

Chairperson and Committee Members
STRATEGY & POLICY COMMITTEE

25 MAY 2017

Meeting Status: **Public**

Purpose of Report: For Information

**PUBLIC PLACES BYLAW AND TRADING IN PUBLIC PLACES
POLICY- SUBMISSIONS**

PURPOSE OF REPORT

- 1 The purpose of this report:
 - a) is to provide the Committee with the submissions received on the Draft 2017 Public Places Bylaw and draft 2017 Trading in Public Places Policy.
 - b) submitters who want to speak to the Committee on their submission will be heard at this meeting.

DELEGATION

- 2 Under section 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 to undertake regular reviews of its bylaws.
- 4 The 2010 Public Places Bylaw expires on 15 July 2017 so a review of that Bylaw is now underway. The review involves considering:
 - whether or not the bylaw is still required;
 - whether the provisions of the bylaw are still appropriate for the District;
 - what the issues are; and
 - whether or not changes are needed.
- 5 The 2010 Trading in Public Places Policy supports the Bylaw and is therefore being reviewed at the same time.
- 6 Copies of the draft 2017 Bylaw and the draft 2017 Policy are attached to this report as Appendices 1 and 2 respectively.
- 7 This 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.

- 8 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.*
- 9 The 2010 Bylaw regulates activity on Council owned or managed land. It does not apply to privately owned land.
- 10 The Council is required by the Local Government Act 2002 to undertake regular reviews of its bylaws.
- 11 As previously reported the 2010 Public Places Bylaw expires on 15 July 2017 so a review of the 2010 Bylaw is now underway.
- 12 The 2010 Trading in Public Places Policy supports the Bylaw and is therefore being reviewed at the same time.
- 13 Copies of the 2010 Bylaw and the 2010 Policy are attached to this report as Appendices 3 and 4 respectively.
- 14 The timeframe for the review is:
- September - October 2016 – research;
 - October - December 2016 – discussions with key stakeholders;
 - February 2017 – report to the Strategy and Policy Committee for approval to proceed;
 - March 2017– public consultation using the special consultative procedure;
 - 25 May 2017 – hearing of submissions received only
 - 8 June 2017 – the Committee will need to make decisions on matters raised in submissions and refer the bylaw to Council for adoption;
 - June 2017 – adoption of a revised/new bylaw and Policy by the Council.

ISSUES AND OPTIONS

Submissions

- 15 On 24 January 2017 the Committee approved the release of the draft 2017 bylaw and policy for consultation (report SP-09-080 refers). The bylaw and policy went out for consultation between 22 February and 30 March 2017.
- 16 Eleven submissions were received (and are attached to this report as Appendices 5 and 6). Four submissions focused on freedom camping. Two submissions focused on drones. Otherwise the submissions raise different issues. Seven submitters support the bylaw (while seeking changes).
- 17 Six submitters asked to speak to the Committee about their submission. One submitter subsequently advised he is unavailable to speak on 25 May 2017 and a fellow submitter will be able to answer any questions which may be asked. This means although there are six submissions to be spoken to, there will only be five speakers at the meeting.
- 18 The purpose of this meeting is to hear these submitters and seek any clarifications that may be required only. The bylaw and policy will then be reported to the 8 June Committee meeting for making decisions on the

submissions. After that it will be referred to the 29 June 2017 Council meeting for adoption. Given that the 2010 Public Places Bylaw expires on 15 July 2017, it is crucial that this timeframe is maintained.

CONSIDERATIONS

Policy considerations

- 19 The review involves the preparation of a revised Trading in Public Places Policy.
- 20 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.
- 21 No changes have been made to these policies as a result of the review though they have been taken into account as part of the review.

Legal considerations

- 22 The Local Government Act 2002 sets out a detailed process for reviewing bylaws. Project planning has taken these requirements into account. Council's Legal Counsel have and will be involved at all stages of the review to ensure compliance with legislative requirements.

Tāngata whenua considerations

- 23 Consultation with Te Whakaminenga o Kāpiti has been ongoing to ensure that tāngata whenua values and aspirations are provided for within this Bylaw. Te Whakaminenga o Kāpiti was briefed about the bylaw and policy review on 22 January 2017. No formal submission from Te Whakaminenga o Kāpiti was received.

SIGNIFICANCE AND ENGAGEMENT

Degree of significance

- 24 This matter has a high level of significance under Council policy.

Consultation already undertaken

- 25 Input has been sought directly from a number of organisations:
 - Community Boards
 - Chamber of Commerce
 - The Youth Council
 - The Older Persons Council
 - Emergency services such as the Police and Fire Service
 - The Accessibility Advisory Group
 - The Cycleways, Walkways and Bridleways Advisory Group
- 26 An on-line questionnaire was run during December and January 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.

