of any invitation to call, or of any previous order or request for such goods (this is also known as

1.4. Other requirements

The Council reserves the right to grant **licences** for all other trading activities in public places throughout the District.

The Council will charge a fee for a licence. Non Profit Organisations may not be required to pay a licence fee.

Licences are non-transferable and can be revoked in accordance with the Kapiti Coast District Council Public Places Bylaw 2017.

Any person with a license issued under the Kapiti Coast District Council Public Places Bylaw 2017 must display or carry a copy of that licence prominently for the view of members of the public, if the licence indicates that it must be displayed, or have it available to be inspected by an Authorised Officer or sworn member of the Police.

A licence for trading activities will not be required for trading in a public place if the applicant has already obtained a resource consent pursuant to the District Plan, provided that the resource consent includes conditions which address the assessment criteria in this Bylaw (Clause 8.1 of the 2017 Public Places Bylaw).

2. ASSESSING APPLICATIONS

Applicants are encouraged to contact Council early on because Council officers will be able to help them understand and navigate through the relevant regulatory requirements of the 2017 Public Places Bylaw and other statutes such as the Resource Management Act 1991 and the Building Act 2004.

2.1. Written approval

Unless otherwise stated, Council approval will be required for any trading activities or event in a public place.

2.2. Principles

The following principles will apply when considering trading activities in public places:

Principles	Explanation
Quality and amenity	Trading in public places should contribute to a thriving economy, vibrant culture and a diverse community on the Kāpiti Coast. Maintaining a high quality street / park / public place environment that contributes to this vision.
Accessible and safe public places	Ensuring that safe and unobstructed pedestrian and vehicle access is provided and maintained for all users of public places.
Appropriate locations	In determining where an activity can be located, consideration will be given to the impact on the local environment, whether appropriate standards of health and safety, pedestrian and vehicle access and visual amenity can be maintained.
Diversity and suitability of activities	Encouraging diversity of trading activities and ones with a point of difference, so that they have the ability to attract people.

Non-privatisation of public place	<p>Trading activities must not be perceived as privatising public places and the space should be maintained for the purpose of a shared public and commercial space</p> <p>Public places should provide opportunities for the public to participate in the public environment – leisure, retail, recreation and entertainment.</p>
Minimising impacts of activities	<p>Ensuring that any activities avoid inconvenience and nuisance and that any impacts (noise, traffic, obstructions) are appropriately mitigated.</p> <p>Ensuring that public places are not damaged by trading activities so that the public can continue to enjoy them.</p> <p>Ensuring the effects on parking, traffic movement and existing businesses will be taken into account.</p>
Transparency and efficiency	<p>Improving transparency in decision making and, administration efficiency, i.e., open for business.</p>

Businesses, groups and individuals licenced to use public places for trading activities are responsible for managing those activities in accordance with the [date] Public Places Bylaw.

2.3. Assessment Criteria

The Council will consider (but not be limited to) the following matters when assessing an application for a trading licence under this Policy including:

Criteria	Explanation
Activity	<p>What type of goods and services are being sold?</p> <p>Does the activity comply with other relevant regulatory requirements such as the District Plan?</p> <p>Does the operator have management measures in place to manage high standards of public health and safety?</p>
Location	<p>Is the location suitable for the planned activity?</p> <p>Is it easily accessible?</p> <p>Will it cause nuisance or pose a risk to public safety?</p> <p>Applications for approvals will be assessed against their suitability using criteria such as past experiences, impacts on the surrounding environment and whether the activity is consistent with other council policies and plans.</p>
Quality and design	<p>Does the quality, style and design of the market, mobile shop, sign or stall make a positive contribution to the surrounding environment?</p> <p>The layout and orientation should be selected based on the size of the available space.</p>
Food management	<p>Do operators have an approved food hygiene qualification (where appropriate)?</p>

Hours of operation	Are the hours and days of operation such that it does not permanently occupy the public space?
Public liability insurance	Does the operator have appropriate public liability insurance?
Traffic management	<p>Are appropriate traffic management measures in place to avoid adverse effects on the safety and flow of pedestrians and vehicles?</p> <p>This may include the constraints on the capacity of available parking in the area, pedestrian access and safety, and any other traffic safety issues. Under the Traffic Bylaw 2010, no person shall sell or offer any goods or services of any kind for payment or donation (including the washing and cleaning of windows of any vehicle) or solicit any subscription or collection on any road intersection (excluding the footpath) or within 100 metres of the intersection (excluding the footpath) on any of its approaches.</p>
Barriers, canopies, awnings, signage and screens	<p>Are barriers, canopies, awnings, signage and screens associated with the trading activity kept to a minimum?</p> <p>Are they appropriately designed and fixed or weighted so they do not have adverse effects on traffic and pedestrians?</p>
Landowner approvals	Does the landowner (the Council) require any particular conditions?
Waste management	Are appropriate waste management and disposal measures in place?
Adverse effects	<p>Are any other businesses adversely affected (for example, physical access is blocked)? Note: trade competition cannot be considered.</p> <p>Is the local community adversely affected (for example, by excessive noise or offensive odours)?</p>

