



# **AGENDA**

## **Strategy and Operations Committee Meeting**

**I hereby give notice that a Meeting of the Strategy and Operations Committee will be held on:**

**Date: Thursday, 17 June 2021**

**Time: 9.30am**

**Location: Council Chamber  
Ground Floor, 175 Rimu Road  
Paraparaumu**

**Sean Mallon  
Group Manager Infrastructure Services**

**Kapiti Coast District Council**

**Notice is hereby given that a meeting of the Strategy and Operations Committee will be held in the Council Chamber, Ground Floor, 175 Rimu Road, Paraparaumu, on Thursday 17 June 2021, 9.30am.**

**Strategy and Operations Committee Members**

Cr James Cootes	Chair
Cr Gwynn Compton	Deputy
Mayor K Gurunathan	Member
Deputy Mayor Janet Holborow	Member
Cr Angela Buswell	Member
Cr Jackie Elliott	Member
Cr Martin Halliday	Member
Cr Sophie Handford	Member
Cr Jocelyn Prvanov	Member
Cr Bernie Randall	Member
Cr Robert McCann	Member

## Order Of Business

<b>1</b>	<b>Welcome.....</b>	<b>5</b>
<b>2</b>	<b>Council Blessing.....</b>	<b>5</b>
<b>3</b>	<b>Apologies .....</b>	<b>5</b>
<b>4</b>	<b>Declarations of Interest Relating to Items on the Agenda .....</b>	<b>5</b>
<b>5</b>	<b>Public Speaking Time for Items Relating to the Agenda.....</b>	<b>5</b>
<b>6</b>	<b>Members' Business .....</b>	<b>5</b>
<b>7</b>	<b>Updates .....</b>	<b>6</b>
7.1	Takutai Kapiti: Update on Community Assessment Panel (CAP) members.....	6
<b>8</b>	<b>Reports.....</b>	<b>7</b>
8.1	Wharemauku Park .....	7
8.2	Draft Keeping of Animals, Bees and Poultry Bylaw 2021 - Approval for Public Consultation .....	23
<b>9</b>	<b>Confirmation of Minutes.....</b>	<b>61</b>
9.1	Confirmation of Minutes .....	61
<b>10</b>	<b>Public Speaking Time.....</b>	<b>68</b>
<b>11</b>	<b>Confirmation of Public Excluded Minutes.....</b>	<b>68</b>
	Nil	
<b>12</b>	<b>Public Excluded Reports.....</b>	<b>69</b>
	<b>Resolution to Exclude the Public .....</b>	<b>69</b>
12.1	Major Events Fund 2020/21 Closeout and 2021/22 Recommendations .....	69



**1 WELCOME****2 COUNCIL BLESSING**

“As we deliberate on the issues before us, we trust that we will reflect positively on the communities we serve. Let us all seek to be effective and just, so that with courage, vision and energy, we provide positive leadership in a spirit of harmony and compassion.”

I a mātou e whiriwhiri ana i ngā take kei mua i ō mātou aroaro, e pono ana mātou ka kaha tonu ki te whakapau mahara huapai mō ngā hapori e mahi nei mātou. Me kaha hoki mātou katoa kia whaihua, kia tōtika tā mātou mahi, ā, mā te māia, te tiro whakamua me te hihiri ka taea te arahi i roto i te kotahitanga me te aroha.

**3 APOLOGIES****4 DECLARATIONS OF INTEREST RELATING TO ITEMS ON THE AGENDA**

Notification from Elected Members of:

4.1 – any interests that may create a conflict with their role as an elected member relating to the items of business for this meeting, and

4.2 – any interests in items in which they have a direct or indirect pecuniary interest as provided for in the Local Authorities (Members' Interests) Act 1968

**5 PUBLIC SPEAKING TIME FOR ITEMS RELATING TO THE AGENDA****6 MEMBERS' BUSINESS**

- (a) Public Speaking Time Responses
- (b) Leave of Absence
- (c) Matters of an Urgent Nature (advice to be provided to the Chair prior to the commencement of the meeting)

**7 UPDATES**

**7.1 TAKUTAI KAPITI: UPDATE ON COMMUNITY ASSESSMENT PANEL (CAP) MEMBERS**

## 8 REPORTS

### 8.1 WHAREMAUKU PARK

**Author:** Jennifer Allan, Strategic Advisor

**Authoriser:** Natasha Tod, Group Manager Strategy, Growth and Recovery

#### PURPOSE OF REPORT

- 1 This report introduces the background, issues and challenges that would need to be addressed for Council to formally endorse the Wharemauku Park vision for Paraparaumu town centre.