27 The special consultative procedure was used to seek public input.

Engagement planning

28 Engagement was 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 - webpage and survey (December to January 2017)
- Call for submissions (March 2017)

29 Engagement included a range of communication channels to inform key stakeholders and audiences such as:

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

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

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

Publicity

30 There will need to be some publicity should the Council adopt the 2017 Bylaw and Policy to ensure the community is aware of the new bylaw and policy. This will involve ensuring Council's website covers the relevant information and is easy for people to navigate. Other publicity will appear on Council's existing channels such as newsletters, Facebook and so forth.

RECOMMENDATIONS

31 That the Committee notes:

- a) That eleven submissions have been received on the review of the 2010 Public Places Bylaw and Trading in Public Places Policy; and
- b) That five people have asked to speak in support of submissions.

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

Appendices

1. Draft 2017 Public Places Bylaw
2. Draft 2017 Trading in Public Places Policy
3. 2010 Public Places Bylaw
4. 2010 Trading in Public Places Policy
5. Submissions from people who wish to speak to the Committee
6. Other submissions received

DRAFT KAPITI COAST DISTRICT COUNCIL 2017 PUBLIC PLACES BYLAW

TABLE OF CONTENTS

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

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.

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; (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. A vehicle that the NZ Transport Agency has declared under section <u>168A</u> 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—</p> <p>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	<p>means—</p> <p>roller skates, roller blade, inline skates, skateboards, scooter or other similar wheeled device whether motorised or not. This definition does not include mobility scooters.</p>
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	<p>means—</p> <p>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:</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 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	<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:

- (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:
- 6.4 who has acted in a manner that is contrary to the conditions of use set by the Council, or
- 6.5 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

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.

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.

- 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

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

- 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.

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 Team (04 296 4700) for a list of approved signage locations.

- 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

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

- 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.

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

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

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.
- 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;

⁶ See the 2009 Beach Bylaw for more information.

- (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 Licences⁷ Issued under this Bylaw

- 23.1 Any person with a licence issued under this Bylaw 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 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.

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.

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.

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

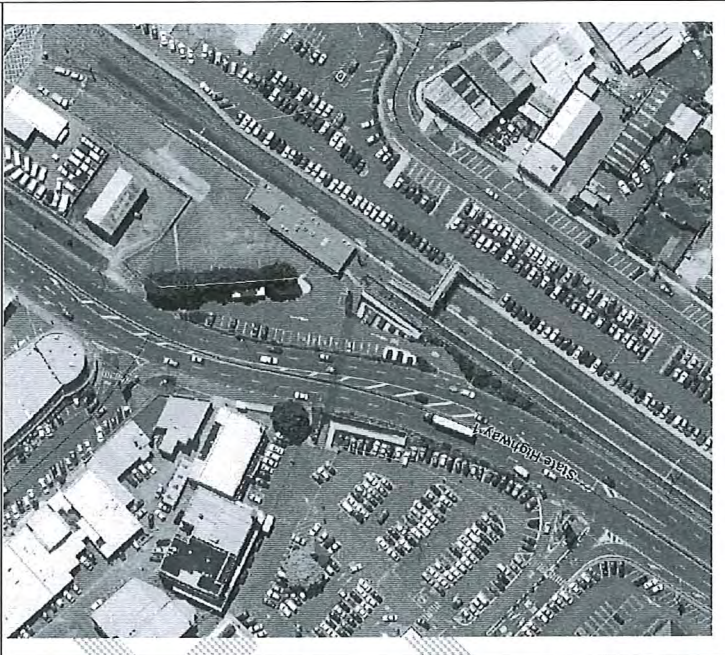

27.1 The Council will seek to recover costs in relation to fixing or repairing any damage caused to Council property as a result of a breach to this Bylaw.

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.	

KAPITI COAST DISTRICT COUNCIL TRADING IN PUBLIC PLACES POLICY

10 May 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.....	9
4.3. Mobile shops	9
4.4. Outdoor dining, footpath stalls and sandwich boards.....	10
5. FEES.....	13
6. MONITORING AND ENFORCEMENT.....	13
7. MAKING A COMPLAINT.....	13
APPENDIX 1: SANDWICH BOARDS	14

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	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: 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.
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 organisation.
Public Place	means an area that is open to or used by the public which: <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	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: <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 hawking).

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	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 Public places should provide opportunities for the public to participate in the public environment – leisure, retail, recreation and entertainment.
Minimising impacts of activities	Ensuring that any activities avoid inconvenience and nuisance and that any impacts (noise, traffic, obstructions) are appropriately mitigated. Ensuring that public places are not damaged by trading activities so that the public can continue to enjoy them. Ensuring the effects on parking, traffic movement and existing businesses will be taken into account.
Transparency and efficiency	Improving transparency in decision making and, administration efficiency, i.e., open for business.

