

# TE WHAKAMINENGA O KĀPITI

*“He toa taki tini taku toa,  
E hara i te toa taki tahi”  
“My strength will only be achieved  
Because of the efforts of us all.”*

**Rātū 24 Kohitātea 2017**

**Council Chambers, 175 Rimu Road, Paraparaumu  
10.00 am**

**Committee Membership:**

Rupene Waaka (Ngā Hapū o Ōtaki) <b>(Chair)</b>	Mahinarangi Hakaraia (Ngā Hapū o Ōtaki)
Chris Gerretzen (Te Āti Awa ki Whakarongotai – Charitable Trust)	Cherie Seamark (Te Āti Awa ki Whakarongotai – Charitable Trust)
Carol Reihana (Ngāti Toa Rangatira)	Hohepa Potini (Ngāti Toa Rangatira)
Leana Barriball (Ngāti Toa Rangatira)	
Mayor K Gurunathan (Kāpiti Coast District Council)	Cr James Cootes (Kāpiti Coast District Council)

ITEM	ORDER PAPER	(*denotes paper attached)	PAGE
1	Karakia		
2	Apologies		
3	Public Speaking Time		
4	Additional agenda items		
5	* Confirmation of Minutes – 15 Whiringa-ā-rangi (November) 2016		3

**Strategic Work Programme**

6	Presentation: Review of Reserves Management Plan – Nico Crous		
7	Update: SH1 Renaming – Vincent Fallon		
8	Verbal update: Appointment of Māori/iwi representatives on Council decision-making bodies		
9	* Review of the 2010 Public Places Bylaw and the 2010 Trading in Public Places Policy (CS-16-079)		9
10	* Māori Economic Development (SP-16-067)		42
11	* Memorandum of Partnership and Protocol Document – Review		73
12	Presentation: Summary Findings of the BERL report – Māori economy in Kāpiti – Hillmarè Schulze		

<b>ITEM</b>	<b>ORDER PAPER</b>	<b>(*denotes paper attached)</b>	<b>PAGE</b>
<u>Updates / Other Matters</u>			
13	Waitangi Day 2017		
14	Iwi updates		
15	Treaty Settlements – overview from each iwi		
16	Council update		
17	Correspondence		
18	Other Business		

MINUTES	MEETING HELD ON	TIME
TE WHAKAMINENGA O KĀPITI	RATU 15 WHIRINGA-Ā-RANGI 2016	10.00 AM

Minutes of a six-weekly meeting of Te Whakaminenga o Kāpiti on Tuesday 10 November 2016, commencing at 10.00 am in the Council Chambers, 175 Rimu Road, Paraparaumu.

## MEMBERS

Mr	R	Waaka	Ngā Hapū o Ōtaki (Chair)
Mr	A	Baker	Chair, Ātiawa ki Whakarongotai Charitable Trust
Ms	M	Hakaraia	Ngā Hapū o Ōtaki
Mr	H	Potini	Ngāti Toa Rangatira
Mr	D	Te Maipi	Kaumātua

## IN ATTENDANCE

Ms	J	Straker	Kaiwhakahaere Kaute
Ms	E	Taimalietane	
Mr	K	Black	Kaihautū Rautaki me te Rangapū
Mr	P	Dougherty	Tumuaki
Ms	M	Fraser	Kaiwhakahaere Tairangawhenua
Ms	M	Whiterod	Te Āpiha Tairangawhenua
Ms	V	Starbuck-Maffey	Kaiwhakahaere Ratonga Manapori

## APOLOGIES

Ms	C	Seamark	Ātiawa ki Whakarongotai Charitable Trust
----	---	---------	--

The meeting opened with a karakia by Don Te Maipi.

Te Whakaminenga o Kāpiti 16/11/001  
**TUKU AROHA/APOLOGIES**

**MOVED (Hakaraia / Waaka)**

**That Te Whakaminenga o Kāpiti accepts apologies from Cherie Seamark.**

**CARRIED**

Te Whakaminenga o Kāpiti 16/11/002  
**WELCOME TO MAYOR GURUNATHAN AND CR JAMES COOTES**

- The Chair welcomed the Mayor and Cr James Cootes to Te Whakaminenga o Kāpiti as the Council's representatives for the new Triennium. Both expressed their gratitude for the appointment. The Mayor outlined his background which included a long-standing interest in iwi/Māori affairs.

MINUTES	MEETING HELD ON	TIME
TE WHAKAMINENGA O KĀPITI	RATU 15 WHIRINGA-Ā-RANGI 2016	10.00 AM

Te Whakaminenga o Kāpiti 16/11/003

#### **PUBLIC SPEAKING TIME**

- Apihaka Mack gave her mihi and later asked a question about the recent confusion in the community about early warning systems re earthquakes/tsunami.

Te Whakaminenga o Kāpiti 16/11/004

#### **ADDITIONAL AGENDA ITEMS**

None were requested.

#### **Strategic Work Programme**

Te Whakaminenga o Kāpiti 16/11/005

#### **APPOINTMENT OF CHAIR OF TE WHAKAMINENGA O KĀPITI FOR 2016-2019**

- Vyvien Starbuck-Maffey explained that at the beginning of each Triennium it was normal practice to elect a Chair of the Group for the remainder of the Triennium.

#### **MOVED (Mayor/Hakaraia)**

**That Rupene Waaka is nominated as Chair for the 2016-2019 Triennium.**

#### **CARRIED**

There being no other nominations Mr Waaka was declared Chair.

Te Whakaminenga o Kāpiti 16/11/006

#### **CONFIRMATION OF TĀNGATA WHENUA MEMBERSHIP 2016-2019**

- Vyvien Starbuck-Maffey explained that at the beginning of each Triennium it was normal practice to confirm the iwi membership of the Group. It was noted that Ngā Hapū o Ōtaki had formally advised their representatives would be Mahinarangi Hakaraia and Rupene Waaka. The Te Ātiawa Charitable Trust had also advised that their Chair Andre Baker would attend today pending a meeting of the Trust Board on 4 December to finalise their representatives. These would be confirmed in due course. Mr Baker advised the Group that Ann-Maree Ellison had been relieved of her position on the Group.

Te Whakaminenga o Kāpiti 16/11/007

#### **PRESENTATION: CONFIRMED COUNCIL COMMITTEE STRUCTURE – PAT DOUGHERTY**

- The Chief Executive Pat Dougherty gave a powerpoint presentation on the Council's new governance structure and explained the rationale for reducing the previous three Standing Committees to two in this triennium: the Strategy and Policy Committee, and the



MINUTES	MEETING HELD ON	TIME
TE WHAKAMINENGA O KĀPITI	RATU 15 WHIRINGA-Ā-RANGI 2016	10.00 AM

Operations and Finance Committee. The Audit and Risk body, formerly a subcommittee, had been made a Committee to reflect its increased importance and workload.

*Hohepa Potini arrived at 10.25am.*

- Council had also approved the inclusion in the two Standing Committees' membership a Māori representative (one each).
- It was agreed to circulate the powerpoint presentation slides to members.

Te Whakaminenga o Kāpiti 16/11/008

#### **PRESENTATION : IWI/MĀORI APPOINTEES ON COUNCIL DECISION-MAKING BODIES**

- Vyvien Starbuck-Maffey spoke to this item, explaining that now the Council's new governance structure was in place there were a number of iwi/Māori appointments requiring to be made, and she outlined the details on each via a powerpoint presentation.
- Council had also approved the attendance of the Chair to sit at the table during Council meetings. Mr Waaka indicated he would be unable to attend Council meetings this year and an alternate needed to be found.
- The Group agreed that the process to recruit Māori representatives to the two Standing Committees should proceed. The names of members to make up the recruitment panel would be coordinated through the Chair and adverts would be lodged before the end of the year, so that the preferred candidates could be recommended to Council early in the New Year.
- It was agreed to circulate the powerpoint presentation slides to members.

Te Whakaminenga o Kāpiti 16/11/009

#### **REVIEW OF THE MEMORANDUM OF PARTNERSHIP**

- Ms Starbuck-Maffey spoke to this item, explaining that a clause in the Memorandum required it to be reviewed within the first six months of the new Triennium. The document was included in the agenda so that members could begin reviewing it within their hapū and networks. The Mayor indicated he wanted to ensure that all Councillors were supportive before it came back to the Group for final adoption and discussion about a signing ceremony.

Te Whakaminenga o Kāpiti 16/11/010

#### **REVIEW OF MEETING PROTOCOL DOCUMENT**

- Ms Starbuck-Maffey spoke to this item, explaining that the document should be reviewed and any changes discussed at the next meeting if possible, with a view to final adoption in the first part of 2017.

MINUTES	MEETING HELD ON	TIME
TE WHAKAMINENGA O KĀPITI	RATU 15 WHIRINGA-Ā-RANGI 2016	10.00 AM

Te Whakaminenga o Kāpiti 16/11/011

## **PRESENTATION: ANNUAL PLAN PROCESS**

- Kevin Black explained his current role as Acting Group Manager Strategy and Planning. He introduced Jacinta Straker and Emily Taimalietane. A powerpoint presentation was given which outlined key legislative drivers and milestones in the Annual Plan process.
- The Council would be holding workshops in February on the Annual Plan and the community would be consulted on the Draft Plan in April 2017. The final 2017/18 Plan had to be adopted by Council by 30 June 2017.
- Jacinta Straker spoke about the financial strategy comprising keeping rates affordable, minimizing borrowings, and ensuring optimal capital spending.
- The need to keep the draft Plan concise and understandable was noted.
- Funding depreciation was an important issue to communicate the community.
- Every effort would be made to keep the rates increase as low as possible but it was a matter of deciding what other priorities and services should be cut or delayed to achieve this.
- The involvement of iwi in the process would be effected through the Strategy and Planning team and this would start ahead of the February workshops.
- Cr Cootes noted that the previous Annual Plan process had involved the Ōtaki Community Board and Mr Waaka to very good effect in getting people engaged. The Chief Executive commented it was important to manage expectations as well. He noted that the Council had suggested areas for cutting, but community submissions had indicated not to do this. It was critical to take a long term view in planning investment, especially in big ticket items and that included priorities that were not necessarily so visible (like stormwater infrastructure for example) but which were critical in the future.

## **Updates / Other Matters**

Te Whakaminenga o Kāpiti 16/11/012

**MEETING DATES 2017 FOR CONFIRMATION: (TUESDAYS AT 10.00 AM): 24 JANUARY, 14 MARCH, 2 MAY, 13 JUNE, 1 AUGUST, 12 SEPTEMBER, 24 OCTOBER, 5 DECEMBER**

Members noted the dates for meetings in 2017.

Te Whakaminenga o Kāpiti 16/11/013

## **CITIZENSHIP CEREMONY NOVEMBER**

The pōwhiri would start at 6.30pm at Raukawa marae tomorrow night.

*Andre Baker left the meeting at 11.35am.*

MINUTES	MEETING HELD ON	TIME
<b>TE WHAKAMINENGA O KĀPITI</b>	<b>RATU 15 WHIRINGA-Ā-RANGI 2016</b>	<b>10.00 AM</b>

Te Whakaminenga o Kāpiti 16/11/014  
**WAITANGI DAY 2017**

Maia Whiterod and Mahinarangi Hakaraia were taking the lead on this project for the 2017 event and confirmed the venue was the Ōtaki-Māori Racecourse and the theme was one of partnership.

Te Whakaminenga o Kāpiti 16/11/15  
**IWI UPDATES**

Ngāti Toa Rangatira

- Matiu Rei's knighthood was noted
- A block of land near Kenepuru Hospital had been purchased with plans for social housing in the future

Ngā Hapū o Ōtaki

- Discussions needed to be held with council officers regarding the Whiti Te Ra clubhouse regarding the need to bring the building up to Code
- Local discussions would also be held regarding the recent sale and leasing of the House of Hope facility and the new lessee's intentions for the site. Social media comment on this matter had been extensive and misinformed and the new lessee needed to allay community concerns. The Council had been implicated through the consenting process.

Te Āti Awa

- There was no update provided as Mr Baker had left the meeting.

Te Whakaminenga o Kāpiti 16/11/016  
**TREATY SETTLEMENTS – OVERVIEW FROM EACH IWI**

- Ngā Hapū o Ōtaki provided an update.