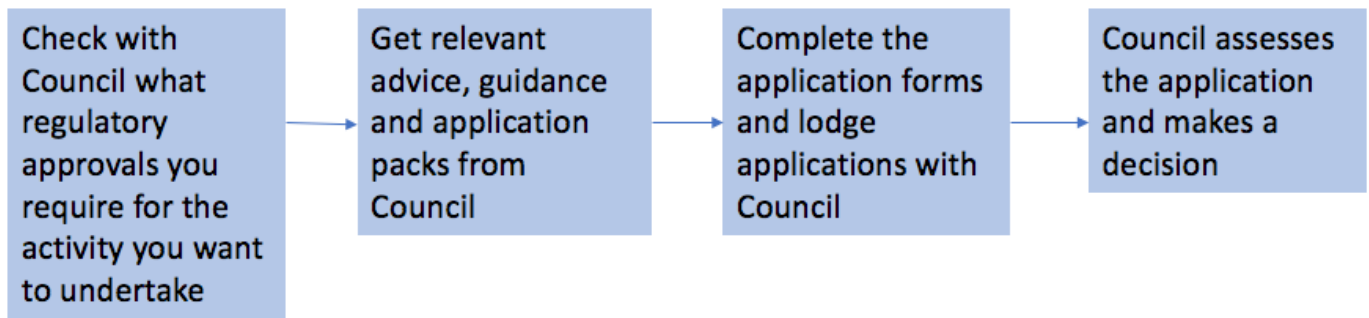
2.4. Conditions

The Council may impose conditions concerning the following matters:

- a) details of the approval holder
- b) the type of activity covered by the approval
- c) time / designated hours of operation
- d) duration of the approval (i.e. approval period and expiry date)
- e) location / site to be occupied
- f) approval date and approving officer's details
- g) safety and hygiene requirements
- h) use of signage
- i) use of musical chimes or other audible devices for attracting customer beyond a certain time (for instance, no later than 5pm in winter and 7pm in summer time)
- j) litter, cleanliness (adequate waste management and minimisation plans)
- k) presentation and standards of stalls, mobile shops, markets
- l) type of goods or products
- m) ensuring that there are no obstructions to pedestrian access;
- n) public liability insurance.

3. APPLICATION PROCESS

All applications to undertake trading activities or street performances will be considered on a case by case basis. The typical process for applying for an approval is:



4. GUIDELINES

4.1. Trading at temporary events

Any group or individual interested in holding a temporary event in a public place must make an application² to the Council.

The following guidelines outline the conditions of approval for temporary events in public places (these guidelines are in addition to the requirements listed in section 2 of this Policy).

The Council will approve temporary events in public places on a case-by-case basis, taking into account the matters set out in this section and section 2 above.

This completed application must be submitted to the Council **a minimum of 40 days** before the planned temporary event or market, **or earlier if a resource consent is required**.

Please note: Depending on the nature of the temporary event, other consents or licences may be required as well, for example, a resource consent pursuant to the Resource Management Act 1991 or a building consent pursuant to the Building Act 2004. Please contact the Council [add contact details] for guidance and information.

4.2. Trading at open air markets

Any group or individual interested in establishing an open air market in a public place must make an application³ for an open air market licence⁴ to the Council.

The following guidelines outline the conditions of approval for open air markets in public places (these guidelines are in addition to the requirements listed in **section 2** of this Policy).

The Council will consider applications for the establishment of open air markets in public places on a case-by-case basis, taking into account the following matters

- whether adequate clear footpath is available for pedestrians around the market and its market stalls. As a minimum, the Council will expect a 1.8 metre width from the edge of any stall or associated display to the nearest kerb edge or obstruction;

² Application forms are available from the Council's Compliance Team, Ph: 04 296 4700 [website]

³ Application forms are available from the Council's Compliance Team, Ph: 04 296 4700 [website]

⁴ Application forms are available from the Council's Compliance Team, Ph: 04 296 4700 [website]

- whether the hours and days of operation of the market is such that it does not permanently occupy the public space
- whether appropriate traffic management measures are in place to avoid adverse effects on the safety and flow of pedestrians and vehicles
- whether barriers, signage and screens associated with the market are kept to a minimum and are appropriately designed and fixed or weighted so as to not give rise to adverse effects on traffic and pedestrians
- whether the individual stall holders have approved food hygiene qualifications, where food is to be sold, and the market and stalls have appropriate food storage and preparation facilities to meet food hygiene regulations
- whether adequate access to public toilets has been provided.