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	What type of goods and services are being sold? Does the activity comply with other relevant regulatory requirements such as the District Plan? Does the operator have management measures in place to manage high standards of public health and safety?
Location	Is the location suitable for the planned activity? Is it easily accessible? Will it cause nuisance or pose a risk to public safety? 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.

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	Do operators have an approved food hygiene qualification (where appropriate)?
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

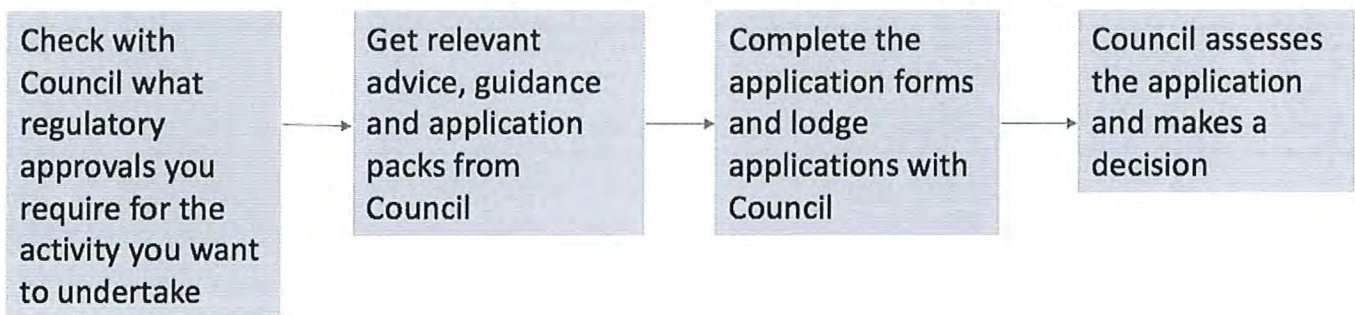
The Council may impose conditions concerning the following matters:

- 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.

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

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;
- 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,

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]

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

- '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
- 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

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

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).

- 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
- 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.

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.

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.

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

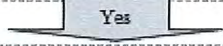

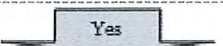

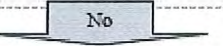

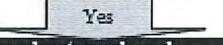

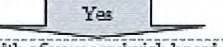



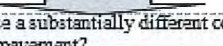

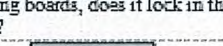



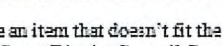

If a trading activity is causing a nuisance, please contact:

- 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.

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? 	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? 	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? 	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? 	No 	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? 	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? 	No 	
Is the board weighted so that it can't easily be moved by wind or people? 	No 	Additional weight could be attached.
Is the base a substantially different colour from the pavement? 	No 	A highlighting strip could be attached.
For folding boards, does it lock in the open position? 	No 	A locking clasp must be attached.
Is the board free from sharp edges, protrusions or moving parts? 	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.



PART 8 OF THE KAPITI COAST DISTRICT COUNCIL CONSOLIDATED BYLAWS

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

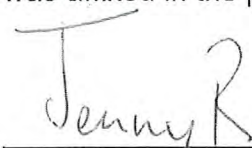
- 1.1 This Bylaw may be cited as the Kapiti Coast District Council Public Places Bylaw 2010 and comes into force on 01 July 2010.
- 1.2 This Bylaw is made pursuant to sections 145 and 146 of the Local Government Act 2002, section 684 of the Local Government Act 1974, and any other Act or Authority enabling 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

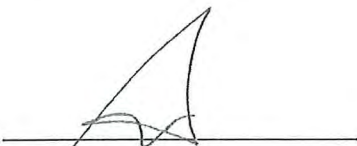
THE COMMON SEAL of THE
KAPITI COAST DISTRICT COUNCIL
was affixed in the presence of:



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 (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 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.

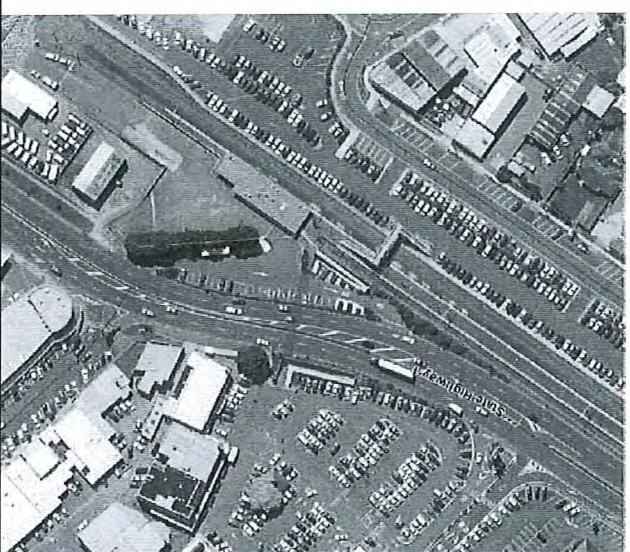

25 Offence and Penalty

- 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>	



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.