Te Whakaminenga o Kāpiti 16/11/017  
**COUNCIL UPDATE**

The Chief Executive provided an update including:

- The PDP process was going well
- Tenders for work on the Ōtaki Pool had closed
- It was NZTA's intention to open the Expressway at Xmas, however their plans had been hampered by the recent burst of bad weather
- Flood zones were being examined in the wake of the recent heavy rain, and with the expectation that, according to climate change modelling, winters on the Coast would be wetter overall. The budget required to address the shifting goalposts was now in the order of \$220-\$230million over the next 20 years.
- The new elected members had been sworn in and were undergoing an induction programme; there had been a 40% turnover in new members, which was not unusual for this Council.
- The speaker in the public gallery raised the matter of confusing communications around the tsunami threat and response following Monday's earthquake. The Chief Executive

MINUTES	MEETING HELD ON	TIME
TE WHAKAMINENGA O KĀPITI	RATU 15 WHIRINGA-Ā-RANGI 2016	10.00 AM

explained the different tsunami scenarios and what was an appropriate response. There may not be time for Council to coordinate evacuation and people should make a judgement call themselves and evacuate to higher ground without waiting for Ministry or Council advice which would come too late. That being said there would be discussions with WREMO to do better in regards to communicating with the community about warnings.

Te Whakaminenga o Kāpiti 16/11/018

### **CORRESPONDENCE**

1. A letter from Ngā Hapū o Ōtaki confirming their representatives for the 2016-2019 Triennium
2. Advice on representation from Ātiawa ki Whakarongotai Charitable Trust.

Te Whakaminenga o Kāpiti 16/11/019

### **OTHER BUSINESS**

Letters of thanks would be drafted to the previous Mayor Ross Church and Cr Janet Holborow for their contribution to Te Whakaminenga o Kāpiti.

*The meeting closed at 12.16pm with a karakia by Don Te Maipi.*

.....  
Chair

.....  
Date

**Chairperson and Committee Members**  
TE WHAKAMINENGA O KĀPITI

24 JANUARY 2017

Meeting Status: **Public**

Purpose of Report: For information

## **REVIEW OF THE 2010 PUBLIC PLACES BYLAW AND THE 2010 TRADING IN PUBLIC PLACES POLICY**

### **PURPOSE OF REPORT**

- 1 The purpose of this report is to:
  - advise the Committee that the review of the 2010 Public Places Bylaw (the 2010 Bylaw) and the 2010 Trading in Public Places Policy (the Policy) is underway; and
  - seek input from the Committee into the review.

### **BACKGROUND**

- 2 The Council is required by the Local Government Act 2002 to undertake regular reviews of its bylaws.
- 3 The 2010 Public Places Bylaw expires on 15 July 2017 so a review of the 2010 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.
- 4 The 2010 Trading in Public Places Policy supports the Bylaw and therefore is being reviewed at the same time.
- 5 Copies of the 2010 Bylaw and the 2010 Policy are attached to this report as Appendices 1 and 2 respectively.

### **ISSUES AND OPTIONS**

#### **Purpose of the 2010 Bylaw**

- 6 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
  - minimising the potential for offensive behaviour on public land.
- 7 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.*

- 8 The 2010 Bylaw, therefore, regulates activity on Council owned or managed land. It does not apply to privately owned land.

## Activities regulated by the 2010 Bylaw

- 9 The activities regulated by the 2010 Bylaw are set out below in Table 1.

<b>Table 1: Activities regulated by the 2010 Bylaw</b>
<p>Street performances and appeals</p> <p>Trading in public places</p> <p>Hoardings, posters and notices</p> <p>Event management</p>
<p>Restricting the public from carrying out some activities in reserves, landscaped areas and amenity planting including:</p> <ul style="list-style-type: none"> <li>• Burying or disturbing anything in those areas</li> <li>• Planting or pruning</li> <li>• Putting up signs</li> <li>• Releasing animals other than those that are permitted.</li> </ul>
<p>Restricting where motor vehicles can go in public places</p> <p>Restricting where cycles and skating devices can go</p>
<p>Overhanging trees or shrubs – landowners must not allow trees or shrubs to overhang public places.</p>
<p>Public swimming pools, libraries and other public buildings – enabling Council to set rules regulating the use of such facilities.</p>
<p>Naming of streets, numbering of buildings</p>
<p>Building work and excavations – requiring permission from Council as the landowner</p>
<p>Damage deposit:</p> <ul style="list-style-type: none"> <li>• enabling Council as the landowner to require a deposit with a building consent and keep it in the event of any damage to footpaths, berms or kerbing.</li> </ul>
<p>Fences, walls, and stability of land:</p> <ul style="list-style-type: none"> <li>• enabling Council to require fences, walls and retaining walls to be built and maintained if it considers that they are necessary for public safety in a public place</li> </ul>
<p>Other specific restrictions to prevent or restrict the following in public places:</p> <ul style="list-style-type: none"> <li>• Damage to facilities – buildings, public art, trees etc</li> <li>• Building permanent structures</li> <li>• Gates or doors opening out into a public place</li> <li>• Work which defaces or obstructs access</li> <li>• Drippings from eaves or structures</li> <li>• Vehicles on the beach after darkness</li> <li>• Exercising animals by a lead attached to a moving vehicle</li> <li>• Repairs on vehicles (except in an emergency)</li> <li>• Launching boats, aircraft etc (except in an emergency)</li> <li>• Freedom camping that does not comply with the Freedom Camping Policy.</li> <li>• Loud speaker noise that has not been approved by Council.</li> </ul>

## The 2010 Trading in Public Places Policy

- 10 The aim of the Trading in Public Places Policy 2010 is to ensure that trading activities on the Kāpiti Coast contribute to safe, lively and attractive public places without inhibiting the safety and efficiency of traffic flow and pedestrian movement.
- 11 The Policy guides:
  - the granting of licences for trading in public places;
  - the types of trading that are allowed; and
  - conditions for:
    - health and safety;
    - pedestrian access;
    - consideration of established businesses; and
    - traffic flow.
- 12 It also provides guidelines for allowing the following trading or trading related activities on streets and public places:
  - open air markets;
  - temporary events;
  - outdoor dining, foot path stalls, sandwich boards; and
  - any other trading activity.

## Review timeframe

- 13 The timeframe for the review is:
  - September – October 2016 – research;
  - October - December 2016 - discussions with key stakeholders;
  - February 2017 – report to the Strategy and Planning Committee for approval to proceed;
  - March 2017– public consultation using the special consultative procedure;
  - May 2017 – hearing on submissions received; and
  - June 2017 – decisions on submissions and referral of bylaw to Council for adoption.
  - June 2017 – complete review and adopt a revised/new bylaw.

## Input into the Review

- 14 On 30 August 2016, officers met with the ART Forum (ART) to advise the timeline for the review and to commence formal input to the bylaw. A further meeting was scheduled for September; officers were tasked with providing further research for this meeting to assist ART's input into the review.
- 15 Officers reviewed the planning document Te Haerenga Whakamua for tikanga for policies that would inform the new bylaw. The September meeting was postponed and a further meeting has not yet occurred. The new membership of the ART Forum will be confirmed shortly.

- 16 The review, revised bylaw and revised policy is being reported to the 2 February meeting of the Strategy and Policy Committee in order to seek approval to consult on them. The formal submission process is expected to run during March 2017.
- 17 Officers are seeking the Committee's input into the Review including what iwi engagement process the Committee considers appropriate. Options include:
  - a) the Committee preparing a formal submission and lodging it during the formal submission phase; and
  - b) the Committee identifying representatives and tasking them with reviewing the bylaw and policy and preparing a formal submission with assistance from Council officers.

## **CONSIDERATIONS**

### **Policy considerations**

- 18 The review involves the preparation of a revised Trading in Public Places Policy.
- 19 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.
- 20 There is not expected to be any impact on these policies but they will need to be taken into account during the review.

### **Legal considerations**

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

### **Financial considerations**

- 23 There is sufficient funding available for the review of and implementation of this bylaw in operational budgets.

### **Tāngata whenua considerations**

- 24 Consultation with Te Whakaminenga o Kāpiti is ongoing to ensure that tāngata whenua values and aspirations are provided for within this Bylaw.

## **SIGNIFICANCE AND ENGAGEMENT**

### **Degree of significance**

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



## Consultation already undertaken

26 Input has been sought 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

## Engagement planning

27 Engagement has been planned in three phases:

- Discussions with key stakeholders about what activities should or should not be regulated in public places (November – December 2016)
- Informing the community about the review - webpage and questionnaire (December to January 2017)
- Call for submissions (March 2017)

28 Engagement includes 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.

## RECOMMENDATIONS

29 That Te Whakaminenga o Kāpiti:

- a) notes that the review of the 2010 Public Places Bylaw and the 2010 Trading in Public Places Policy is underway; and
- b) confirms the process for iwi engagement either:
  - I. the Committee prepares a submission and lodges it during the formal submission phase; or
  - II. the Committee identifies representatives and tasks them with preparing a formal submission with assistance from Council officers.

**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

Appendix 1    2010 Public Places Bylaw

Appendix 2    2010 Trading in Public Places Policy

# 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

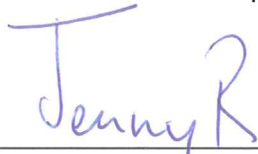
- 1.1 This Bylaw may be cited as the Kapiti Coast District Council Public Places Bylaw 2010 and comes into force on 01 July 2010.
- 1.2 This Bylaw is made pursuant to sections 145 and 146 of the Local Government Act 2002, section 684 of the Local Government Act 1974, and any other Act or Authority enabling 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 used<sup>1</sup>:

<b>Air Exchange Device</b>	includes heating, ventilation and air conditioning systems.
<b>Animal</b>	means any mammal (excluding human beings), any bird, reptile, amphibian, fish or invertebrate organism of any kind.
<b>Appeals</b>	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.
<b>Authorised Officer</b>	means any person authorised by the Council to carry out any of the duties provided for under this bylaw or any Council bylaw; and <ol style="list-style-type: none"> <li>(a) includes any Council Enforcement Officer; and</li> <li>(b) includes any agent licensed by Council to carry out a duty or operate a public place on Council's behalf</li> </ol>
<b>Berm</b>	means the grass or planted strip beside the road.
<b>Gas Equipment</b>	means gas bottles, the gas bottle cage and any other pipes and related equipment used to store and transfer natural gas.
<b>Hoardings</b>	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.

<sup>1</sup> 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.

<b>Licensed Agent</b>	any contractor licensed to operate a public place on Council's behalf (eg. a public swimming pool).
<b>Motor Vehicle</b>	has the same meaning as in the Land Transport Act 1998
<b>Performance</b>	means any musical, dramatic or other activity, examples include but are not limited to: dancing, singing, clowning or juggling, pavement art, poetry or busking.
<b>Person</b>	includes a corporation sole, and also a body of persons, whether corporate or unincorporated
<b>Public Place</b>	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.
<b>Skating Devices</b>	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.
<b>Temporary Event</b>	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>
<b>Trading</b>	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"> <li>a. the sale, display or dispensing of goods, including food, drink, newspapers, fuel and lubricant;</li> <li>b. the provision of commercial services on a public place including shoe shining services; taking photographs, and the hire of recreational equipment;</li> <li>c. the provision of outdoor dining facilities for the consumption of food and drinks, including those offered by a liquor licensed premises;</li> <li>d. open air markets and street stalls selling, displaying or dispensing goods or services;</li> <li>e. the giving away of goods on a public place, including newspapers and magazines, to advertise any product, service or entertainment;</li> <li>f. the soliciting or collection of any subscription or donation</li> <li>g. soliciting sales or orders for sales of any goods, not in pursuance</li> </ul>



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 proper<sup>2</sup>.
- 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.

---

<sup>2</sup> 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 Places<sup>3</sup>**

- 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 hoardings<sup>4</sup>.
- 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.

---

<sup>3</sup> 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.

<sup>4</sup> 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 prior<sup>5</sup> 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:

---

<sup>5</sup> 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 darkness<sup>6</sup>; 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.