The completed application must be submitted to the Council **a minimum of 20 days** before the planned market.

Please note: Depending on the nature of the open air market, other regulatory approvals may be required as well, for example, a licence to occupy a public place, a resource consent or a building consent. Please contact the Council [add contact details] for guidance and information.

4.3. Mobile shops

Any group or individual interested in operating a mobile shop in a public place must make an application⁵ to the Council.

The following guidelines outline the conditions of approval for mobile shops in public spaces (these guidelines are in addition to the requirements listed in **section 2** of this Policy).

There are two different types of mobile shop traders:

1. Those that can be considered 'roaming' as they move onto another location after a certain time period (for example, 20 minutes). As a general principle, 'roaming' approvals will only be issued to operators selling prepared food or drink (for example, Mr Whippy); and
2. Those that park up in one fixed location to solicit business. As a general principle, this type of trading is not allowed in road reserves unless the site has a formal parking area (such as a rest area).

The Council will consider applications for mobile trader licences in public places on a case-by-case basis, taking into account the nature of the public place, the potential effects on the general public and nearby businesses, and the factors identified in **Section 2** above.

The Council may impose the following (but not limited to) conditions on an approval for mobile shops:

- the exact location(s) and duration of occupation of the mobile shop or stall and any associated signage (limited to two) and displays
- that the design and construction of stalls and mobile shops will be of a good standard and should be appropriate for the local surroundings
- a requirement to operate and park/position the vehicle in a safe manner which is not likely to cause a hazard to pedestrians or other traffic

⁵ Application forms are available from the Council's Compliance Team, Ph: 04 296 4700 [website]

- the use of chimes or other audio devices other than when the mobile shop is moving and is not in the vicinity of a church or hospital or causing a nuisance to residents
- a limitation on the duration of the approval
- a limitation that the approval applies only to the applicant and may not be transferred.

Please note: depending on where they operate, mobile shops may often require a resource consent as well. Please contact the duty planner on [add contact details] for guidance and information.

4.4. Outdoor dining, footpath stalls and sandwich boards

Any group or individual interested in operating outdoor dining or having footpath stalls or sandwich boards in a public place must make an application⁶ to the Council.

This section guides the prioritisation of footpath space for pedestrian activity, conditions for the licensing of non-pedestrian activities on footpaths and the use of temporary footpath obstructions such as dining furniture, footpath stalls and sandwich boards.

The primary purpose and priority use for footpaths is safe and efficient pedestrian movement. The Council requires that a minimum continuous unobstructed footpath width of **1.2 metres** is maintained to ensure pedestrian movement.

On occasion the available footpath space is such that the designated width is unachievable because of the large variation in footpath widths that exist throughout the Kapiti District. To account for this, an Authorised Officer may make minor discretionary modifications to the ideal minimum unobstructed footpath width as appropriate.

Where in the opinion of an Authorised Officer, any dining furniture, footpath stall, sandwich board or other obstruction becomes an unacceptable barrier to the use of the footpath or hinders the flow of pedestrians, the Licence holder or person acting on his or her behalf will be required to remove, or reposition, the offending obstruction immediately.

A Licence is required before outdoor dining or footpath stalls are permitted on any public footpath. If a sandwich board does not comply with Appendix 1 of this policy, a licence will be required.

Applicants must provide the following when submitting an application for a Licence:

- a) A scaled site plan of existing conditions that accurately show:
 - the width of the footpath from the building façade to the kerb edge;
 - the proposed location and size of the temporary dining furniture, sandwich board, footpath stall or other obstruction in relation to existing features, including the kerb edge, neighbouring properties, street trees, rubbish bins, street light poles, signs, pillars, street furniture, fire hydrants, parking meters, telephone boxes, mail boxes or any other significant features on the footpath;
 - there is a clear continuous width of 1.2 metres of unobstructed pedestrian thoroughfare in relation to the temporary obstruction;
 - the location of doorways and service openings.

Outdoor Dining

The following guidelines outline the conditions of approval for outdoor seating areas on footpaths and other public spaces (these guidelines are in addition to the information requirements listed in section 2 of this Policy).