Questions about your location	Options	Reasons for rules
Will the sandwich board be placed on the public footpath?	<p>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.</p> <p>Yes →</p>	
Will your sandwich board placed in line with other obstructions, is the remaining clear unobstructed footpath width outside your premises at least 1.2 metres wide?	<p>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.</p> <p>Yes →</p>	
Is there a bus stop, taxi stand, disability park or pedestrian crossing directly outside your premises?	<p>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</p> <p>No →</p>	Locations where pedestrians frequently cross the kerb or have accessibility needs should be kept clear of obstructions for safety reasons.
Will your sandwich board be the only sandwich board placed outside your premises?	<p>No →</p> <p>Yes →</p>	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?	<p>No → You'll need to modify or replace the board so that it fits the required dimensions</p> <p>Yes →</p>	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 width of your sandwich board, measured at any location including the base, equal to or less than 600mm?	<p>No →</p> <p>Yes →</p>	
Is the board weighted so that it can't easily be moved by wind or people?	<p>No → Additional weight could be attached.</p> <p>Yes →</p>	Kapiti sometimes has strong wind gusts – light boards could become hazards if blown around.
Is the base a substantially different colour from the pavement?	<p>No → A highlighting strip could be attached.</p> <p>Yes →</p>	People with sight impairments may trip over the base if it's not clearly visible.
For folding boards, does it lock in the open position?	<p>No → A locking clasp must be attached.</p> <p>Yes or N/A →</p>	Folding boards may collapse in strong winds and create a hazard.
Is the board free from sharp edges, protrusions or moving parts?	<p>No → You'll need to modify the board to make it safe.</p> <p>Yes →</p>	Boards need to be safe so that people won't be injured if they walk into them.

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.

Public Places Bylaw submissions:

Speaking:

Name	Speaking time
Jill Stansfield	10.45am
Neil Hobson	10.50am
Roger Marchant (Neil Hobson taking questions on this submission)	10.55am
Pene Burton-Bell	11.00am
Clive Brugh	11.05am
Jocelyn Prvanov on behalf of the Waikanae Community Board	11.10am

Received by
Kāpiti Coast District Council
at Paraparaumu
02 MAR 2017
By Lee H Time 9:10

APPENDIX 4: OFFICIAL SUBMISSION FORM

SUBMISSION FORM

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

Title (circle) Mr (Mrs) Ms Miss

Name: JILL STANSFIELD

Street address: 39 REALM DR
PARAPARAUMU

PO Box:

Post Code: 5032

Phone Numbers Day: 04 297 1806

Mobile Phone: 027 297 1806

Fax Number:

Email Address: stansfieldkapiti@xtra.co.nz

I have attached pages 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: James Field

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:

Empty box for Submission No.

Date Received:

Empty box for 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

SUBMISSION TO THE DRAFT PUBLIC PLACES BY-LAW AND POLICY 2017

The section of the Policy that pertains to my submission is the section relating to the wellbeing and enjoyment of the public in public places by:

(b) Maintaining standards of public Health and Safety

And I note that a "Public Place"

(b) Includes roads, streets, footpaths, courts, alleys, pedestrian malls, cycle tracks, lane access ways, bridleways, thoroughfares, squares, reserves, parks, pools, Community Halls, cemeteries, beaches, recreational grounds,

The Local Govt Act 2002 has requirements to be met for reviewing a By-Law.

I understand that KCDC has reviewed the By-Law and states that the By-Law is necessary to

- Maintaining standards of Public Health and Safety
- Protecting the Public from Nuisance.

In terms of what I have noted above I wish to make the following submission:

" When Public Events are held at locations that have a Cycle-way, Walk-way and Bridle-way running through that area, can that section of the CWB please be closed to all except foot-traffic for the duration of that event – in the interests of safety for people attending that event."

My reasoning is partly based on the fact that sections of roads can be closed for specific events, but primarily from my observations of an event where a cyclist rode through on a cycleway, and there were many children also in attendance – some playing on that actual cycleway.

Jill Stansfield,
39 Realm Drive
PARAPARAUMU
5032.

PH 04 297 1806 AND 027 297 1806

46

Make Submission

Consultee	Mr Neil Hobson (71472)
Email Address	neil@hobsonassoc.co.nz
Address	18 Major Durie Place Waikanae 5036
Event Name	Consultation on Public Places Bylaw
Submission by	Mr Neil Hobson
Submission ID	17PPB-6
Response Date	20/03/17 3:30 PM
Status	Submitted
Submission Type	Web
Version	0.5
Are you providing feedback	as an individual

Do you want to speak to the council in support of your submission? Yes

Do you support adoption of the Draft 2017 Public Places Bylaw? Yes

Why?