---

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



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

## **21 Cycles and Skating Devices**

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

## **22 Licenses<sup>7</sup> 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:

---

<sup>7</sup> 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**

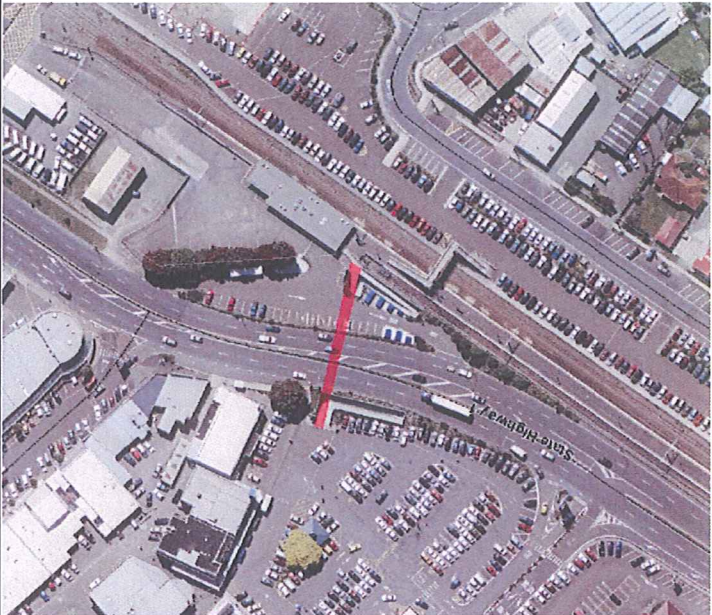
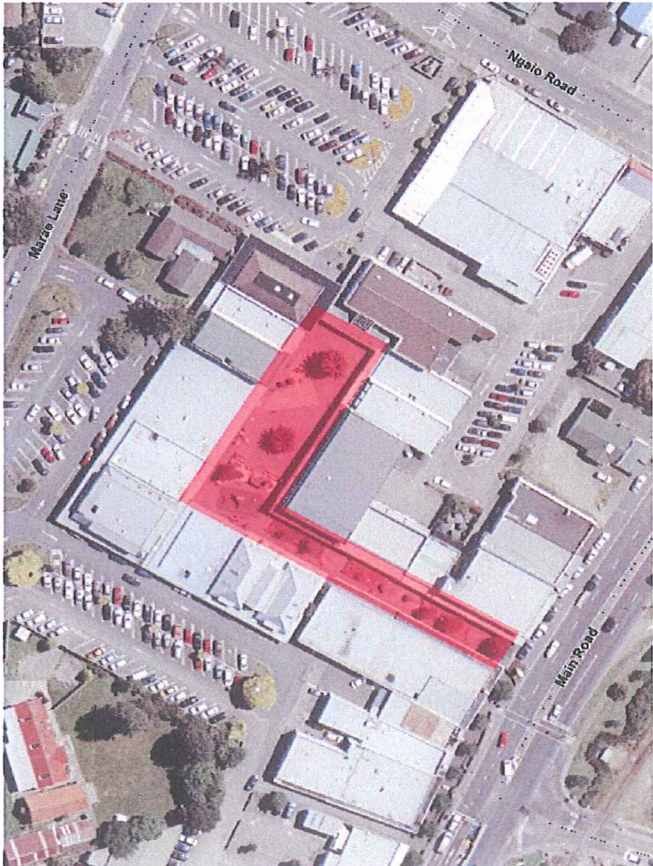
- 25.1 The Council will seek to recover costs in relation to fixing or repairing any damage caused to Council property as a result of a breach to this Bylaw.
- 25.2 Every person who breaches this bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$20,000, as set out 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><b>Paraparaumu</b></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><b>Waikanae</b></p>	<p>All public areas within Mahara Place, Waikanae.</p>	



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

<b>Authorised Officer</b>	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 <sup>1</sup> .
<b>Temporary event</b>	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>
<b>License</b>	means a licence, permit, registration, written consent or approval issued as per the requirements of any Act of Parliament, Council Bylaw or Policy.
<b>Open Air Market</b>	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.
<b>Non Profit Organisations</b>	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.
<b>Public Place</b>	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.
<b>Recreation Equipment</b>	means any equipment used for recreational purposes such as kayaks, canoes, boats, surf boards, bicycles, roller blades, or scooters.
<b>Retail Stalls</b>	means any stand, stall, tent, mobile shop, vehicle, vessel or other setup from which goods and/or food are sold.
<b>The Council</b>	means the Kapiti Coast District Council or any committee,

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

### Trading

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

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 application<sup>2</sup> 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 goods<sup>3</sup> 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 disposal<sup>4</sup>

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

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

<sup>4</sup> 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 area<sup>5</sup>.
- 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.

---

<sup>5</sup> 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 Council<sup>6</sup>.

---

<sup>6</sup> 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 board<sup>7</sup> 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.

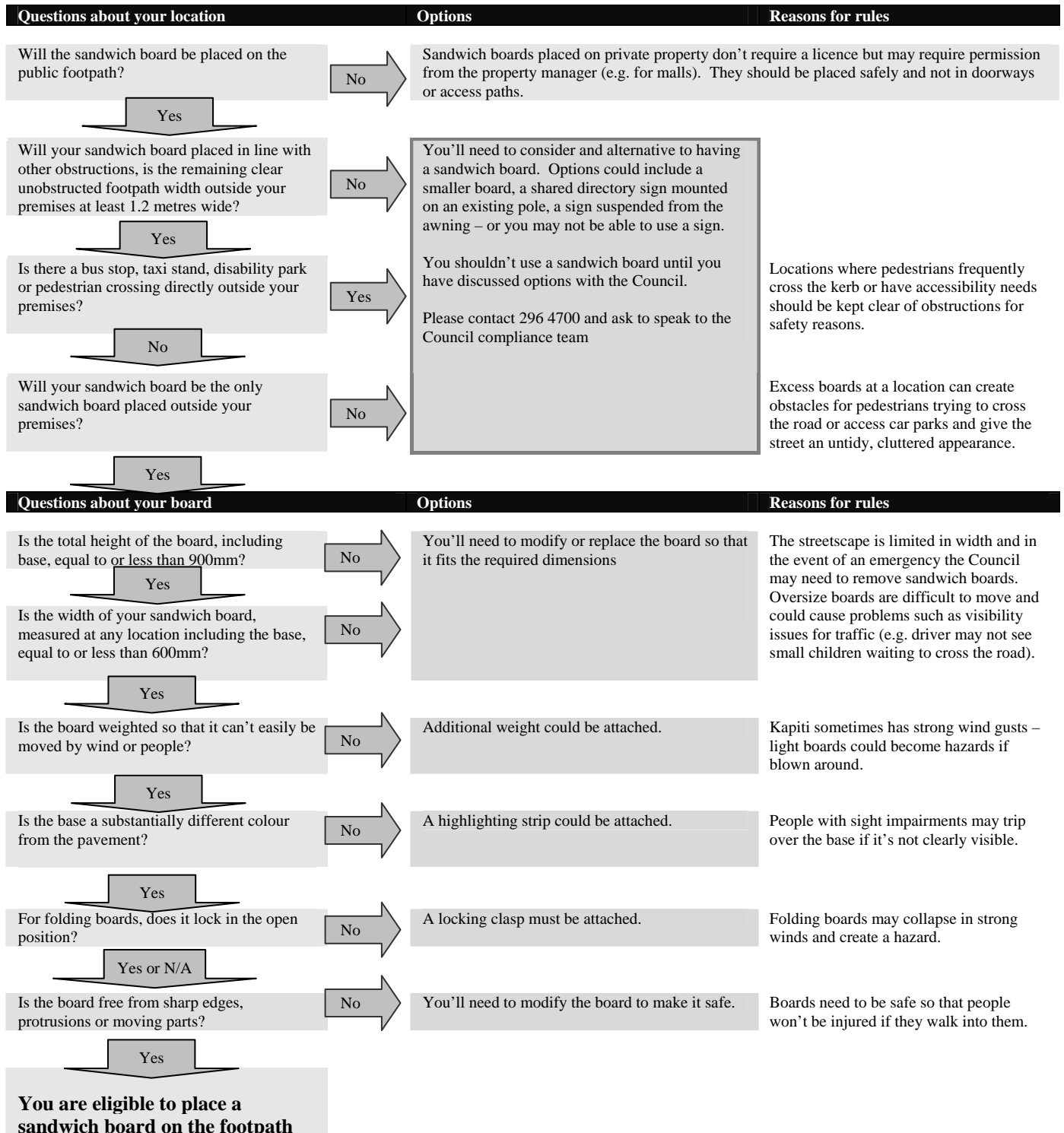
---

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



## APPENDIX 1

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



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

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

**Chairperson and Members**  
TE WHAKAMINENGA O KĀPITI

24 JANUARY 2017

Meeting Status: **Public**

Purpose of Report: For Decision

## **MĀORI ECONOMIC DEVELOPMENT**

### **PURPOSE OF REPORT**

1. This report provides the draft findings of the BERL: Report, an overview of the process for reviewing, developing and adopting a strategy for Māori Economic Development.
2. It also seeks a decision on the appointment of a new Māori Economic Development panel and seeks endorsement for the implementation and approach outlined for Māori economic development to the 30th June 2017.

### **DELEGATION**

3. Te Whakaminenga o Kāpiti may consider this matter under the Memorandum of Partnership. Clause 21 sub clause iv) identifies the following principle: that Council will have particular regard to the rights of tāngata whenua in the management and development of resources by recognising and providing for rangatiratanga.

### **BACKGROUND**

4. In 2011, Council commenced work on an economic development strategy for the District. Early in this process, Te Whakaminenga o Kāpiti (Te Whakaminenga) signalled a clear desire to establish an iwi focused economic development strategy. This strategy would ensure that their unique features as tāngata whenua and concepts for economic wellbeing are entrenched in the approach for Māori economic wellbeing.

#### *A Strategy for Māori Economic Development and Well-Being in Kāpiti 2013*

5. In 2013, Te Whakaminenga launched, *A Strategy for Māori Economic Development and Well-Being in Kāpiti 2013* included as Attachment One. Implementation of the strategy is by way of annual grants. The total funding available for Māori Economic Development in 2016/2017 is \$66,625.
6. The strategy prioritised the development and maintenance of activity that will complement the well-being of tāngata whenua and mātāwaka (Māori from other areas) of the district.
7. The strategy aims to build and leverage the collective resources, knowledge, skills, leadership and capability that will better position Māori to maximise their potential. The strategy is specifically focused on laying the foundation for the future and is based around three themes:
  - 7..1 Manaakitanga – leveraging the potential of rangatahi and building whānau capacity.

- 7..2 Kaitiakitanga – Whatungarongaro te tangata toi tu te whenua – working with the whenua.
- 7..3 Kotahitanga - supporting whānau to achieve economic wellbeing – capacity, collaboration, innovation and Māori Business.
8. The implementation of the strategy is managed by the Māori Economic Development Panel (the panel). This panel is appointed by Te Whakaminenga. The current members are: Hohepa Potini, Rupene Waaka, Ann-Maree Ellison Cr. Janet Holborow, and Russell Spratt. The composition of the panel needs to be reviewed for the 2016/19 triennium.
9. Implementation of the strategy is through the provision of grants. These grants are available to: Māori individuals in the labour market; the self-employed running Māori businesses; and to tribal and pan-tribal Māori commercial entities. These entities must be operating within the designated geographic boundaries of the Kāpiti Coast District Council.
10. Since 2013, the strategy has seeded numerous activities and enhanced existing Māori business. The outcomes of this funding include:
  - 10..1 Māoriland Films now produces an annual indigenous international film festival that brings visitors to the district from around the country and the world.
  - 10..2 Kāpiti Island has additional visitor attractions that will include a viewing telescope, provides glamping (high class tenting) and now has the production of Kāpiti Island Manuka Honey. The first batch of honey was produced in 2015 and is marketed through the website: [www.kapitiislandhoney.co.nz](http://www.kapitiislandhoney.co.nz). This venture has paved the way for a new collective of Māori land owners on the mainland utilising their lands develop honey for commercial production.
  - 10..3 Kāpiti 4 x4 Tours LTD - based up in the Akatarawa hills, the business struggled to attract clients. The funding meant the owners could focus on building the business profile and branding and has seen an increase in clients. The business is now linked into the wider iwi networks and Manaaki Kāpiti. Both of these networks are assisting in the expansion of this business and its potential as a local attraction.
  - 10..4 Business and Economic Research Limited Report (BERL Report) developed as a two stage approach to understand the Māori economy in Kāpiti: The first stage is a scoping study using information to assemble the main data on Māori assets and participation in the Kāpiti economy. The second stage will build the complete picture of Māori assets and activity on the Kāpiti Coast and show the direct and indirect contribution to the regional economy. It will also outline Māori institutions and networks and identify opportunities for growth and collaboration, whether within the rohe, with iwi members elsewhere, or with other iwi with complementary interests.