#### DELEGATION

- 2 The Strategy and Operations Committee has the authority to consider this matter.

#### BACKGROUND

- 3 Wharemauku Park is a concept for a 'central park' for Paraparaumu, as a permanent greenspace among existing civic and commercial areas. It has been developed by Whale Song Pakake Waiata Charitable Trust, chaired by Marco Zeeman. The vision for Wharemauku Park is *"a new central park and permanent greenspace among existing civic and commercial areas"*.
- 4 The area of land within the scope of the Wharemauku Park concept is centred on the Wharemauku Stream, from Rimu Road and along both sides of the stream corridor towards the airport, finishing where the proposed Link Road crosses the stream. It connects a range of landowners and land uses, including recreational, civic and proposed commercial and mixed-use development. Some of the land is Council-owned, and the concept crosses over with Council plans for development of Paraparaumu Town Centre. Other landowners within this area include Ngahina Developments, Sheffield Properties Limited, and St Heliers Capital Limited.
- 5 The image below shows some of the landowners in the immediate vicinity of the stream and some of the proposed features of the park (siting indicative only), within the area of the proposed park (indicated in blue).



6 The Wharemauku Park concept includes a number of sub-projects. It is useful to make a distinction between some of these and examine them separately:

- 6.1 **Whale Song sculpture** – this is a proposed bronze sculpture by local artist Mike Fuller of a family of seven life-sized humpback whales swimming in pod formation. The whales would range from four to seventeen metres in length and be mounted on poles ranging from one to eighteen metres above the ground. Funds are being raised for this privately-funded initiative by the Pakake Waiata Charitable Trust. The landowner, Ngahina Developments Ltd, has agreed to a perpetual lease of a one-acre site within the proposed park. The mission of the Whale Song project is to tell the whales' stories and enlighten people about the marine environment and how to look after it<sup>1</sup>.
- 6.2 **Wharenui** – included within the Wharemauku Park concept is a proposal to establish a wharenui as a home base and cultural gathering space for Puketapu Hapū ki Paraparaumu. It is proposed that this wharenui becomes a place to reflect the Kāpiti story and is a place of connection for iwi and the wider community. It is also proposed that this space hosts a permanent collection of traditional and contemporary Māori art.
- 6.3 **Forest nursery** – A community-based forest nursery and learning centre based on native plantings, proposed as a base for the restoration of the Wharemauku waterway. The intention would be to showcase and educate around native plants, propagation, medicinal uses, food and as a resource, for example harakeke for weaving.
- 6.4 **Forest canopy building** – A forest canopy is proposed, with an open building that over time incorporates planting and new saplings. As trees mature, the intention is for rising pathways to transform into canopy bridges, with small stages throughout the structure for school groups to explore and educators to make presentations.

<sup>1</sup> <https://www.whalesong.kiwi/>, accessed 30/4/2021



- 6.5 **Landscaping and improved public amenity** – It is proposed that once stormwater improvements through this area are confirmed, stream restoration becomes a focus, including riparian planting and pathways connecting to existing walking and cycleways.
- 7 The Whale Song Pakake Waiata Charitable Trust is working to build public awareness and support for the Wharemauku Park concept with promotion via their website, community meetings, a dedicated display space in Coastlands mall, and working with Kāpiti Primary School to develop educational resources about whales.
- 8 Mayor Gurunathan has written a public letter of support for the sculpture that can be found on the Whale Song website, along with several other letters from community members who have endorsed the sculpture idea.
- 9 For Council to endorse any proposal like this, we need greater certainty of what will be developed and more detail of the plans for the key enabling infrastructure such as roading and stormwater. The proposed park concept is a critical location in the middle of the town centre and will be crucial for ensuring the town centre functions well in the future and has the right spaces for community and other users.
- 10 This report first considers the strategic context for the town centre and the Wharemauku Stream, including what other stakeholders have indicated are their plans for this area, before outlining the issues, challenges, and opportunities that the park concept presents.