The update is necessary and required by law. However I believe it requires more detail and powers of enforcement relative to Clause 15.2 regarding Freedom Camping; Freedom Camping with regard to this activity in Parks and Reserves (Clause 19) most specifically in the Waimanu Lagoons Reserve area at the southern end of Tutere Street, Waikanae Beach. The following from his second submission (17PPB-7): A necessary step to updating issues of concern.

General Feedback:

Overall, what are your thoughts about the draft bylaw, or any other comments?

Thoughts and comments as above. It is essential that signage at the Tutere Street entrance relating to Freedom Camping restrictions (4 self contained vehicles for maximum 24 hour stays) be erected clearly designating 4 marked sites on tarseal where the current sign exists, and no further self or non self contained campers overnighing in this Reserve area. This should be controlled and enforced with warnings and penalties for non compliance also relating to rubbish / waste disposal and dog control in the area. The following from his second submission (17PPB-7): Not enough teeth and clarity in certain areas such as Section 19 - Parks and Reserves - and the KCDC Dog Control Bylaw 2008. I refer specifically to Sec 19.1 where "every person using a reserve must comply with the conditions of

use displayed on any signage in or on that reserve which has been authorized by Council." In this clearly signposted "dogs on leash area" we see a number of owners flouting the law not using leads and occasionally not picking up faeces, and no evidence of dog control officers or rangers to enforce the law and associated penalties in an area where birds nest and breed, and children play.

General Feedback:

Overall, what are your thoughts about the draft policy, or any other comments?

The basic overall objectives of the draft policy are commendable, but Freedom Camping is a spiralling national trend, and with the new expressway, and favourable commentary on this area for Freedom Camping on the internet, will only enhance the problems of pollution, health and safety, overcrowding, nuisance, offensive behavior (abluting under trees in the Reserve where children play), and threatening our breeding native birds in the Reserve area which is to be enjoyed and respected by the wider community. The following from his second submission (17PPB-7): I believe that there needs to be more monitoring and enforcement of the law and associated penalties so that dog owners are less complacent (some are very good), and the Reserve areas and other areas specified in the Dog Control Bylaw 2008 for the Kapiti Coast are respected and protected for the benefit of the wider community to enjoy. Reserve areas should have their special status and laws respected by all for the sustainable benefits of the wider community.

Submission Status

Are:

#7

Claire Moloney

From: marchantnz@gmail.com
Sent: Thursday, 30 March 2017 4:47 p.m.
To: Mailbox - Submissions
Cc: Community Board Member Jocelyn Prvanov
Subject: FW: Freedom Camping and Waimanu Lagoons Reserve - draft KCDCPublicPlaces Bylaw
Attachments: Waikanae Reserve 2 Damage 29 03 17.jpg; Waikanae Reserve Damage 29 03 17 2017.jpg; Waikanae Reserve Freedom Campers 29 03 17.jpg

Hello,

We wish to make a submission to the Draft KCDC Public Places Bylaw, specifically about Freedom Camping at the Waimanu Lagoons Reserve

We (Roger and Jan Marchant) live at 206 Tutere St, next to the reserve at the Waikanae River mouth. With the guidance of Rob Cross KCDC, we look after an area of bush within the reserve.

We don't want to turn people away from using the reserve, this is a lovely area, people should be encouraged to enjoy it. The use must be sustainable however.

The grassed areas of the reserve need to be protected. What used to be a nice grassed area is now damaged (probably by the number of vans and motor homes) and is now dust and sand, puddles and mud when it rains. Removal of the protective bollards around the grassed reserve area 2-3 years ago has resulted in vehicles (esp large camper vans) driving and parking and damaging this part of the reserve. We suggest the protective bollards should be put back. (see attached photos)

Signage about freedom camping should be at the entrance to the reserve where it can be seen. At the moment it is tucked away to one side.

Currently 4 camper vehicles are allowed. The reserve could cope with 2 or 4 more, providing they park on or near the sealed areas (see attached photo). Perhaps overnight freedom camping parking areas could be designated as such, maybe even numbered 1 – 6 or 1 – 8. We often get 10 -12 and more vans parked over the reserve which we consider is too many and contributes to the damage to the reserve.

We are aware of the regular visits by a security firm to the reserve. However this seems a pointless exercise as they don't know which of the overnight campers are the 4 that should be there.

The reserve is ideal for picnics, for kids to play on, families to enjoy the river and reserve, and we encourage this. But a large number of camper vans parked over the reserve inhibits these activities.

We value this reserve highly and what it offers, we are concerned about its future, and thank you for the chance to make this submission.

I would like to speak to this submission, to clarify any comments we've made and to answer any questions.