*Reviewing the Māori Economic Development and Wellbeing Strategy (2013)*

11. It is proposed that the commissioned BERL report funded through the 2015/2016 grants process will provide the platform for a revised strategy and implementation of Māori Economic Development. The strategy was scheduled for review at the completion of 2015/2016.

12. A presentation on the DRAFT BERL report findings was presented to the panel on the 13th December 2016. This presentation will be delivered to Te Whakaminenga on the 24<sup>th</sup> January 2017.
13. Russell Spratt has been appointed as the representative from the panel to work with Officers and BERL to develop this report.
14. It is important to note that Russell Spratt is the iwi representative (appointed through Te Whakaminenga) on the Economic Development Leadership group which monitors and leads the implementation of the Kāpiti Economic Development Strategy. Mr Spratt's function as a conduit ensures that synergies between both work streams are identified.

## **SUMMARY FINDINGS OF THE BERL REPORT - MĀORI ECONOMY IN KĀPITI**

15. As previously mentioned, the report will assist the shaping of the revised strategy. Leading the development of the report is Hillmarè Schulze, Deputy Chief Economist for Business and Economic Research Limited (BERL).
16. Hillmarè presented the DRAFT findings of this report to a meeting with the panel on the 13th December 2016. At the request of the Chair of Te Whakaminenga, Hillmarè will present this report to Te Whakaminenga o Kāpiti on the 24th January 2017.
17. The findings found that the main levers for the Māori economy are:
  - People
  - Assets (land)
  - Profit - Businesses

These levers are essential to ensuring the right balance to create wealth and wellbeing and are explored further in the following section.

### **The People**

#### *Population*

18. The overall numbers show that for both Kāpiti District and for New Zealand, the number of people with affiliation to Te Ātiawa ki Whakarongotai, Ngāti Raukawa ki te Tonga and Ngāti Toarangitira has increased by about one-half between 2001 and 2013.
19. The total Māori population in Kāpiti District increased by 13% between 2001 and 2006, and also by a further 13% between 2006 and 2013. This is significantly larger than the total number of Māori in Aotearoa NZ which increased by 7.4% between 2001 and 2006, and by 5.9% between 2006 and 2013. The overall picture is also a strong one for the three iwi of Kāpiti.
20. The share of people of each iwi who are ahi kaa in Kāpiti District. are about 30% for Te Ātiawa, and about 10% each for Ngāti Toarangitira and Ngāti Raukawa. This implies that developments embarked on by the latter two iwi could well attract support from their iwi colleagues from around New Zealand. The Ngāti Toa Iwi Register also shows there are large numbers living in Australia.



### *Education and employment*

21. Māori population is 6,198 (Census 2013) representing 12% of the total Kāpiti population. The total Kāpiti population is projected to grow less than 1% (12% increase over 17 years) under the moderate growth projections of StatsNZ. Thus, the Māori population is growing faster than rest of the population.
22. Māori in Kāpiti have a higher level of education than in other areas. The Census shows that of the usually resident Māori aged 15 years and over in Kāpiti in 2013 14% had a Level 7 qualification, Bachelors degree or higher. This compared with 12% for Māori in Auckland, and 10% for Māori across New Zealand.
23. The higher level of qualification held has been increasing for Kāpiti Māori. These increases reflect the high level of professional work in Kāpiti and Wellington and a contributing factor could be the location and development of Te Wānanga o Raukawa to the north and Te Wānanga o Aotearoa to the south, as also could be the scholarships available to Māori in the District.
24. The total number of people in Kāpiti employment who self-identified as Māori in the Census records in 2001, 2006 and 2013 increased from 1,650 people in 2001, to 2,382 people in 2013, an increase by 44% in the twelve years. As was the pattern in Aotearoa New Zealand as a whole and for all employed in Kāpiti District, there was strong employment increase between 2001 and 2006, and much lower increase between 2006 and 2013.
25. What the Census data shows is that between 2001 and 2013 total employment in Kāpiti District increased by 22%, which is higher than the increase by 16% over all New Zealand. Within the strongly-growing Kāpiti District, Māori employment grew at about twice the average rate, namely 44% compared with the average 22% for all Kāpiti employed. The rate of employment increase by Kāpiti Māori was also over twice the growth by Māori in Aotearoa New Zealand as a whole, which was 21% between 2001 and 2013.
26. Māori usually resident in the Kāpiti Coast District in 2013 had a higher representation in the Managers, professionals and trades group (50%) than Māori in Wellington, Auckland or New Zealand as a whole (46% to 41%). Those in Kāpiti had correspondingly fewer in the machinery operators and labourers group, and similar combined shares in the community, personal services, and clerical and sales workers groups. This difference in the pattern of occupations of Māori resident in Kāpiti is reflected in their average income where Māori had a median personal income in 2013 in Kāpiti of \$24,200, which is 7.5% higher when compared with the New Zealand Māori average personal income of \$22,500.

### **The Asset**

#### *Māori entrepreneurs*

27. Kāpiti Māori are strong contributors to business activity in Kāpiti District. The number of Māori people in Kāpiti District who are employers or self-employed have increased since 2001.
28. The table below on industry classification for entrepreneurs is a projection, based on national averages for Māori entrepreneurs, as this information is not available for the Kāpiti Coast District. It is anticipated that a picture for this will emerge through the development of the revised Māori Economic Development strategy.

Total self-employed without employees for Kapiti Coast

Industry	Māori (adjusted)
Agriculture, forestry, and fishing	7
Mining	0
Manufacturing	11
Electricity, gas, water, and waste services	0
Construction	51
Wholesale trade	4
Retail trade	12
Accommodation and food services	9
Transport, postal, and warehousing	5
Information media and telecommunications	5
Financial and insurance services	4
Rental, hiring, and real estate services	11
Professional, scientific, and technical services	27
Administrative and support services	17
Public administration and safety	7
Education and training	23
Health care and social assistance	12
Arts and recreation services	9
Other services	14
<b>Total</b>	<b>228</b>

Source: Calculated by BERL based on Kapiti and Census figures

### *Māori Freehold Land*

29. The BERL databases on Māori Freehold Land (MFL) have been accumulated over the years based on the initial database collected during the establishment of Federation of Māori Authorities (FoMA). These databases indicate that in Kāpiti District there are 16 main groups of MFL blocks, with a total area of approximately 2,200 hectares, with a land value of over \$50 million and a capital value of over \$60 million.

### **Māori Business**

30. Each iwi in the district has a number of businesses that operate and employ staff. The portfolios vary and include health, fisheries, environmental, tourism, farming, and property development.
31. The Māori Economy in Kāpiti is diverse including:
- Relationships with councils and government organisations
  - Kāpiti Island Nature Tours
  - Māoriland Films
  - Te Wānanga o Raukawa - is a prime example of the Māori economy in the district. BERL calculated the total economic impact of the Wānanga in 2012, and it contributed \$321 million to the New Zealand economy.
32. Treaty settlements will further enhance the opportunities to build on the existing health and wellbeing of Māori in business.

## ISSUES AND OPTIONS

### Issues

#### *An Approach to reviewing Māori Economic Development Strategy*

33. The draft findings from the BERL report provide a way forward to revising the Strategy. The DRAFT findings from the BERL report:
  - 33..1 To revise the strategy as an Iwi/Māori owned strategy. The strategy once revised can be utilised to feed into wider council strategic planning processes.
  - 33..2 To move away from the value of the assets as a measure of the Māori economic health. The focus must be on the income (and/or wellbeing) that arises from Māori ownership and control of these assets.
  - 33..3 In strict business terms, the financial dollar value of an asset is only of interest to a business when it is needed to leverage additional funds, or if the asset is to be sold. For assets or taonga that are inter-generational neither of these reasons is very applicable.
  - 33..4 The best way to utilise the report to build a revised strategy is to commence on a series of hui for Māori to share the current research from the report and test what should be done/focussed on (creating ownership).
  - 33..5 To develop the DRAFT strategy utilising the feedback from these hui and review this with participants from the hui
  - 33..6 To adopt and share the strategy with wider stakeholders both Māori and non-Māori)
34. To develop a new strategy, officers recommend that the total of \$66,625 available for Māori Economic Development in 2016/2017 is utilised.
35. Officers recommend the commencement of a process to engage expertise to develop the revised strategy;
36. Officers recommend that unspent funds from the development of the strategy, be utilised for fund any small grants at the discretion of the panel.

#### *The Māori Economic Development Working Panel (The Panel)*

37. As previously reported the current make-up of the panel is Hohepa Potini, Rupene Waaka, Ann-Maree Ellison Cnr. Janet Holborow, and Russell Spratt.
38. The panel is appointed by Te Whakaminenga o Kāpiti to assign funding through the Grant process. The appointments are made for a triennium.
39. For this triennium, Te Whakaminenga are required to nominate the panel for 2016/2019 inclusive of the following:
  - Te Whakaminenga o Kāpiti representation – one member from each iwi
  - Elected Member – one member
  - An expert in Economic Development - currently Russell Spratt.
40. Officers recommend the continuation of Mr Spratt in this role

41. Officers also recommend his re-appointment to the Economic Development Leadership Group for the Kāpiti Economic Development Strategy.

## CONSIDERATIONS

### Policy considerations

42. A Strategy for Māori Economic Development and Well-Being in Kāpiti; an iwi focused economic development strategy was adopted in 2013. This strategy is under review.
43. The Kāpiti District Economic Development Strategy 2015-2018 provides the overarching strategic framework for economic development and has a major role in supporting and enabling iwi-led initiatives that give opportunity for tāngata whenua.

### Legal considerations

44. There are no legal considerations.

### Financial considerations

45. The funding for the revised strategy will be funded from existing budgets.

### Tāngata whenua considerations

46. The leadership of Māori Economic Development is driven through Te Whakaminenga o Kāpiti.

### Consultation already undertaken

47. Consultation continues through the panel and Te Whakaminenga o Kāpiti. Wider consultation to formulate the strategy will inform the future strategy in stages as described in the section of this report titled; Revising the Māori Economic Development Strategy for Kāpiti

### Engagement planning

48. An engagement plan is not needed to implement this decision.

### Publicity

49. The revised strategy will be launched with relevant promotion about the document and future implementation



## RECOMMENDATIONS

50. That Te Whakaminenga o Kāpiti:

- 50..1 Receives the report SP-16-067
- 50..2 Agrees the process for developing a revised strategy.
- 50..3 Agrees the current funding of \$66,625.00 for 2016/2017 is utilised to revise a strategy for Māori Economic Development.
- 50..4 Agrees that a small grants process is applied to any funds remaining from the development of the revised strategy
- 50..5 Appoints the panel to oversee the implementation of Māori Economic Development for the triennium.
- 50..6 Reappoints Russell Spratt as Iwi representative to the Economic Development Leadership Group for the next 2 years.