### Strategic context

- 11 The Council's Paraparaumu Town Centre Concept Design (2017) was developed through various studies and a comprehensive engagement process with the community in 2015. It built on the District Plan Centre Zone structure plan and made Paraparaumu town centre the heart of the district and the focal area for retail, commercial, cultural and civic activity. A programme of transitional transformation agreed during the 2015 Long Term Plan consultation, and a number of projects within this programme have been completed or are underway. The programme was designed to identify priority projects but also be flexible enough to respond to opportunities that may arise.
- 12 Council has several other strategies and plans that provide guidance on what is possible and desirable for the town centre and Wharemauku Stream. The most relevant of these are listed here and expanded on in Appendix 1.
- 12.1 The Proposed District Plan (particularly Chapter 6: Working Zones, Policy 6.8 – District Centre Zone, Appendix 6.7: District Centre Zone Structure Plan)
- 12.2 Open Space Strategy (2012)
- 12.3 Sustainable Transport Strategy (2020)
- 12.4 Cycling, Walking and Bridleway Strategy (2009)
- 12.5 Stormwater Management Strategy (2008)
- 12.6 Sustainable Water Management Strategy (2002)
- 12.7 Wharemauku Freshwater Management Plan (Last updated 2015).

### ISSUES, OPPORTUNITIES, RISKS AND UNCERTAINTIES

#### Opportunities

*A catalyst for conversations about the future of Paraparaumu's town centre*

- 13 Conversations about the Wharemauku Park concept provide Council with an opportunity to discuss its vision for the town centre, and to link Council's aspirations for the area with private and commercial development intentions. This can help create a shared vision and encourage cohesive development over time, as the revitalisation of the area will likely rely on a mix of council-, developer-, and community-led projects to come together over time to create a space that can provide for the varied needs of our growing community.

*Enhancement of planned investment in Paraparaumu Town Centre*

- 14 Some of the underlying principles in the Wharemauku Park concept vision are consistent with Council's direction for the town centre, for example focusing on restoration of Wharemauku Stream and enhancing connectivity for recreational and active transport through the stream corridor.
- 15 Council has several projects underway that will have an impact on the Civic precinct and the wider Paraparaumu town centre. These present a range of opportunities to contribute to the concept of a revitalised town centre concentrated around the Wharemauku Stream, which could be further enhanced by parts of the Wharemauku Park concept. These opportunities include:
  - 15.1 East-West Link Road. This infrastructure investment is intended to improve connectivity in the town centre, support development, and provide opportunities for congestion relief to Kāpiti Road and Rimu Road.
  - 15.2 Redevelopment of the Paraparaumu Community Centre. This is a significant project that will be part of the civic precinct of Paraparaumu's town centre for many years. Currently, this project is in the early stages of community engagement as to what is needed from this facility. Detail of what is to be built and where will be developed in subsequent stages.
  - 15.3 The proposed all-ages play space. This playground sits within the town centre plan and is also included in the concept plan for Wharemauku Park. A destination play space will increase the recreational experiences on offer in the town centre, connect to the active pathways, and will add to the vibrancy of the area.
  - 15.4 Infrastructure works to improve pedestrian access through the civic space. This work is underway with the redevelopment of the Rimu Road intersection by the Council offices. Further opportunities to improve pedestrian access through the civic centre will be explored to increase opportunities for active connections between civic and retail spaces within the town centre and increase the vibrancy of the civic precinct.
- 16 Further information on the activities Council has planned or underway for the town centre can be found in Appendix 2.

*Review of Wharemauku freshwater management plan*

- 17 Giving emphasis to the stream alongside town centre development provides an opportunity to restore the mana of the stream through restoration and more opportunities to interact with it, instead of turning our backs to the stream as urban development has tended to do in the past. Regeneration of the stream is a desirable outcome independent of the wider proposed park development.
- 18 Te Mana o te Wai refers to the vital importance of water and the National Policy Statement on Freshwater Management 2020 (NPS-FM 2020) strengthens and clarifies Te Mana o te Wai by providing stronger direction on how it should be applied when managing freshwater.
- 19 The Council stormwater management framework is built around the requirements of the NPS-FM 2020 and is being developed in partnership with all three of our iwi partners.
- 20 Te Āti Awa ki Whakarongotai have long expressed their desire to see the Wharemauku Stream restored and this is one of the key elements associated with the Council stormwater management framework currently already underway. It is proposed to review and refresh the Wharemauku Stream Freshwater Management Plan (last updated in 2015) in partnership with Te Āti Awa ki Whakarongotai in the next 12 months. Funding is available next financial year for this work.
- 21 This review could consider how elements of the proposed park may fit in with iwi aspirations for the river.

**Issues***Designation of Council land for use as Civic Centre*

- 22 The Council-owned land within the scope of the proposed Wharemauku Park concept was acquired for development of the civic precinct and is subject to the Public Works Act 1981. Council continues to require this land to be used for a civic precinct, not for any other purpose.
- 23 Further, concept drawings for Wharemauku Park show parts of the concept intrude on Council-owned land along the Wharemauku Stream banks which is on a local purpose reserve for stormwater. Under the Reserves Act 1977 it can only be used for that purpose. It is not clear how this would be consistent with use for any of the proposed sections of park.