⁶ Application forms are available from the Council's Compliance, Monitoring and Enforcement Team, Ph: 04 296 4700 [website]

- The outdoor seating area must be immediately outside of the applicant's premises.
- Tables and chairs are to be high quality, durable, waterproof and weather resistant, designed for outdoor use, be well maintained and must comply with NZS 4121: Design for Access and Mobility.
- The outdoor seating area must not interfere with safe and efficient pedestrian movement and the minimum unobstructed footpath width of 1.2 metres.
- The outdoor seating area must allow for unobstructed access to and from the premises.
- The layout and orientation of furniture in the proposed seating area must allow for at least 0.6 metres of unobstructed space between the seating and the kerb line, in addition to the 1.2 metre unobstructed footpath width.
- Adequate space is to be provided within the area to allow for easy movement and chair use.
- Toilet accommodation on the premises must be sufficient to for the increased number of persons using the outdoor seating area.
- Outdoor seating areas will not be permitted on street corners with pedestrian crossings or near entry points of designated crossings.
- Full details of any heating devices, their planned location, and safety measures taken to ensure they are stable and secure, are to be provided with the application.
- Private trading activities that introduce changes to paving or street furniture for amenity purposes require specific approval.
- Evidence of public liability insurance, to the satisfaction of the Council that covers any proposed outdoor seating area.
- Disclosure of whether alcohol is to be supplied/served/consumed in any proposed outdoor seating area⁷.
- All temporary obstructions, including seating, tables, umbrellas and heating devices must be removed from the footpath outside of the business trading hours and stored away from the public area so that they do not impede public access.
- The licence holder is responsible for ensuring that patrons keep the outdoor seating within the approved boundaries of the outdoor seating area
- Temporary or permanent barriers in outdoor seating areas must have separate approval by Council. If approved they are to be located within the designated outdoor seating area.
- Outdoor seating areas may be required to be marked as stipulated by the Council. To assist in the detection of approved outdoor seating areas and temporary obstructions by people with visual impairments, tactile or solid barriers may be required as part of the design. The cost of installing, maintaining and removing outdoor seating markers will be met by the licence holder.
- The licence holder is required to regularly clean the approved seating area including tables, chairs, and immediate footpath surrounds. Where smoking is allowed ashtrays or other suitable devices must be provided and maintained.
- The Licence and approved site plan must be made available to an Authorised Officer on request.

Footpath Stalls

The following guidelines outline the conditions of approval for footpath stalls on footpaths and other public spaces (these guidelines are in addition to the requirements listed in section 2 of this Policy).

- A retailer may place a stall outside the frontage of their premises at any time during trading hours, however the stall is only to be in place for the display and sale of merchandise related to the retailing activity

⁷ Any person who intends to sell alcohol from an outdoor dining area is required to apply for a re-definition of their liquor licensed area. Please contact the Kapiti Coast District Council Liquor Licensing inspector 04 296 4700.

- The stall is to be placed as close as practicable to the shop frontage and not interfere with safe pedestrian movement and the minimum unobstructed footpath width of 1.2 metres.
- All goods displayed in, on or at a stall are to be free from sharp edges or projections which may cause injury to pedestrians and be free from any form of nuisance and not hazardous to the public at large. All goods must be secure from falls and wind gusts.

Non profit groups operating fundraising stalls must also apply for a licence from the Council⁸.

Sandwich Boards

If the guidelines in Appendix 1 are met, you are permitted to place a sandwich board (without the need for a licence) on the footpath immediately outside your premises. The Council reserves the right to inspect the board at any time and may set additional conditions as it sees fit.

Sandwich boards need to be placed so that they do not impede pedestrian access or the minimum 1.2 metre unobstructed footpath width. Only one sandwich board is permitted per premises.

Where there are several organisations wanting to use a sandwich board at the same premises (e.g. outside shopping malls) the Council will work with the affected people and the property owner to develop a compliant solution, such as shared signage on one sandwich board or a directory.

5. FEES

The Council reserves the right to set fees for licences issued under the 2017 Public Places Bylaw. It also reserves the right to charge an occupancy fee for the use of public places in addition to the standard licence fee. A bond may also be required depending on the nature of the activity and the location.

The licence applicant must pay the full licence fee and have all the required permits before the licence will be issued.

6. MONITORING AND ENFORCEMENT

The Council will monitor trading activities in public places regularly to ensure that traders are complying with their licence conditions and that no unauthorised trading is occurring in public places. Individuals or groups that trade on footpaths or other public spaces without a required licence will be asked to remove their material and cease with the trading activity immediately.