<b>Report prepared by</b>	<b>Approved for submission</b>	<b>Approved for submission</b>
Monica Fraser	Kevin Currie	Sarah Stevenson
<b>Iwi Relationship Strategy and Planning</b>	<b>Group Manager Regulatory Services</b>	<b>Group Manager Strategy and Planning</b>

## ATTACHMENT

Appendix 1 A Strategy for Māori Economic Development and Well-Being in Kāpiti  
2013

**A Strategy**  
**for**  
**Māori Economic Development and Well-Being**  
**In**  
**Kāpiti**  
**2013**

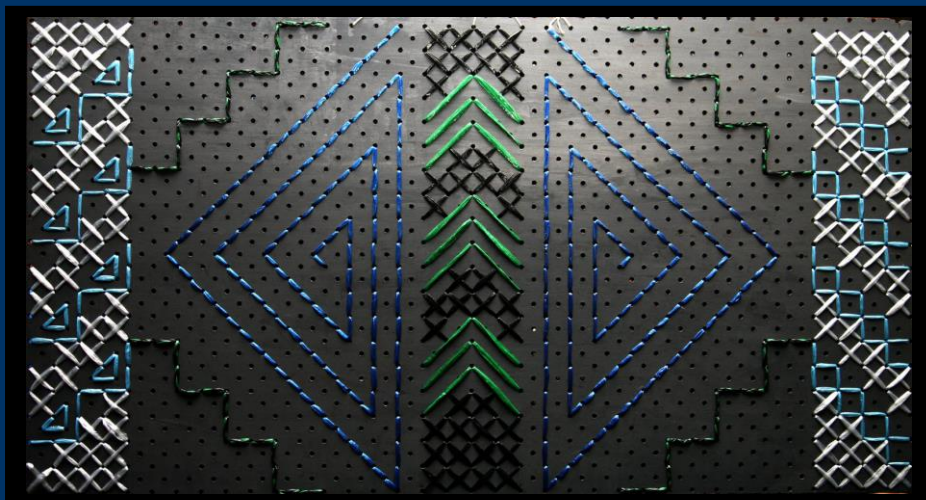


Image on front page completed by students from Te Korowai Whakamana Immersion Unit at Ōtaki Primary School completed as part of Matariki, 2009. This represents the whakaaro of whakapapa and interconnectedness.

## Contents

<b>1.1.</b>	<b>Whakarāpopoto Kōrero - Introduction</b>	<b>4</b>
<b>1.2.</b>	<b>Partnership statement</b>	<b>5</b>
<b>1.3.</b>	<b>Who is this strategy for in Kāpiti?</b>	<b>6</b>
<b>1.4.</b>	<b>The Vision - Working with local iwi to maximise Māori potential through economic development</b>	<b>7</b>
<b>1.5.</b>	<b>The Strategy</b>	<b>7</b>
<b>1.6.</b>	<b>Funding</b>	<b>9</b>
<b>1.7.</b>	<b>Operating principles</b>	<b>9</b>
<b>1.8.</b>	<b>Summary of economic development strategy</b>	<b>10</b>
	<b>Appendix One - Vision from Tāngata Whenua</b>	<b>12</b>
	<b>Appendix Two – Grant Application</b>	<b>14</b>
	<b>Appendix Three - Other background information utilised to develop this strategy</b>	<b>22</b>

### **1.1. *Whakarāpopoto Kōrero - Introduction***

Māori economic development is important not only for Māori, it is important for New Zealand's overall economic performance. In Kāpiti, tāngata whenua are making a strong economic, environmental, social and cultural contribution at a local, regional, national and international level. As iwi settle historic grievances through the Treaty settlement process, we are poised to become powerful leaders in the economic future of the whānau, hapū and iwi groups on this coast. Treaty settlements add to the asset base supporting an increase in the number of Māori employers and self-employed individuals.

For Māori, economic wellbeing is a concept which:

- is individual and whānau/ hapū and iwi based;
- links tāngata whenua to the district;
- contributes to the wider community;
- is inclusive of building opportunities for all Māori;
- is holistic - not just about business but including health and wellbeing;
- is inclusive and encompasses – land, water, forests, coastal, moana etc;
- is inclusive of existing businesses, knowledge transfer and mentorship; and
- may provide opportunities to explore partnerships post treaty settlement.

As tāngata whenua, our migration to this region can be traced to the early 19<sup>th</sup> Century. Te Rauparaha, one of the leading chiefs of Ngāti Toa Rangatira, urged the people to migrate to the Kāpiti region in the south, where there was an abundance of land and resources, and greater opportunity to trade with Pākehā. Establishing the wealth and prosperity of our people was as much a priority then as it is today. Tāngata whenua are pleased to partner with the Kāpiti Coast District Council (the Council) to develop this Māori Economic Development Strategy.



## **1.2. Partnership statement**

Mana whenua of the Kāpiti District are pleased to enjoy an ongoing and productive relationship with the Council. The iwi partnership group, Te Whakaminenga o Kāpiti, established in 1994, consists of members from Ngāti Raukawa ki te Tonga, Te Āti Awa ki Whakarongotai, Ngāti Toa Rangatira and the Council. This group have committed to forging a relationship of mutual benefit that will develop into an effective and meaningful partnership. The function of the group is to partner in the strategic planning of the district's resources.

During the development of the first Long Term Plan (formally, The Long Term Council Community Plan), tāngata whenua through a series of workshops with whānau and hapū groups established their vision for the community. Te Whakaminenga o Kāpiti continues to ensure that tāngata whenua aspirations are integrated within the Council planning and implementation documents.

Their vision is based on four main principles.

- Principle One - Whakawhanaungatanga/Manaakitanga: the marae as our principle home
- Principle Two - Te Reo: that the language is nurtured across the district
- Principle Three – Kotahitanga: Working together we can ensure that our District's heritage, cultural development, health and education flourish
- Principle Four - Tino Rangatiratanga – to exercise self determination and self governance within the community.

With regards to Economic Development, we are specifically interested in ensuring that tāngata whenua economic development strategies are fostered. These principles will form the approach with which Council and tāngata whenua will progress a partnership which is mutually beneficial to each party within Māori Economic Development.<sup>1</sup> The full vision for tāngata whenua is included as Appendix One.

---

<sup>1</sup> Full explanation of these principles included in Appendix One

### 1.3. *Who is this strategy for in Kāpiti?*

The *mana whenua* of the Kāpiti rohe are Te Āti Awa ki Whakarongotai, Ngāti Raukawa ki te Tonga through Ngā Hapū o Ōtaki, Ngāti Toa Rangatira, including their whānau and hapū. Our three iwi combine on issues of mutual significance under the ART Confederation. Any issues of significance can be tabled, discussed and an agreed process of further consultation or action decided on. As tāngata whenua we believe that an iwi focused approach to Māori economic development should be taken within the District. The strategy will prioritise the development and maintenance of activity that will compliment the well being of tāngata whenua and mātāwaka (Māori from other areas) of the district.

The Māori population is young and is predicted to grow by 20% over the next fifteen years from 2011 to 2026. In the future, Māori will make up a larger proportion of the workforce.<sup>2</sup> Our priority is to ensure that we position our young Māori today so that they can influence and contribute to New Zealand's economic future. The Māori economy comprises all individuals, households, businesses and collectives that self-identify as Māori. This includes Māori entrepreneurs active in individually owned businesses or small to medium enterprises, as well as the contribution of Māori employees' earned incomes.<sup>3</sup>

While the Māori economy is highly integrated into the New Zealand economy; there are features, such as demographics, cultural values and traditional knowledge that make the Māori economy different. These differences need to be recognised and acknowledged.<sup>4</sup>

For the purposes of this strategy, we have identified that this strategy must accommodate a diverse range of players, from Māori individuals in the labour market, to the self-employed running Māori businesses, to tribal and pan-tribal Māori commercial entities. Our groupings may include:

- Whānau, hapū and iwi from the ART Confederation;
- Mātāwaka;
- Local, regional and national government; and
- Sectors including tourism, training, employment and development and enterprise.

We will look to influence:

- participation and skills for Māori in education and the workforce;
- relationships among Māori and between Māori and others at all levels; and
- actively search for new opportunities – in resource use and ideas.

<sup>2</sup> The proportion of the workforce who are Māori is predicted to increase by 8.4%, from 13.1% in 2006 to 14.3% in 2026. See Statistics New Zealand (2010) *National Ethnic Population Projections: 2006 (base)-2026 Update* Wellington, New Zealand.

<sup>3</sup> BERL, (2011) *The Asset Base, Income, Expenditure and GDP of the 2010 Māori Economy*, Wellington, New Zealand.

<sup>4</sup> Māori Economic Development Panel Discussion Document

#### **1.4. *The Vision - Working with local iwi to maximise Māori potential through economic development***

In 2011, Council commenced work on an economic development strategy for the District. Early in this process, tāngata whenua expressed a clear desire to establish an iwi focused economic development strategy. This strategy would ensure we could ensure our unique features as tāngata whenua and concepts for economic wellbeing are entrenched in our approach for our own economic wellbeing. As tāngata whenua, we wanted to ensure that our strategy would clearly link tāngata whenua to the district;

The strategy aims to build and leverage the collective resources, knowledge, skills, leadership and capability that will better position Māori to maximise their potential. The strategy is specifically focused on laying the foundation for the future and is based around three themes:

1. Manaakitanga – leveraging the potential of rangatahi and building whānau capacity
2. Kaitiakitanga – Whatungarongaro te tangata toi tu te whenua – working with the whenua
3. Kotahitanga - supporting whānau to achieve economic wellbeing – capacity, collaboration, innovation and Māori Business

#### **1.5. *The Strategy***

##### ***Manaakitanga – leveraging the potential of rangatahi and building whānau capacity***

Lifting Māori educational and skill levels and ensuring stronger Māori participation in the workforce is critical in strengthening the Māori economy, improving whānau wellbeing and creating the conditions for whānau to be financially secure.

This includes:

- assisting whānau and hapū develop their own plans for economic development;
- preparing rangatahi for career choices by building linkages with secondary and tertiary sectors;
- supporting rangatahi to access industry training courses;
- linking with training providers to facilitate relationships that enhance rangatahi completion to courses;
- working with existing education providers to improve communication between supporting transition courses;
- strengthening information on employment opportunities through apprenticeships.

## Outcome

The outcome of focusing in this area will be to explore potential and create leaders amongst our rangatahi.

### Indicators of success include:

Rangatahi will

- Understand their own goals/values/beliefs
- Be in charge of their own future including study, employment and commitment to raising healthy and happy whānau

## ***Kaitiakitanga – Explore sustainable utilisation of the land***

Working with iwi to increase the use of under-developed and/or degraded Māori owned land and maximise the value produced from it.

This includes:

- Working with iwi to increase the use of under-developed and/or degraded Māori owned land and maximise the value produced from it.
- Surveying potential use of land for biofuel crops including:
  - Miscanthus
  - Manuka for charcoal production
  - Delycatenus – Eucalyptus trees

## Outcome

The outcome of focusing in this area will include:

- Farm/ land Development Plans completed
- Papakainga Development

## ***Kotahitanga - supporting whānau to achieve economic wellbeing – capacity, collaboration, innovation and Māori Business***

Whānau are the foundation of the Māori economy. This plan builds opportunities to whānau, shifting the focus from relying on iwi for Māori economic development. This means developing actions and initiatives that allow whānau to achieve economic self-determination. It also involves identifying opportunities for involvement in innovative and clean tech businesses, for example, opportunities at the Clean Tech Centre, such as Little Greenie House – energy efficient sustainable housing.

## Outcome

The outcomes of focusing in this area include:

- Using land for growing bio-fuel crops
- Exploring sustainable house models including sand bags and straw bale houses

## **1.6.      *Funding***

Through the 2012 Long Term Plan, the Council has set aside funds as follows:

<b>Māori economic development fund</b>	<b>2012/13</b>	<b>2013/14</b>	<b>2014/15</b>
Supporting the working party	5,000	5,000	5,000
Projects	35,960	47,838	60,435
<b>Total</b>	<b>40,960</b>	<b>52,838</b>	<b>65,435</b>

This fund will be managed on an annual basis by an application process approved and overseen through Te Whakaminenga o Kāpiti (Appendix Two). There may also be other sources of funding available to iwi to carry out economic development projects, for example, from Te Puni Kokiri, Treaty Settlements, and overseas investments.