*Balancing Town Centre development with environmental outcomes*

- 24 The Wharemauku park concept attempts to strike a balance between commercial development and enhancing the mana of, and our community's relationship with, the Wharemauku Stream.
- 25 Restoration of the stream area could contribute to the vibrancy and success of the surrounding area, however increased development may put increased pressure on the stream's ecosystems and fail to deliver the desired public amenity and green space.
- 26 Council also needs to consider its investment in the stream area and how that may or may not increase the health and mana of the stream. For example:
- 26.1 The town centre concept design only includes budget for limited landscaping around the proposed play space
- 26.2 The siting and development of the new community centre will help define the civic centre and how that connects to and enhances the Wharemauku Stream.
- 26.3 There is still a need for the stream to provide for a floodway that may impact on the level of development that can feasibly be considered outside of ecological restoration works.

*Proposed Location for Whale Song*

- 27 The proposed site for the Whale Song sculpture in the Wharemauku Park concept appears to be the result of land availability rather than a strategic location for a significant piece of public art. The land is owned by Ngahina Developments and leased to Sheffield Properties. Council understands that a perpetual lease arrangement has already been agreed.
- 28 Approval of the sculpture on this site will likely come down to resource and building consent considerations, including:
- 28.1 The appropriateness of the site, including consideration of infrastructure such as parking, signage, and pathways for access
- 28.2 Impact on the stream, including biodiversity (to be considered by Greater Wellington Regional Council).
- 29 The supporting infrastructure that would likely be required for resource consent would need commitment (financial and resources) from Council given a significant portion of the proposed wider park concept is on Council land, and access from the civic hub end to the proposed location would need to be via Council land. There is a provision on the title for legal access to this lot across Council land.

*The 'Wharemauku Park' name*

- 30 Promotional material includes the statement '*It is proposed this new permanent greenspace be called Wharemauku*', but it is not clear who proposed this name and what consultation may have occurred, including whether iwi have been consulted.
- 31 Names may be gifted to such projects by iwi as a sign of their support for a project and its significance to them, as was the case recently for Te Uruhi (The Kāpiti Gateway).

- 32 How the Wharemauku Park name was arrived at and whether iwi are supportive of this name should be investigated before the name is endorsed by Council.

*Interaction with other Kapiti tourist infrastructure*

- 33 The Wharemauku Park concept, including the Whalesong sculpture, is intended to be a destination for both locals and tourists where they can learn about our history and experience our natural environment.
- 34 Consideration ought to be given to how this sculpture and proposed park may complement or compete with Te Uruhi on the Paraparaumu waterfront. Te Uruhi is intended to be a focal point for visitors to our region and includes plans for a series of Pou to tell the stories of our local iwi. Thinking about how the Whalesong sculpture and the proposed cultural assets within the Wharemauku Park concept can be connected to Te Uruhi as the gateway for visitor experiences in the district would be important for maximising the economic development and tourism opportunities from these two significant investments.
- 35 It is also useful to consider how the proposed Park could interact with other assets in the district, for example, whether the proposed forest nursery and learning centre crosses over with what is already provided at Kaitawa Reserve or Nga Manu. It is not known whether the Whale Song Pakake Waiata Charitable Trust has spoken with anyone at these locations about how their concept aligns with existing community assets for nature-based education and experiences.

## Uncertainties

*Location and impact of Council infrastructure projects*

- 36 Stormwater – The Wharemauku Stream is subject to flooding, and any development in the surrounding area needs to give consideration to stormwater management. As noted (in Appendix 2), work is currently underway in partnership with iwi to develop a stormwater management framework and policy direction for the district.
- 36.1 A feasible stormwater management solution for this area is still being investigated. An initial upstream storage option has been ruled out, and staff are currently engaged in assessment of the effects of combinations of additional catchment enhancements, stormwater upgrades and proposed developments in order to prepare a development strategy for the catchment.
- 36.2 This lack of certainty around stormwater management has implications for development in the area. For example, the design of the Link Road is dependent on understanding stormwater management plans. The Whale Song Pakake Waiata Charitable Trust is aware of this uncertainty and its potential impact on their park concept.
- 37 East-West Link Road – The detailed design of this road has not commenced and is contingent on Waka Kotahi funding. The final design and location of the road will be shaped by the yet-to-be-determined stormwater solution and other physical restraints on site such as underlying ground conditions and proximity to dunes and other natural features.
- 38 Community Centre – The service offering, location and design of a replacement Community Centre is unknown.
- 39 Play Space – The exact location, design, access, and parking requirements for the proposed destination play space are unknown at this stage. While this may not hold up progressing other initiatives in the vicinity, it is a factor in Council being able to commit public land to a proposed park if it has already committed to the play space as part of developing the Town Centre Concept Design with the community.