The Enforcement Policy 2014 provides general guidance on how compliance, enforcement and prosecution matters are dealt with by the Council.⁹

7. MAKING A COMPLAINT

If a trading activity is causing a nuisance, please contact:

- the Council and, if possible, provide the following information:
 - the name / type of trading activity and operator;
 - location and time of trading activity;
 - nature of the complaint (i.e. what is causing the nuisance).
- If the trading operator is violent, disorderly, behaving offensively, or causing a general nuisance in a way that may impact on public safety, please call the Police.

⁸ The Council has identified a number of sites throughout the District for community groups to sell goods. See the Kapiti Coast District Council Customer Services 04 296 4700 for details.

⁹ <http://www.kapiticoast.govt.nz/Your-Council/Forms-Documents/Policy-and-Strategy/Council-Policies>

APPENDIX 1: SANDWICH BOARDS

Use this flow chart to determine whether you require a sandwich board licence.

Questions about your location	Options	Reasons for rules
Will the sandwich board be placed on the public footpath? Yes	No	Sandwich boards placed on private property don't require a licence but may require permission from the property manager (e.g. for malls). They should be placed safely and not in doorways or access paths.
Will your sandwich board be placed in line with other obstructions, is the remaining clear unobstructed footpath width outside your premises at least 1.2 metres wide? Yes	No	You'll need to consider an alternative to having a sandwich board. Options could include a smaller board, a shared directory sign mounted on an existing pole, a sign suspended from the awning – or you may not be able to use a sign.
Is there a bus stop, taxi stand, disability park or pedestrian crossing directly outside your premises? No	Yes	You shouldn't use a sandwich board until you have discussed options with the Council. Please contact 296 4700 and ask to speak to the Council compliance team.
Will your sandwich board be the only sandwich board placed outside your premises? Yes	No	Locations where pedestrians frequently cross the kerb or have accessibility needs should be kept clear of obstructions for safety reasons. Excess boards at a location can create obstacles for pedestrians trying to cross the road or access car parks and give the street an untidy, cluttered appearance.
Questions about your board	Options	Reasons for rules
Is the total height of the board, including base, equal to or less than 900mm? Yes	No	You'll need to modify or replace the board so that it fits the required dimensions.
Is the width of your sandwich board, measured at any location including the base, equal to or less than 600mm? Yes	No	The streetscape is limited in width and in the event of an emergency the Council may need to remove sandwich boards. Oversize boards are difficult to move and could cause problems such as visibility issues for traffic (e.g. driver may not see small children waiting to cross the road).
Is the board weighted so that it can't easily be moved by wind or people? Yes	No	Additional weight could be attached.
Is the base a substantially different colour from the pavement? Yes	No	Kapiti sometimes has strong wind gusts – light boards could become hazards if blown around.
Is the base a substantially different colour from the pavement? Yes	No	A highlighting strip could be attached.
For folding boards, does it lock in the open position? Yes or N/A	No	People with sight impairments may trip over the base if it's not clearly visible.
Is the board free from sharp edges, protrusions or moving parts? Yes	No	Folding boards may collapse in strong winds and create a hazard.
Is the board free from sharp edges, protrusions or moving parts? Yes	No	A locking clasp must be attached.
Is the board free from sharp edges, protrusions or moving parts? Yes	No	You'll need to modify the board to make it safe.
You are eligible to place a sandwich board on the footpath		

If you have an item that doesn't fit the description of a sandwich board but you still wish to put some form of advertisement on a public footpath, please contact the Kapiti Coast District Council Compliance Team; and

- follow the flow chart above to determine what aspects of your advertisement do not comply with this Policy;
- prepare additional information in support of your proposal specifically addressing the aspects that don't comply with the policy and highlighting how the proposed items fits the principles of the policy, i.e. to prioritise footpath space for safe and efficient pedestrian movement while contributing to the character and vibrancy of our public places; and
- contact the Council on 296 4700 to discuss your proposal.

APPENDIX 7: STATEMENT OF PROPOSAL

DRAFT

Statement of Proposal

**PROPOSAL TO ADOPT THE DRAFT KAPITI COAST
DISTRICT COUNCIL 2017 PUBLIC PLACES BYLAW
AND
THE DRAFT 2017 TRADING IN PUBLIC PLACES
POLICY**

March 2017

CONTENTS

Contents	2
Summary	2
Introduction	3
2010 Public Places Bylaw	3
2010 Trading in public places policy	3
Local Government Act 2002 review requirements	4
Review Discussion and Proposal.....	4
Is the proposed bylaw the most appropriate form of the bylaw?	7
New Zealand Bill of Rights implications	7
Consultative Procedure.....	7
Methods for making a submission.....	8
Appendix 1: proposed changes to the 2010 bylaw.....	9
Appendix 2: Draft 2017 Public Places Bylaw	10
Appendix 3: Draft 2017 trading in public places Policy	11
Appendix 4: Official Submission Form	12

SUMMARY

The Council is proposing to adopt the draft Kapiti Coast District Council 2017 Public Places Bylaw (draft 2017 Bylaw) and the draft 2017 Trading in Public Places Policy (draft 2017 Policy).