Roger Marchant

Roger & Jan Marchant
206 Tutere St,
Waikanae,
Kapiti Coast 5036
Wellington

Unable to
attend → Neil
Hobson will
answer any queries





48

Claire Moloney

From: Pene <pburtonbell@gmail.com>
Sent: Monday, 20 March 2017 1:52 p.m.
To: Mailbox - Submissions
Subject: Submission on Public Places Bylaw review

I have read the reviewed bylaw and in general support the content.

I think it is important that the council has the ability to enforce appropriate behaviours in public places, although I am a little unclear (especially with current staffing levels) how the council plans to implement some aspects of the bylaw.

I am pleased with the changes to section 18 - the damage to public places.

The one area of concern I have is in section 12 concerning types of vehicles.

My husband and I recently had an unpleasant experience at the Waikanae River Estuary where we were having a picnic, and were disturbed more than once, and for several minutes at a time, by a drone which came pretty close to us and hovered apparently taking photographs. It was certainly within 10 metres of us. It was noisy and intimidating, especially when it moved (quite fast). It not only disturbed us, other members of the public also did not enjoy its being there, and I saw two or three flocks of birds disturbed by its interference (this would certainly contravene section 8 of the new bylaw).

Unlike a human being whom one can ask to leave, or choose to move away from, there is no ability to communicate with a drone.

I think drones should be specifically listed in the vehicle types as I am not sure their operators consider them to be model aircraft (or clarify the definition).

I think it is sad that a technology capable of such good, was misused in the way we experienced, and I know we are not the only ones who have been affected (I saw an article about a man in Paekakariki), but it has stirred me to write this submission and ask the council to consider how to protect the public from such misuse.

Kind regards,

Mrs Pene Burton Bell
85 Belvedere Avenue
Waikanae 5036

Hm 972 5081
Mob 021 159 2409
pburtonbell@gmail.com

--
Pene Burton Bell

Make Submission

Consultee	Mr Clive Brugh (71683)
Email Address	Clivebrugh@icloud.com
Address	1 Waiheke Street Kapiti 5036
Event Name	Consultation on Public Places Bylaw
Submission by	Mr Clive Brugh
Submission ID	17PPB-11
Response Date	31/03/17 1:27 PM
Status	Submitted
Submission Type	Web
Version	0.1
Are you providing feedback	as an individual

Do you want to speak to the council in support of your submission? Yes

Do you support adoption of the Draft 2017 Public Places Bylaw? Yes

Why?

The objective of the proposed changes to the 2010 Bylaw seeks to maintain standards of public health and safety, protect the public from nuisance and minimise the potential for offensive behaviour. The Local Government Act 2002 permits council to validate any new Bylaw as the most appropriate way to achieve an objective. Particularly, I refer to the current proliferation of non-compliant freedom campers now using some or all of the nine freedom camping locations under council authority. Whilst council may not make Bylaws which prohibit freedom camping, under the Freedom Camping Act 2011, if a Bylaw is validated there must now be more emphasis on managing the Bylaw and penalising non-compliant campers. At present Council has limited ability to deal with the health, safety and nuisance issues in these locations because freedom camping is only covered by the 2012 Freedom Camping policy. It is my understanding a Bylaw has more clout than a policy. There are now and have been for some time, people sleeping overnight in a wide range of non-compliant vehicles. These are vehicles without on-board ablutionary and sanitary facilities. The transgressions are a threat to public health, safety and a nuisance whether freedom camping is a policy or Bylaw. Although, there are nightly patrols by Main Security, these patrols, since 2012 have been largely ineffective and non-compliant freedom camping has worsened. The freedom camping area at the Waikanae River mouth is a freedom camping location. Although there is a perceived economic benefit of freedom camping, it is my understanding any benefit is offset by rubbish collection, toilet cleaning and nightly

security patrols. The original intention of freedom camping in the location was to limit freedom camping to four vehicles displaying a Certificate of Self Containment. NZS 5465:2001. Freedom camping in this location is now out of control. The area is adjacent to the Kapiti Marine Reserve and Waikanae River, with associated ecology. As such, there should be four designated freedom camping parks for four compliant vehicles only. Any others should be managed from the area or receive a fine as set out in the Local Government Act 2002. There is absolutely no place near the Kapiti Marine Reserve or Waikanae River, for persons sleeping in vehicles without on-board ablutionary and sanitary facilities who could potentially jeopardise public health and safety in this once pristine area. I would also like to see Council dispense with Main Security as designated Authorised Officers. They continue to be unreliable and by using different patrolpersons, there is no oversight consistency. Nightly patrols, if required could be carried out by compliance staff who understand any Bylaw. There is also damage to the grassed area in this location from continuous freedom camping. In addition, some campers travel with on-board dogs who are released into the location, from time to time. As the current 2010 Public Places Bylaw expires on 15 July 2017, I would be pleased to see the 2012 Freedom Camping policy administered and enforced under the proposed 2017 Public Places Bylaw.