## **1.7.      *Operating principles***

In implementing this strategy, iwi will seeks to:

- Develop capacity further for iwi activities
- Provide leadership and direction
- Leverage relationships and opportunities to partner and/or link into other economic development projects, for example, the Clean Tech Centre and Council's business support person
- Broker opportunities - for iwi, whānau, hapū, and businesses



**1.8. Summary of economic development strategy**

	<b>2012/13</b>	<b>2013/14</b>	<b>2014/15</b>
<b>Manaakitanga (youth and family)</b>	Support training opportunities focused on building the leadership and potential of rangatahi  Support rangatahi on apprenticeships	Support development of whānau/hapū plans  Implement whānau/hapū plans  Set up apprenticeships	Support development of whānau/hapū plans  Implement whānau/hapū plans
<b>Kaitiakitanga (land)</b>	Investigate the productive potential of under-utilised Māori land.  Investigate potential biofuel crops which can be used as alternative sources of fuel energy, for example, miscanthus for wood chip fuel and Manuka for charcoal production.  Investigate the potential to develop value-add businesses in the food sector.	Prepare and start implementing land development plans utilising information from investigations carried out in 2013/14	Continue to implement land development plans

*Summary of economic development strategy continued...*

	2012/13	2013/14	2014/15
<b>Kotahitanga (business and innovation)</b>	<p>Identify opportunities for involvement in innovative and clean tech businesses.</p> <p>The involvement could range from purchasing products and services, to partnering in projects, to supplying labour force.</p> <p>Work with the sustainable building cluster at the Clean Tech Park to develop sustainable energy efficient Papakainga housing for the local iwi.</p> <p>Participate in the Little Greenie energy efficiency house project based at Clean Tech Sector</p>	<p>Implement some of the opportunities for involvement in innovative and clean tech businesses identified in the previous year.</p> <p>Support networks for new and existing Maori businesses, for example, business mentoring and coaching, development programmes</p>	<p>Implement some of the opportunities for involvement in innovative and clean tech businesses identified in the previous year.</p>

## ***Appendix One - Vision from Tāngata Whenua***

The tāngata whenua base their vision on four main principles:

### **Principle One**

Whakawhanaungatanga/Manaakitanga – The marae is our principal home which ties tāngata whenua to our areas through the physical embodiment of our ancestors and remains well maintained and thoroughly respected. The wellbeing and health of the marae determines the emotional, spiritual, and physical wellbeing of the people.

Marae are important sites for the practical expression of mātauranga māori. It is the place where distinguished manuhiri (visitors) are to be extended hospitality, and where extended families meet for significant events. For Māori the marae is ‘Te tūranga o te iwi – the standing place of the people’. The marae is held in high esteem and considered to be a place of special significance. Land, language and kinship along with marae, provide a sense of cultural continuity and identity for Māori throughout cultural, social and economic change. In addition, they are store houses of tāonga (treasures).

### **Principle Two**

Te Reo – It is the language of the tāngata whenua through which tikanga is conveyed and kawa is upheld. Te Reo Māori is an official language of New Zealand. It is fundamental that the language, as a deeply treasured tāonga left by our ancestors, is nurtured throughout the community and that the language continues to prosper and encourage future generations.

### **Principle Three**

Kotahitanga – Through unity, tāngata whenua and communities have strength. Working together we can ensure that our District’s heritage, cultural development, health and education flourish.

### **Principle Four**

Tino Rangatiratanga – to exercise self determination and self governance with regard to all tribal matters. The Vision includes:

- That the tāngata whenua role of kaitiaki/kaitiakitanga within the District is strong and effective and encompasses both the environmental and general wellbeing of the community;
- That people feel comfortable in use of Te Reo Māori and English – supporting the notion of Ōtaki as a bilingual community;
- All waterways are healthy and able to be used as traditional food resources taking into account tāngata whenua environmental indicators;
- That the runanga of the tāngata whenua engage effectively, where appropriate, with agencies and communities;

- That whānau and hapū are well established and able to engage effectively where appropriate with agencies and communities;
- That Māori representation is improved in local government within three years;
- That tāngata whenua artistic talents are fostered and successful;
- That the District is internationally recognised as world class for food, culture, lifestyle and tourism;
- That tāngata whenua economic development strategies are fostered;
- That the community have good access to health services;
- Young people are supported to reach their full potential;
- People know about tāngata whenua names for the original landscape, heritage, wāahi tapu and that tāngata whenua names for streets, etc, are adopted;
- That tāngata whenua play a strong/central role in district development particularly around capacity of resources, water use, and the quality and nature of settlements;
- That there is a strong and effective three-way partnership between tāngata whenua, the Kāpiti Coast District Council and Greater Wellington Regional Council;
- That tāngata whenua are closely involved in citizenship processes with new immigrants;
- That the Council assists tāngata whenua in the development of iwi management plans;
- That tāngata whenua intangible and spiritual connection/association to the land, wāahi tapu and natural and physical resources is represented, understood and respected;
- That the District appreciates law and lore.

## Appendix Two – Grant Application



### Māori Economic Development Fund Application Form

**Please refer to the Fund Criteria & Application Guidelines for information and guidance on the applying for Māori Economic Development Funding?**

In July, 2013, Council adopted the following strategy; “Strategy for Māori Economic Development”. The purpose of this strategy is to set how Council will support Māori Economic Development within the Kāpiti Coast District associated with iwi and hapū with whom it has a relationship.

The Kāpiti Coast District Council’s Māori Economic Development Fund aims to assist whānau, hapū and iwi within the Kāpiti Coast District with costs associated with the ongoing development of Māori Economic Activity, in particular activity associated with:

- Manaakitanga – leveraging the potential of rangatahi and building whānau capacity,
- Kaitiakitanga – Whatungarongaro te tangata toi tu te whenua – working with the whenua, and
- Kotahitanga - supporting whānau to achieve economic wellbeing – capacity, collaboration, innovation and Māori Business.

#### APPLICATIONS CLOSE

Whānau, hapū and iwi will be able to apply twice a year to this fund. The timeline for applications will be as follows:

##### First round

- Applications will close September of each financial year.
- Applications will be considered by **mid- October**
- Notification of approval by **end of October**
- All projects will need to be completed by the end of **June** of each year (unless otherwise stated in the application form).

##### Second round

- Applications will close February of each financial year.
- Applications will be considered by **mid- March**
- Notification of approval by **end of March**
- All projects will need to be completed by the end of **June** of each year (unless otherwise stated in the application form).



## Eligibility

1. The Māori Economic Development Fund is a contestable fund for whānau, hapū and iwi the Kāpiti Coast district. The application will be assessed on its merits on a case-by-case basis.
2. Funding is only available for these groupings in the Kāpiti Coast community
3. Applications will be considered from mātāwaka and Māori Business who are not tāngata whenua provided their application is endorsed as being consistent with the Strategy for Māori Economic Development and Well-being by one of the three iwi who are signed to the Memorandum of Partnership which includes: Ngā Hapū o Ōtaki, Ngāti Toa Rangatira and Te Āti Awa ki Whakarongotai.

## FUNDING CATEGORIES\*

Applications must fall into one of the following categories to be eligible for funding:

MANAAKITANGATA – leveraging the potential of rangatahi and building whānau capacity

KAITIAKITANGA – Whatungarongaro te tangata toi tu te whenua – working with the whenua

KOTAHITANGA - supporting whānau to achieve economic wellbeing – capacity, collaboration, innovation and Māori Business

***Manaakitangata – leveraging the potential of rangatahi and building whānau capacity*** includes supporting rangatahi to participate in training courses; preparing rangitahi for career choices, apprenticeships, helping whānau and hapū develop their own plans for economic development.

***Kaitiakitanga – Explore sustainable utilisation of the land*** includes working with iwi to increase the use of under-developed and/or degraded Māori owned land to maximise the value produced from it, for example surveying potential use of land for biofuel crops.

***Kotahitanga - supporting whānau to achieve economic wellbeing – capacity, collaboration, innovation and Māori Business*** includes growing opportunities for involvement in business.

**CRITERIA**

For a project to be eligible it must meet all of the following criteria:

- a) Show clear links to the strategic priorities of the Māori Economic Development Strategy;
- b) Proposal is signed off by a Chair of a mandated iwi organisation;
- c) Show clear economic benefit for Māori; and
- d) Be linked to a project that can be monitored and evaluated through Te Whakaminenga o Kāpiti
- e) Additional reports will be generated by staff to Council from Te Whakaminenga o Kāpiti meeting, including quarterly activity reports to the Corporate Business Committee.
- f) Provide an accountability of the activity at the completion of the project

**If you require any assistance in completing this form, please contact:**

**Monica Fraser on (04)2964 839 or email: [monica.fraser@kapiticoast.govt.nz](mailto:monica.fraser@kapiticoast.govt.nz)**

<b>1.0 Organisation details</b> <input type="checkbox"/> Identify legal description <input type="checkbox"/> Contact person/s <input type="checkbox"/> Contact Details
---

1. Name of the organisation:  

---

2. Address:  

---

---

3 Contact person: 

---

4. Contact numbers:                      Work (O )                      Cell (02 )

5. Email: 

---

6. Website if applicable: 

---

7. Aim of the organisation:  

---

---

---

---

- Any supporting documents and attachments, please feel free to include*

[illegible]

(Refer to Guidelines document for explanation)

### 3.0. Supporting documentation

Please attach any relevant supporting information, e.g. examples of similar activity. Clearly show the ongoing benefits to Māori Economic Development. Please provide information of approval from a relevant iwi mandated group. Please show examples of literature, forms developed to promote your activity

[illegible]

*(Refer to Guidelines document for explanation)*





**Checklist:*****Have you...***

- ☐ Completed all sections of this form?
- ☐ Attached all relevant supporting documentation, including a supporting letter from the Chair of iwi organisation?
- ☐ Included a description of your project, including what is involved, resources required, expected timeframe etc?
- ☐ Included a description of how your project meets the Māori Economic Development Fund criteria?
- ☐ Provide details on the estimated cost of the project & your proposed contribution?
- ☐ Signed & dated the application form?
- ☐ GST number
- ☐ Bank Account – please include a certified bank deposit form

**If you require any assistance in completing this form, please contact:**

**Monica Fraser on (04)2964 839 or email: [monica.fraser@kapiticoast.govt.nz](mailto:monica.fraser@kapiticoast.govt.nz)**

## **Appendix Three - Other background information utilised to develop this strategy**

### **Needs Analysis**

#### **Tāngata whenua need:**

Iwi, whānau, and hapū development

Traditional skills and existing business

New opportunities to create Māori business

Brand Māori

Māori – gateway to the community

Resilience, uniqueness, innovative

Biodiversity

- Identify productive iwi owned land
- Reserves – with regards to natural resources
- Sustainable living options

Products

Services

Training

- Links with current training sector and retaining people within the sector

Existing business owners

Future business owners

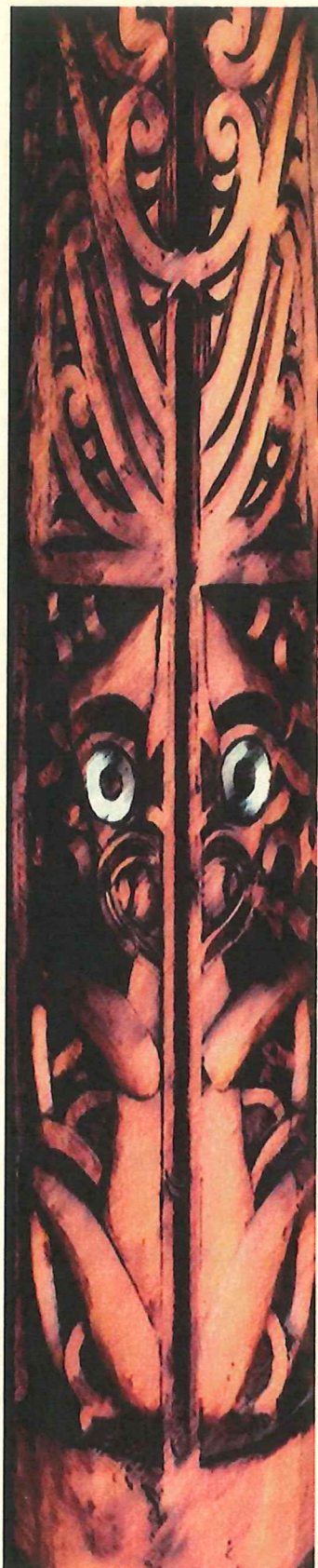
- New opportunity
- Innovation and Research

### **Strategic Drivers**

Our strategic drivers for Māori Economic Development include:

- He tangata, he tangata, he tangata – the wellbeing of the people who reside within our boundaries
- Our role as tāngata whenua. Our footprint is on this land for ever as an indelible part of its character. We have a saying; “*Whatungarongaro te tangata toi tu whenua*”. This means, that as man disappears, the land remains. As Māori, it is therefore important that the footsteps that we leave on this land build a positive pathway for our future generations.
- Our right to exercise rangatiratanga within economic development opportunities which builds capacity and well-being for whānau, hapū and iwi
- Our culture, uniqueness, resilience, our stories including
  - E.g. Kāpiti Island – links to Te Rauparaha – our stories are the stories that international visitors wish to understand and learn about who we are on a regional, national and international stage
  - Promote our assets such as our people, marae and the land and our resilience as a people within a changing world
- Foster wananga that will:
  - provide for the training and the development needs of tomorrows leaders

- identify ways to link with the wider business community to create employment opportunities that will retain graduates within the community; and
  - grow technical ability, grow capacity, grow confidence in our young people
- Our established relationships within local, regional and central government as treaty partners
- Treaty Settlements
  - Links with Crown partner
  - Central Government
  - Explore new opportunities



# **MEMORANDUM OF PARTNERSHIP**

between

**TE RŪNANGA O TOA  
RANGATIRA INC**

**ĀTI AWA KI  
WHAKARONGOTAI  
CHARITABLE TRUST**

**NGĀ HAPŪ O ŌTAKI**

and

**KĀPITI COAST DISTRICT  
COUNCIL**

signed on

**6 FEBRUARY 2015**



## MEMORANDUM OF PARTNERSHIP<sup>1</sup>

**BETWEEN**                      **THE KĀPITI COAST DISTRICT COUNCIL**

**AND**                            **ĀTI AWA KI WHAKARONGOTAI, NGĀTI RAUKAWA KI TE**  
**TONGA ME NGĀ HAPŪ O ŌTAKI, NGĀTI TOA**  
**RANGATIRA, NGĀTI HAUMIA** (being the tāngata whenua of  
the Kāpiti Coast District).