The 2010 Public Places Bylaw (the 2010 Bylaw) expires on 15 July 2017. If a new or revised bylaw is not adopted by that date, the 2010 Bylaw will automatically expire. As a result, Council has initiated a review of the 2010 Bylaw and the associated 2010 Trading in Public Places Policy (2010 Policy).

The review of the 2010 Bylaw and 2010 Policy concluded that much of the 2010 Bylaw and Policy remain appropriate. However, a number of changes are also proposed.

You are invited to make a submission on the draft Bylaw and/or on the draft Policy.

Copies of the Statement of Proposal and submission forms are now available on the website www.kapiticoast.govt.nz and from Kāpiti Coast District Libraries and Service Centres.

Making a submission

Please refer to Methods for Making a Submission on page 13 of this Statement of Proposal.

Submissions open on 27 February and close at 4pm on Friday 31 March.

INTRODUCTION

This Statement of Proposal relates to the proposed adoption of the draft 2017 Public Places Bylaw (draft 2017 Bylaw) and the Draft Trading in Public Places Policy (draft 2017 Policy).

2010 PUBLIC PLACES BYLAW

The 2010 Bylaw regulates a diverse range of activities for the well-being and enjoyment of the public in public places by:

- a) Protecting the public from nuisance;
- b) Maintaining standards of public health and safety;
- c) Minimising the potential for offensive behaviour in public places; and
- d) Regulating trading in public places.

Public place is defined as:

means an area that is open to or used by the public which:

- a) *is owned by Kapiti Coast District Council or vested in or under the care, control and management of the Kapiti Coast District Council; and*
- b) *Includes roads, streets, footpaths, courts, alleys, pedestrian malls, cycle tracks, lanes, access-ways, bridle-ways, thoroughfares, squares, reserves, parks, pools, community halls, cemeteries, beaches, and recreational grounds.*

The 2010 Bylaw regulates activity on Council owned or managed land. The bylaw do not apply to privately owned land even if that land functions as a public place.

2010 TRADING IN PUBLIC PLACES POLICY

The aim of the 2010 Trading in Public Places Policy is to ensure that trading activities on the Kāpiti Coast contribute to safe, lively and attractive public places without inhibiting the safety and efficiency of traffic flow and pedestrian movement.

The Policy guides:

- the granting of licences for trading in public places;
- the types of trading that are allowed; and
- conditions for:
 - health and safety;
 - pedestrian access;
 - consideration of established businesses; and
 - traffic flow.

It also provides guidelines for allowing the following trading or trading related activities on streets and public places:

- open air markets;
- mobile shops;
- temporary events;
- outdoor dining, foot path stalls, sandwich boards; and
- any other trading activity.

LOCAL GOVERNMENT ACT 2002 REVIEW REQUIREMENTS

The Local Government Act 2002 procedural requirements for reviewing a bylaw are the same as those for creating a bylaw (Section 155). At review, the Council must consider whether a bylaw is the most appropriate way of addressing a perceived problem and whether the proposed form of the bylaw is the most appropriate form of bylaw. The Council must also consider whether it gives rise to any implications under the New Zealand Bill of Rights Act 1990 (NZBORA).

The Council has reviewed the 2010 Public Places Bylaw and is of the view that a bylaw remains necessary to allow the Council to manage a diverse range of activities for the well-being and enjoyment of the public in public places by:

- maintaining standards of public health and safety
- protecting the public from nuisance
- minimising the potential for offensive behaviour on public land
- regulating trading activity.

Without a public places bylaw, the Council has limited ability to protect residents from nuisance or ensure the safety of people and property. As part of the review, Council has identified some issues with the 2010 Bylaw that could be improved.

The Council must consult the community when making, amending or reviewing a bylaw (Section 156). After deciding to adopt any amendments to the bylaw, the local authority must give public notice of when the bylaw or amendments come into operation.

In accordance with sections 83 and 86 of the Local Government Act 2002, the Council gives the following notice in the form of a Statement of Proposal to adopt the Draft 2017 Bylaw and the Draft 2017 Policy.

REVIEW DISCUSSION AND PROPOSAL

Is the Public Places Bylaw still appropriate under the Local Government Act 2002?

The Local Government Act 2002 requires that a bylaw be the most appropriate way to address a perceived problem. As the Public Places Bylaw has come up for review, the Council has posed the question: What if there was no Public Places Bylaw?