General Feedback:

Overall, what are your thoughts about the draft bylaw, or any other comments?

Overall, the Bylaw must be adequately policed, whereby defaulters receive the appropriate fine.

Submission Status

Are:

**SUBMISSION BY WAIKANAЕ COMMUNITY BOARD –
PUBLIC PLACES BY-LAW**

The Waikanae Community Board (WCB) is a creature of Statute taking its current constitution from the Local Government Act 2002. The Waikanae Board is established pursuant to s49 of that Act. Such a Board, where established, is for each community in accordance with schedule 6 of the Act.

Representations have been made to the Waikanae Community Board by a number of residents regarding Freedom Camping. The Board therefore makes this additional submission on that issue.

Role of Community Boards

The role of a Community Board is defined in section 52 of the Local Government Act 2002 and is to:

- (a) represent, and act as an advocate for, the interests of its community; and
- (b) consider and report on all matters referred to it by the territorial authority, or any matter of interest or concern to the community board; and
- (c) maintain an overview of services provided by the territorial authority within the community; and
- (d) prepare an annual submission to the territorial authority for expenditure within the community; and
- (e) communicate with community organisations and special interest groups within the community; and
- (f) undertake any other responsibilities that are delegated to it by the territorial authority.

It is not a committee of the territorial authority and nor is it a local authority. It has an advocacy role.

Freedom Camping

The Kapiti Coast District Council currently operates a Freedom Camping Policy 2012. This policy was developed after public consultation and submissions. It was adopted by Council on 30 August 2012 and came into force on 1 September 2012.

The WCB supports that Policy. It is however clearly not working in a way that our community sees as appropriate. Indeed, members of the community indicate it is not only regularly flouted, but is substantially unenforced, even when enforcement action is sought.

Freedom campers should fall into a specific group. In lay persons terms, freedom campers should operate a self-contained vehicle which retains waste water and sewage to be deposited at specific discharge points. The ones who are substantially causing the problem are not in fact freedom campers as that term is defined. These are the people who sleep in a vehicle, either a car, van or even a bus, which does not have any self-contained facilities. They are using the same places as 'true freedom campers'.

While cosmetic changes to mark the available spaces, and the potential of an 'app' which operates a gate into a freedom camping area or more signage may assist, the lack of enforceability of the policy is the root of the problem.

The Waikanae Community Board is aware of the constraints on staff time and the work flow pressures council works under. We are not, in the first instance advocating a complete new bylaw to deal with freedom camping. The board takes the view that the appropriate place is in the Public Places Bylaw – indeed the Waikanae Ward Councillor, on behalf of the community tried to have it placed into that bylaw for consultation. We now seek the policy incorporated into the bylaw.

The Waikanae Community Board is aware the policy was achieved after substantial consultation and representation by a number of local and nationally represented groups. We have no desire to see council embark on a new consultation process to in any way change the policy. What we want to achieve for our community and for the Kapiti Community as a whole, is a bylaw that actually works regarding Freedom Camping and importantly has provisions that carry an enforceable regime behind it.

Submission

The WCB is supportive of the current freedom camping policy being incorporated into the Public Places bylaw.

Wish to speak

The Waikanae Community wishes to speak to this submission.

Jocelyn Prvanov
Chair
Waikanae Community Board
31/3/2017

Public Places Bylaw submissions:

Not speaking:

Name
Paul Dunmore
Gaynor Bradbury
Sue Emirali
Josette McAllister
Gerald Twiss

H2

Make Submission

Consultee	Mr Paul Dunmore (71248)
Email Address	paul@dunmore.nz
Address	100 Marine Parade Paraparaumu 5032
Event Name	Consultation on Public Places Bylaw
Submission by	Mr Paul Dunmore
Submission ID	17PPB-2
Response Date	6/03/17 10:45 AM
Status	Submitted
Submission Type	Web
Version	0.1
Are you providing feedback	as an individual

Do you want to speak to the council in support of your submission? No

General Feedback:

Overall, what are your thoughts about the draft bylaw, or any other comments?

The definition of "trading" is broad enough to include people using the side of the road as an informal car sales lot, and presumably it is the intention that this activity is banned on all roads throughout the district. If that is the intention, the list of examples of Trading in the Interpretation section should include some such wording as "parking a motor vehicle with an indication that it is for sale". If that is not the intention, then similar wording should be added as an exclusion from the definition. The indentation of Clause 6.3 is incorrect: 6.4 and 6.5 should be respectively parts (a) and (b) of 6.3.

Why?

As above, the definition of "Trading" should be clarified to clearly include or exclude advertising a motor vehicle for sale, consistently with the Bylaw.