### PREAMBLE

- 1        The Council and the tāngata whenua believe the Treaty of Waitangi to be a solemn compact between the Crown and the Māori people.
- 2        The Treaty signifies a partnership and its principles require the Treaty partners to act towards each other reasonably and with the utmost good faith.
- 3        The Council recognises Ngāti Toa Rangatira, Ngāti Haumia, Āti Awa ki Whakarongotai and Ngāti Raukawa ki Otaki, as well as their whānau/hapū, as the tāngata whenua of the District.
- 4        The Council and the tāngata whenua are committed to building their relationship in a spirit of friendship and co-operation.
- 5        The Council accepts the need to understand the historical perspective of the tāngata whenua and, similarly, the tāngata whenua will appreciate the perspective of the other Treaty partner. To achieve partnership both parties may need to make adjustments. Continuing consultation and education is seen as the best way to do this.

### PARTIES TO THE MEMORANDUM

- 6        The Kāpiti Coast District Council is represented by its elected Council.
- 7        The tāngata whenua of the District are at present represented by the iwi authorities listed at Appendix 1.
- 8        Each party, and where appropriate, its constituent hapū will decide how its representatives are elected.
- 9        Each partner to this agreement elects two delegates to represent them, and either may attend, providing that at least one delegate is present at a scheduled Te Whakaminenga o Kāpiti meeting. Should named delegates be unable to be present, an observer may attend who can report back to their constituent branches.

---

<sup>1</sup> The Memorandum of Partnership was first signed in 1994, reviewed and re-signed in 2012, and reviewed again in 2014.



### **Tribal Authorities and Geographical Boundaries**

- 10 The Council recognises that Ngāti Toa Rangatira, Ngāti Haumia, Āti Awa ki Whakarongotai, and Ngati Raukawa ki Ōtaki each maintain their own mana within the Council's geographic boundaries.
- 11 The parties acknowledge that this Memorandum has application only to those hapū whose boundaries lie within the Council's district.

### **Status of the Tāngata whenua**

- 12 The Council recognises the special status of the tāngata whenua as separate and distinct from other interest groups. The Council recognises the need for active protection of tāngata whenua interests to be considered in its dealings with other parties.

### **GOAL**

- 13 To forge a relationship of mutual benefit between the Kāpiti Coast District Council and the tāngata whenua that will develop into an effective and meaningful partnership.

### **OBJECTIVES**

- 14 To develop consultation between the Council and the tāngata whenua on issues that impact on the social, environmental, economic and cultural interests and development of each partner.
- 15 To develop candid and open sharing of information between the Council and the tāngata whenua. Care needs to be taken when using such information and its sources should always be acknowledged.
- 16 To develop a mutual respect for confidences given so that confidential information can be shared. Both Council and tāngata whenua need to have due regard to the sensitive nature of that information.
- 17 To develop a mutual respect between the Council and the tāngata whenua at all times, particularly in public statements and even when disagreement is apparent.
- 18 To develop a mutual commitment to the progress of the Kāpiti Coast District with particular regard to the environment. The Council and the tāngata whenua will each play their part in a bicultural partnership.
- 19 To develop opportunities within the limitations of Council's powers and functions that enable the tāngata whenua, as a Treaty partner, to share in the decision-making of the district.
- 20 To develop an ongoing programme of information sharing and mutual education to promote greater understanding of cross cultural values and practices.

## STATEMENT OF PRINCIPLES

- 21 In developing the partnership with the tāngata whenua and in observing its functions and duties as prescribed in legislation, the Council will uphold the following principles:
- i) To actively promote the sustainable management of the District's natural and physical resources and those taonga of significance to the tāngata whenua, in a way that recognises the cultural and spiritual relationship of the tāngata whenua with the natural world.
  - ii) To develop an effective partnership with the tāngata whenua in the management of the district's natural and physical resources by the exercise of the utmost good faith, co-operation, flexibility and responsiveness in their dealings with each other.
  - iii) To promote active participation of the tāngata whenua in the preparation, implementation and review of resource management policies and plans.
  - iv) To have particular regard to the rights of the tāngata whenua in the management and development of resources by recognising and providing for kaitiakitanga.
  - v) To recognise the Rangatiratanga right of the tāngata whenua as guaranteed in Article II of the Treaty of Waitangi, to retain responsibility and control of the management and allocation of their resources.

## CONSULTATION

### Policy/Tikanga

- 22 The tāngata whenua of this District are independent tribes which each maintain their own mana and tikanga. For any issue requiring consultation the parties will agree whether the consultation should take place collectively or separately. Council will consult with iwi / hapū through their appropriately mandated representatives for any contractual arrangements.
- 23 Each party will determine how they will communicate with their hapū/constituents on Te Whakaminenga o Kāpiti matters.
- 24 When Council works on specific issues within a particular rohe, it will where appropriate work with iwi within those areas as listed at Appendix 1.

### Community Board

- 25 The parties note that Community Boards may be involved in consultation with tāngata whenua in their areas.



### **Mātā waka**

- 26 The Council and tāngata whenua acknowledge that there is the potential for mātā waka groups to emerge within the Kāpiti Coast.
- 27 Tāngata whenua may extend invitations to mātā waka to attend meetings with Te Whakaminenga o Kāpiti to discuss matters of concern to all Māori within the district. In extending this invitation, the following principles will apply;
- i) the mana of tāngata whenua in relation to kaitiakitanga remains;
  - ii) [any person representing a] mātā waka [group] must be able to demonstrate that their organisation has a clear formal structure, including processes of accountability;
  - iii) the mātā waka are focused on building positive partnerships, co-operation and support for the wider good of the community.

### **Principles of Consultation**

- 28 On issues requiring consultation Council will:
- i) provide sufficient information to the tāngata whenua so that they can make informed decisions;
  - ii) provide reasonable time for both the participation of the tāngata whenua and the consideration of the advice given;
  - iii) give genuine consideration of that advice, including a willingness to change if that is the result of the consultation.

### **Protection of Sensitive Information**

- 29 From time to time tāngata whenua may provide Council with sensitive and confidential information, e.g. concerning waahi tapu or other sites of significance, or aspects of tikanga Māori.
- (i) The Council will undertake to protect such information in its care and restrict access to it, including access to GIS information, subject to its obligations under the Local Government Information and Meetings Act 1987, Resource Management Act 1991 and the Local Government Act 2002".
  - ii) The Council will give due respect and recognition to "silent files" or plans held by tāngata whenua.
  - iii) Tāngata whenua will undertake to protect any sensitive or confidential information that Council may give to them.

## RESOURCING

- 30 The Council and tāngata whenua recognise that in fulfilling its statutory duties, the Council will require assistance and information from the tāngata Whenua.
- 31 Where such assistance and information is required, the Council acknowledges that the tāngata whenua will need to be adequately resourced and where appropriate, for such resources to be provided for through contractual arrangements. The Council recognises the importance of providing for this in its annual estimates, including consideration of the capacity of tāngata whenua to engage effectively.
- 32 The Council and tāngata whenua acknowledge that resourcing may include not only financial support, but also the provision of particular advice, expertise, information and access to technical resources such as Geographic Information System (GIS) and Geographic Positioning Systems (GPS).

## COUNCIL'S STATUTORY RESPONSIBILITIES

- 33 The parties acknowledge that:
  - i) the Council is bound by legislation which prescribes its powers and functions, and by common law principles relating to the exercise of its statutory powers and functions;
  - ii) the contents of this memorandum shall not require the Council to act otherwise than in accordance with its statutory powers and the common law principles affecting those powers;
  - iii) Te Whakaminenga o Kāpiti recognises the additional responsibilities of Council under the Local Government Act 2002 and the Resource Management Act 1991 as further opportunities to engage effectively.

## ONGOING CONSULTATION

- 34 To encourage sharing at a formal level, both the tāngata whenua and the Council are committed to meeting at least six times a year to discuss issues of mutual importance, indicate areas of concern and revise procedures as necessary.
- 35 There will be provision for additional meetings to be held at the request of either the tāngata whenua or the Council.

## REVIEW OF MEMORANDUM

- 36 This memorandum will be reviewed within the first six months of every triennium of the Council or at such time as may be requested by either of the parties. It may be amended or expanded by mutual agreement.



**TERMS OF AGREEMENT**

- 37 It is the intention of the parties that this memorandum has a continuing life, subject to such amendments as may be agreed to under the review provisions made in the previous clause.

## GLOSSARY

Hapū	Sub-tribe, usually a number of whānau with a common ancestor
Iwi	Tribe and people
Kaitiakitanga	Exercise of guardianship, stewardship
Mana	Prestige, authority, control, power and influence
Mana whenua	Customary authority exercised by an iwi or hapū in an identified area
Mātā waka	Kinship group, tribe, clan, race
Rohe	Territory, boundary: defines area within which a tāngata whenua group claims traditional association and mana whenua
Tāngata whenua	Iwi or hapū which holds mana whenua over a particular area
Taonga	Term of deep spiritual meaning; treasures, sacred possessions which are prized and protected; not limited to things which can be seen or touched
Tikanga	Tradition, customary values and practices, including protocol, ceremony, values and beliefs
Whānau	An extended family including the nuclear family



The Common Seal of  
 Āti Awa ki Whakarongotai Charitable Trust  
 was affixed hereto in the  
 presence of:

*W. Graham*  
*W. Paraka*  
*L. Tukipua*



The Common Seal of  
 Te Rūnanga o Toa Rangatira Inc  
 was affixed hereto in the  
 presence of:

*RS*



[Ngāti Haumia]

*[Signature]*

The Common Seal of  
 Ngā Hapū o Ōtaki  
 was affixed hereto in the  
 presence of:

*[Signature]*



The Common Seal of  
Kāpiti Coast District Council  
was affixed hereto in the  
presence of:

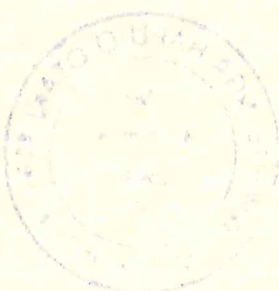
*[Signature]*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_



Mayor

Chief Executive

Councillor



## Appendix 1

List of iwi authorities recognised as party to the Memorandum of Partnership 2015

- Āti Awa is represented by Āti Awa ki Whakarongotai Charitable Trust
- Ngāti Raukawa ki te Otaki (Ngā Hapū o Ōtaki) is represented by Ngāti Pare, Ngāti Maiotaki, Ngāti Huia, Ngāti Koroki and Ngāti Kapumanawawhiti, the five (5) resident Raukawa hapū within the Kāpiti Coast District.
- Ngāti Toa Rangatira is represented by Te Rūnanga o Toa Rangatira Inc and by Ngāti Haumia.