Without a Public Places Bylaw, Council would have limited ability to deal with nuisance issues in public places. Council's ability to manage public places in a way that protects the public from nuisance, maintains standards of public health and

safety, and minimising the potential for offensive behaviour in public places would be restricted.

Therefore, Council considers that Public Places Bylaw remains an appropriate bylaw under the Local Government Act 2002 to manage public places in a way that ensures public health, safety and enjoyment.

However, there can be some improvements made to the 2010 Bylaw that are addressed as part of this review.

Does the Public Places Bylaw require amendment?

The Council considers that much of the 2010 Bylaw remains appropriate. The scope and intent of the draft 2017 Bylaw generally remains the same as the 2010 Bylaw.

However, a number of changes are also proposed:

- Some clauses have been revised to update and improve the clarity of the bylaw, for example, the objective and the definition of public place.
- Some of the activities controlled by this bylaw may also require other types of regulatory approvals, for example, resource consent. Notes have been added to advise readers of these requirements. This is an open for business initiative designed to help applicants get all the information they need in a more straightforward manner.
- The bylaw clauses have been re-ordered into two groups. The first group deals with the management of various activities in public places (clauses 6 – 17). The second group deals with potential damage to public places and provides Council with some powers to manage that damage (clauses 18 – 22).

More substantive proposed changes address the following matters:

Low powered vehicles

The 2010 Bylaw places some restrictions on the use of cycles and skates (Clause 11). The 2010 Bylaw recognises there is potential for conflict when pedestrians and these types of vehicles share the same space. The Bylaw adheres to a pedestrian first policy.

Since 2010 the types of devices/low powered vehicles that can be used on footpaths and walkways has expanded to include electric bicycles, electric skateboards and segways etc. The numbers of these devices seem to have increased as well as the variety. Mobility devices are excluded from this.

The proposed change to the 2010 Bylaw (Clause 12) is designed to retain the intent of the 2010 clause but ensure that the draft 2017 Bylaw can cover the wider range of vehicles.

Definitions of vehicle and mobility device have been added to support this change (Clause 4).

Damage to public places

The purpose of the proposed change (Clause 18) is to create a clause which covers damage to any public place rather than have this issue covered in a number of clauses. The content of the 2010 Bylaw Clause 11.1 has been included in the

proposed clause and some new provisions (18.1(f) – 18.1(o)) have been added which should enable Council to deal with damage issues better.

Operational policies

The purpose of the proposed change is to provide the Council with an ability to develop policies to support the implementation of this bylaw without requiring the whole Bylaw to be reviewed.

Please see Appendix 1 for a discussion of all proposed changes in the draft 2017 bylaw.

Does the Trading in Public Places Policy require amendment?

The draft 2017 Policy will assist the implementation of the Draft 2017 bylaw by providing guidance on managing trading activities. The aim of this policy is to ensure that trading activities in public places on the Kāpiti Coast can occur while public health, traffic safety and efficiency, pedestrian priority and visual amenity standards are maintained.

This Policy guides:

- the granting of licences for trading in public places;
- the types of trading that are allowed; and
- the conditions that may be imposed for managing:
 - public health and safety;
 - waste management;
 - pedestrian access;
 - impacts on established businesses; and
 - traffic flow.

In the first instance, the content of much of the Draft 2017 Policy is similar to the 2010 Policy particularly in respect of the activities covered and the sorts of matters Council will consider when assessing applications.

The more substantive changes are set out in Table 3 below:

Table 3: Proposed changes to the 2010 Policy	
Policy provisions	Proposed changes
Introduction and objective	These sections have been updated to reflect <i>Future Kāpiti Long Term Plan 2015-35 - Kāpiti – Vibrant, diverse and thriving</i> and the vision and goals of the Kāpiti District Economic Development Strategy 2015-18.
Scope	The activities managed remain the same.
Principles	The principles have been revised and updated to reflect the matters which Council may wish to regulate in respect of trading in public places.
Assessment criteria and Conditions	The criteria have been brought together in one section whereas they were repeated through various sections in the 2010 Policy. Similarly the conditions have been

	grouped in one section.
Application process	A section has been added to assist potential applicants.
Waiver for licences in certain conditions	A number of the trading activities covered by this policy may also require resource consent depending on where and how they are to be carried out. It is suggested that in this circumstance, Council may wish to include provision to allow the requirement for a licence to be waived provided that conditions on the resource consent covers the matters in this policy. This would mean that applicants may not be faced with two processes that tend to duplicate each other.
Guidelines	This section sets out additional criteria that are specific to the particular activity. Much of the content is the same as the 2010 Policy except for the section on mobile shops. Given that the demand for mobile shops is increasing guidelines are required to assist the processing of any applications.