Submission Status

Are:

114
Jeffrey Clement

From: gaynoreenmac@gmail.com
Sent: Tuesday, 28 February 2017 9:45 a.m.
To: Mailbox - Submissions
Subject: cycling & skating

From: gaynoreenmac@gmail.com
Sent: Tuesday, 28 February 2017 9:23 AM
To: submissions@kapiticoast.govt.nz
Subject: cycling & skating

In view of the conflicting views on cycling on footpaths I suggest a bylaw as a compromise:

Cycling should be permitted on footpaths away from shopping centres **provided** cyclists dismount or veer onto the verge or road when passing pedestrians. Cyclists should be encouraged to call out, "Passing on your left / right". (Serious cyclists never cycle on footpaths.)

Years ago "Skate & Blade" provided a facility used by inline skaters, fancy roller skating with progressive star charts, social time with activities for teens on Friday evenings & also for families in weekends. I think that the old **Raumati pool should be converted to a skating rink**. This would be used by people all ages & in all weather.

I do not wish to speak at a forum re these issues.

Gaynor Bradbury.
27 Jade Lane
Ph 9020085

gaynoreenmac@gmail.com

#9

Claire Moloney

From: Sue Emirali <sue.emirali@clear.net.nz>
Sent: Tuesday, 14 March 2017 10:22 a.m.
To: Mailbox - Submissions
Subject: Public Places bylaw

Thank you for the opportunity to comment on the revised Public Places Bylaw and Trading in Public Places Policy. I have circulated the Documents amongst the Accessibility Advisory Group members and we are in agreement with the proposals put forward by KCDC and have no comments to make.

Sue Emirali
Chairperson AAG
04 2984028

4/10

Make Submission

Consultee	Josette McAllister (71880)
Email Address	josette.mcallister@compasshealth.org.nz
Company / Organisation	Compass Health
Address	Level 3 City Fitness Building 1 Walton Leigh Avenue Porirua 5022
Event Name	Consultation on Public Places Bylaw
Submission by	Compass Health (Josette McAllister)
Submission ID	17PPB-10
Response Date	31/03/17 1:18 PM
Status	Submitted
Submission Type	Web
Version	0.1
Are you providing feedback	on behalf of an organisation
Organisation name:	Compass Health
Do you want to speak to the council in support of your submission?	No
Do you support adoption of the Draft 2017 Public Places Bylaw?	Yes

Why?

The Draft 2017 Public Places Bylaw provides reasonable protection for Kapiti residents and communities using Public Places. It is significant that the 2017 draft has retained "maintaining standards of public health and safety" as one of its objectives. As a health organisation, one of our principles is to empower individuals, whānau and families to make changes for better health and improve self-management. Individuals, whānau and families are better supported in making health promoting changes if they are able to use public places such as cycle ways/tracks/lanes, walk ways, parks, etc., that are well managed and maintained because there is a bylaw to regulate the activities in these places.

General Feedback:

Overall, what are your thoughts about the draft bylaw, or any other comments?

It would be ideal under Restrictions Affecting Public Place, where it states for activity undertaken that is likely to "harm a person", that harm be further defined. Activities that cause ill health to members of the community that use public places should be considered as likely to harm a person. For example, the sale of high sugar content food and drinks encourage high or increased consumption which may lead to long term conditions such as diabetes and heart disease.

Do you support adoption of the Draft 2017 Trading in Public Places Policy? Yes

Why?

The requirement of resource consent for hoardings, posters, notices, and sandwich boards is essential in ensuring public safety. This aligns with the Ottawa Charter's health promotion action of creating supportive environments. Placement of such advertising tools if not within a permitted area may pose physical hazard especially to elderly people in the community. The Council's management of sign placements supports falls prevention for the elderly.

General Feedback:

Overall, what are your thoughts about the draft policy, or any other comments?

It is our recommendation that where the policy guides the granting of licenses for trading in public places, decisions will be influenced by health promoting guidelines. Trading activities in public places should not only ensure people's health and safety at the public place but consider longer lasting effects on people's health and wellbeing.

Submission Status

Are:

HS
Jeffrey Clement

From: Gerald <gero@ihug.co.nz>
Sent: Tuesday, 28 February 2017 5:31 p.m.
To: Mailbox - Submissions
Subject: Enquiry from "Everything Kāpiti" Email re Public Places bylaw

With regards to the Public Places By-Law. . .

1. Do animals / pets come under this by-Law, or do they come under an animal control By-Law?
2. 16 Numbering of buildings
Could rural RAPID Numbers be included in this By-Law
Wording to the effect that the numbers must be (at all times)
 - Visible
 - Free from obstruction (from vegetation etc.)
 - Not be tampered with (removed etc.)

Thank you

Regards

Gerald Twiss.

Not speaking.