## TE WHAKAMINENGA O KĀPITI – TERMS OF REFERENCE AND MEETING PROTOCOL

- |  |   |
|--|---|
| <p>1. This document is a guide to the protocols around the operations of Te Whakaminenga o Kāpiti with regard to its key functions, membership provisions and the conduct of its meetings.</p>   | <p><b>Purpose and scope of this document</b></p>            |
| <p>2. This document will be reviewed at the beginning of every Triennium, or at the request of a majority of members. Any changes to the protocol require a majority vote.</p>   | <p><b>Review of TOR</b></p>                                 |
| <p>3. All members will abide by the terms of this protocol.</p>  | <p><b>Members to abide by</b></p>                           |
| <p>4. Te Whakaminenga o Kāpiti is the independent partnership forum between Tāngata Whenua and the Kāpiti Coast District Council and operates in accordance with the principles and objectives of the Memorandum of Partnership. The specific objectives are:</p> <ul style="list-style-type: none"> <li>a) To provide a forum for the exchange of views on issues that impact on the social, environmental, economic and cultural wellbeing of the Tāngata Whenua;</li> <li>b) To assist iwi and hapū participation in resource management and other issues;</li> <li>c) To assist Council in understanding its responsibilities under the Treaty of Waitangi and legislation relating to Māori interests, values and Treaty settlements;</li> <li>d) To provide advice and assistance to Council with regard to tikanga Māori and kaitiakitanga;</li> <li>e) To facilitate Council contact with iwi, hapū and whānau as required;</li> <li>f) To facilitate education and information exchange between Tāngata Whenua and Council;</li> <li>g) For Tāngata Whenua to provide advice and/or recommendations to Council on policies and plans;</li> <li>h) For Council to provide advice and/or recommendations to Tāngata Whenua on policies and plans;</li> <li>i) To review the Memorandum of Partnership at least once every Triennium or as requested by a majority of members;</li> <li>j) To review the effectiveness of Council's plans and policies;</li> </ul> | <p><b>Purpose and scope of Te Whakaminenga o Kāpiti</b></p> |



- k) To appoint and delegate appropriate powers to Working Parties to address specific work areas;
- l) To discuss, formulate, implement and evaluate the priorities within the Strategic Workplan of Te Whakaminenga o Kāpiti Strategic.

5. Te Whakaminenga o Kāpiti comprises representatives of the three iwi whose rohe extend across the District, and elected representatives of Council.

### **Membership**

6. The iwi are Ngāti Toa Rangatira, Te Āti Awa ki Whakarongotai, and Ngā Hapū o Ōtaki, and each iwi will be represented by two members each.

The Kāpiti Coast District Council will be represented by the Mayor and a Councillor.

7. Iwi will advise in writing their nominated representatives (including alternates) at the beginning of each Triennium. (This means three names per iwi will be required). Council will appoint its representatives at the beginning of each Triennium. The confirmed list of members will be found at Appendix 1 of this document and will be updated as required.

### **Appointment of members**

8. Members will continue in their role for three years ie one Triennium. If for any reason an iwi member cannot continue in the role, their iwi or hapū will advise of a replacement as soon as practicable. If an elected member cannot continue in the role for any reason Council shall appoint a new member at its next available meeting.

### **Duration of membership**

9. Members have the following powers, duties and responsibilities:

### **Members' role and responsibilities**

- a) The right to attend meetings;
- b) The right to speak and vote at meetings;
- c) The right to propose additional items on the agenda;
- d) The right to nominate an alternate to attend meeting(s) if they are unable to attend;
- e) (for iwi) the duty to communicate the business of meetings back to their whānau and hapū groups as appropriate;
- f) (for Council) the duty to communicate the business of meetings back to Council as appropriate;
- g) the responsibility to approach the business of Te Whakaminenga o Kāpiti in a spirit of willing cooperation.



10. Te Whakaminenga o Kāpiti will elect by majority vote one of its members as Chairperson at the beginning of each Triennium.

### **Chairmanship**

11. In addition to the powers, duties and responsibilities listed above, the Chair has:

### **Chair's role and responsibilities**

- a) The duty to preside over meetings of Te Whakaminenga o Kāpiti;
- b) The right to speak and vote at meetings (but no casting vote);
- c) The duty of helping draft the meeting agendas;
- d) The responsibility of managing the conduct of meetings with reference to this protocol, ensuring that the business of the meeting is undertaken efficiently, effectively and respectfully;
- e) The right to accept or refuse the requests of parties wishing to make a presentation to Te Whakaminenga o Kāpiti;
- f) The right to attend meetings of Council with speaking rights only.

12. On points of meeting protocol the Chair's ruling is final.

### **Chair's ruling final**

13. On those occasions when the Chair is absent, members shall elect by majority vote, one of their number to fulfil the role of Chair for that meeting.

### **If Chair absent**

14. Meetings of Te Whakaminenga o Kāpiti will be held under the following protocols:

### **Meetings**

- a) Meetings will occur every six weeks, with members confirming the meeting dates for the following year. Meeting dates may be varied with the agreement of members, and provided a quorum (minimum number needed to conduct voting) is maintained.

### **Frequency**

- b) A quorum is at least one member of Council, together with one representative from two out of the three iwi. No business can be transacted (ie decisions made) at a meeting unless a quorum is present and maintained.

### **Quorum**

- c) Additional meetings or workshops may be called at a request of any member in consultation with the Chair.

### **Additional meetings**

- d) Meetings are open to the public and will be publicly advertised in local newspapers. Tāngata Whenua, mātāwaka, other Elected Members, Council staff and members of the public are welcome to attend, but may only speak during Public Speaking Time or as permitted by the Chair.
- e) Each meeting will feature an agenda item called Public Speaking Time in which non-members may address the meeting on any issue for a period of 5 minutes each, or longer as permitted by the Chair.
- f) Members may go into a closed session at the end of any meeting, or at any other time, as required, during which no members of the public may remain.
- g) Meeting venues shall be at the Council Chambers in Rimu Road Paraparaumu unless otherwise advised. One meeting per year will be held at a marae as agreed by members.

### **Open to the public**

### **Public Speaking Time**

### **Closed sessions**

### **Venues**

15. The Council's Democratic Services staff in consultation with the Council Iwi Relationship Manager, will be responsible for notification of meetings, venue booking, collating and delivery of meeting agendas, minuting of meetings, and distribution of draft minutes to members.

### **Meeting agendas**

16. Meeting agendas will be drafted in consultation with the Chair and input from members and will be circulated to members in either hard copy or by email one week ahead of the meeting date.

### **Drafting agendas**

17. Agendas of public meetings will be publicly accessible on the Council's website ahead of the meeting.

### **Publicly accessible**

### **Format**

18. An agenda will include a list of items to be discussed, the minutes of the previous meeting in draft form, and any supporting reports or documentation as required.

### **Additional items**

19. Additional items may be added to the meeting agenda with the agreement of the Chair.

20. Decisions made at meetings will be by majority vote.  
 21. If an equal number of votes for and against is cast the status quo will be maintained.

**Conduct of Meetings**  
**Equality of votes =**  
**status quo**

22. Voting will be managed by the Chair, by either voice or show of hands.

**Voting**

23. Any member may move a motion, provided another member agrees to second it. Once the motion is seconded it may be debated. The Chair will manage the order of speaking to the motion.

**Motions**

24. Any member may abstain from voting, and their abstention or vote recorded in the minutes at their request.

**Abstentions**

25. A record of each meeting shall be made and kept, detailing the time, date and place of the meeting, the name of the Chair, the names and titles of members, the list of public speakers and their topics, any additional agenda items, confirmation of the minutes of the previous meeting, a list of business considered and associated decisions made, any votes to be recorded, and the time the meeting finished.

**Minutes of meetings**

26. Any recommendations to Council will be communicated to the next available Council meeting via a formal report.

**Recommendations to**  
**Council**

27. Draft minutes will be circulated to the Chair and members for comment as to their correctness within one week of the meeting date. Once they are confirmed at the ensuing meeting they may be posted on the Council website.

**Draft minutes**

28. Iwi members shall communicate the business transacted at meetings in whatever way they see fit to their whānau and hapū groups.

**Reporting**

29. Once authenticated at the ensuing meeting the Chair will sign off the minutes.

**Clearance**

30. All minutes will be kept in minute books maintained by the Democratic Services Team.

**Records kept**

31. Te Whakaminenga o Kāpiti is funded through the Council's Long Term Plan and this funding is

**Resourcing**

administered through a prioritised annual Work Plan developed on a collaborative basis by members. Regular reports on budget-related expenditure are provided to meetings.

32. In addition to support offered by the Council's Iwi Relationships Manager and a senior manager will also be appointed by Council to support members and will attend meetings, along with the Council's Chief Executive.

33. Secretariat support will be provided by the Council's Democratic Services staff in the Corporate Services Group.

**Secretariat**

34. Iwi members of Te Whakaminenga o Kāpiti will be paid for each meeting they attend and reimbursed for mileage incurred in respect of the meeting. Remuneration will be coordinated through the Democratic Services Team upon receipt of a completed proforma.

**Iwi members'  
Remuneration**

35. Te Whakaminenga o Kāpiti may convene and discharge such Working Parties as it considers necessary to advance the aims of the Group.

**Delegations to Working  
Parties**

36. The Working Party shall be subject in all things to the control of Te Whakaminenga o Kāpiti and report its findings on a regular basis.

37. Te Whakaminenga o Kāpiti may appoint to any Working Party any person who is not a member of Te Whakaminenga o Kāpiti if that person's knowledge, experience and skills can assist the work of the Working Party.

**Membership**

38. The minimum number of members of a Working Party will be three (3).

**Minimum number**

39. Te Whakaminenga o Kāpiti may appoint any member of a Working Party to be the Chair of that Working Party.

**Chair of Working  
Party**

## Appendix 1

**MEMBERSHIP OF TE WHAKAMINENGA O KĀPITI**2007-2010 Triennium

Mr Te Waari Carkeek	Te Rūnanga o Raukawa (Chair)
Mr Rupene Waaka	Te Rūnanga o Raukawa
Ms Jennie Smeaton	Te Rūnanga o Toa Rangatira Inc
Mr Graham Hastilow	Te Rūnanga o Toa Rangatira Inc
Ms Carol Reihana	Ngāti Toa (Ngāti Haumia)
Mr Jack Rikihana	Te Rūnanga o Āti Awa ki Whakarongotai Inc
Mayor Jenny Rowan	Kāpiti Coast District Council
Councillor Hilary Wooding	Kāpiti Coast District Council

2010-2013 Triennium

Mr Te Waari Carkeek	Ngā Hapū o Ōtaki (Chair until June 2012)
Mr Rupene Waaka	Ngā Hapū o Ōtaki (Chair from June 2012)
Ms Jennie Smeaton	Te Rūnanga o Toa Rangatira Inc
Ms Carol Reihana	Ngāti Toa (Ngāti Haumia)
Mr Rawhiti Higgott	Te Āti Awa ki Whakarongotai Charitable Trust (until July 2013)
Ms Ann-Maree Bukholt	Te Āti Awa ki Whakarongotai Charitable Trust (from July 2013)
Mr Hemi Sundgren	Te Āti Awa ki Whakarongotai Charitable Trust (until September 2013)
Ms Cherie Seamark	Te Āti Awa ki Whakarongotai Charitable Trust (from September 2013)
Mayor Jenny Rowan	Kāpiti Coast District Council
Councillor Hilary Wooding	Kāpiti Coast District Council

2013-2016 Triennium

Mr Rupene Waaka	Ngā Hapū o Ōtaki (Chair)
Ms Mahinarangi Hakaraia	Ngā Hapū o Ōtaki (from January 2014)
Ms Reina Solomon	Te Rūnanga o Toa Rangatira (from March 2014)
Ms Jennie Smeaton	Te Rūnanga o Toa Rangatira Inc (alternate from March 2014)
Ms Carol Reihana	Ngāti Toa (Ngāti Haumia)
Ms Ann-Maree Bukholt	Te Āti Awa ki Whakarongotai Charitable Trust
Ms Cherie Seamark	Te Āti Awa ki Whakarongotai Charitable Trust
Mayor Ross Church	Kāpiti Coast District Council
Councillor Janet Holborow	Kāpiti Coast District Council