IS THE PROPOSED BYLAW THE MOST APPROPRIATE FORM OF THE BYLAW?

The Local Government Act 2002 requires that a bylaw be the most appropriate form of a bylaw. Subject to the proposed amendments, the Council considers that the form of the draft 2017 Bylaw as proposed is the most appropriate form of bylaw.

NEW ZEALAND BILL OF RIGHTS IMPLICATIONS

The Council must determine whether there are any implications for the bylaw under the New Zealand Bill of Rights Act 1990.

The Local Government Act 2002 requires that the Council determine whether there are any implications for the bylaw under the New Zealand Bill of Rights Act 1990. No bylaw may be made that is inconsistent with that Act. It is not foreseen that the proposed bylaw will contain any provisions that will be in conflict with the New Zealand Bill of Rights Act 1990.

CONSULTATIVE PROCEDURE

Section 156 of the Local Government Act 2002 requires that the community be consulted on the adoption or review or amendment of a Bylaw. Accordingly, the Council intends to use the Special Consultative Procedure in this case. The procedure requires the initiation of a formal submission process.

The proposed consultation plan is as follows:

Task	Date
Strategy and Policy Committee approval of draft Bylaw, Policy and Statement of Proposal for public consultation	2 February 2017
Submissions open	27 February 2017
Submissions close	31 March 2017
Hearing of submitters	25 May 2017
Strategy and Policy Committee decisions on submissions	8 June 2017
Council decision	22 June 2017
Effective date of bylaw	1 July 2017 - tbc

METHODS FOR MAKING A SUBMISSION

Submissions can be made in writing using the submission form attached in Appendix 4.

Submissions can be mailed to: Kāpiti Coast District Council
Private Bag 60601
Paraparaumu 5254

They can be faxed to 04 296 4830, or email: submissions@kapiticoast.govt.nz marked draft 2017 Bylaw and/or the draft 2017 policy.

Submission Period

Submissions open on Monday 27 February 2017 and close at 4pm on Friday 31 March.

HEARING OF SUBMISSIONS

Persons making written submissions who wish to be heard by Council will be given the opportunity to do so. The time and venue for the hearing of submissions will be advised to submitters wishing to be heard. Submitters wishing to speak to the Council in support of their submission must indicate YES on Page 1 of the Official Submission Form.

Attachments

Appendix 1: Proposed changes to the 2010 Bylaw

Appendix 2: Draft 2017 Public Place Bylaw

Appendix 3: Draft 2017 Trading in Public Places Policy

Appendix 4: Official Submission Form

APPENDIX 1: PROPOSED CHANGES TO THE 2010 BYLAW

DRAFT

KĀPITI COAST DISTRICT COUNCIL

Draft 2017 Public Places Bylaw

**KĀPITI COAST
DISTRICT COUNCIL**

**Draft Trading in Public
Places Policy 2017**

APPENDIX 4: OFFICIAL SUBMISSION FORM

SUBMISSION FORM

Proposal to Adopt the Draft Kapiti Coast District Council 2017 Public Places Bylaw and the Draft Trading in Public Places Policy 2017

Title (circle) Mr Mrs Ms Miss

Name:

Street address:

.....

PO Box:

Post Code:

Phone Numbers Day:

Mobile Phone:

Fax Number:

Email Address:

I have attachedpages to this submission

Do you want to speak to the Council in support of your submission? ☐ Yes / ☐ No

If you have ticked yes then we will contact you about the timing of the hearing which will take place in May 2017.

Please provide organisation name if you are submitting on behalf of an organisation:

.....

Signature:

(Signature of person making submission or person authorised to sign on behalf of person making submission)

Date:.....

Please note that feedback (including names and contact details) will be made publicly available at council offices, public libraries and on the Kāpiti Coast District Council website. A summary of feedback, including the name of the submitter may also be made available. Personal information will also be used for administration relating to the subject matter of the feedback, including notifying submitters of subsequent steps and decisions. All information will be held by the Kāpiti Coast District Council, with submitters having the right to access and correct personal information.



Office Use only

File Ref:

Submission No:

Date Received:

Submissions close:

4pm, [date]

Please send your feedback to:
Kāpiti Coast District Council
Private Bag 60601
PARAPARAUMU

Fax: 04 296 4830

Email:
submissions@kapiticoast.govt.nz

or deliver to

*Waikanae Service Centre,
Mahara Place, Waikanae
Ōtaki Service Centre,
Main Street, Ōtaki*

Please use the following table for your feedback attaching any extra sheets

[illegible]