*Compatibility with the intentions of other developers and key stakeholders in the area*

- 40 The Wharemauku Park concept attempts to create support and momentum for the cohesive development of an expanded Paraparaumu Town Centre around the Wharemauku Stream.

However, this Plan does not exist in a vacuum. The intentions of iwi and the major developers and land owners with an interest in the Wharemauku Stream and Paraparaumu Town Centre precinct are continually evolving and, at this time, uncertain.

41 Relevant considerations include:

41.1 Te Ati Awa ki Whakarongotai's interest in refreshing the Wharemauku Freshwater Management Plan (FMP), which promotes guardianship and restoration for the health of the stream, and to provide an overall view of goals and cumulative effects on the values of the stream;

41.2 Coastlands and Ngahina Development's conceptual plans for a Government precinct adjoining the site;

41.3 St Helier's Development's intentions for the development of their large landholding to the north west of the civic centre, which we anticipate may include large format retail, but is unconfirmed.

42 Considering how compatible these plans are with the other interests in the stream area, how they fit together (in terms of connectivity, landscaping etc), and how they contribute to community objectives for Town Centre development and social and economic wellbeing will be important to ensure that the Town Centre that develops in Paraparaumu is cohesive and provides for the many needs of our current and future community.

43 Conversely, if these plans are progressed independently without a shared vision to pull them in the same direction, the Paraparaumu town centre that develops may be:

43.1 Disconnected from the surrounding neighbourhoods

43.2 Internally disconnected, car-centric, and difficult/unsafe/unappealing for pedestrians

43.3 Split between two (or more) competing retail 'centres'

43.4 Only providing for a narrow set of retail experiences

43.5 Lacking safe and enjoyable recreational spaces

43.6 Not contributing to a positive relationship between the community and the Wharemauku stream

43.7 Lacking in vibrancy, given how people use the town centre is anticipated to change over time.

44 As the intentions of the other parties to the town centre area are not currently known to Council, we cannot say how well the proposed concept fits with those intentions. This would require further investigation and analysis as the intentions of the other parties become clearer.

*Regulatory Permissions*

45 The sub-projects that make up the Wharemauku Park concept are likely to require a range of permissions from Council and may also require permissions from Greater Wellington Regional Council.

46 It should be noted that much of this land is subject to flood hazard, which is potentially both a positive (that may be a qualifying matter justifying restrictions on building heights and densities) and a negative (in terms of limiting opportunities for building locations and types).

47 Further work would be required to develop the park concept to the level of detail required to understand if there are any significant challenges to obtaining the necessary permissions.

*Iwi support for wharenui*

48 With key partners Ngahina Developments, Whale Song and Coastlands, the wharenui is proposed to include a commercial arm to generate income and employment for Puketapu Hapū. Not much is known at this stage about what this would entail.

- 49 While some members of Puketapu Hapū have provided written support for the park concept and are keen to develop a wharenuī/cultural centre, we are not aware of any formal endorsement from the Ngahina Trust or Te Atiawa ki Whakarongotai Trust.
- 50 At this stage it is unclear what the views of the wider Hāpu and Council's iwi partners are on the establishment of the proposed wharenuī. Understanding these wider views will be important before Council is able to provide support for this aspect of the concept.

#### *Funding*

- 51 It is unclear from the available material how the various aspects of the Wharemauku Park concept would be funded. While promotional material states that Whale Song is to be privately-funded, fulfilment of the broader concept for Wharemauku Park would be a multi-million dollar project, and at this stage how it would be funded is unclear.
- 52 Given a significant piece of Council land has been included in the park concept, but no conversation about this has occurred, it is unclear whether the Trust proposes to purchase the land from Council, or whether they have assumed that the land will be available for use at no cost.
- 53 Asset ownership and the ongoing maintenance of assets (including the Whalesong sculpture) is also unclear. This includes who would maintain the Whale Song sculpture, as well as pathways, signage and other features proposed on private/Council land.

#### *Suitability of the location for the proposed forest canopy walk and nursery*

- 54 Information on these parts of the Wharemauku Park concept are particularly light.
- 55 It is unclear whether the proposed location is appropriate and/or viable for a forest nursery and canopy attraction and how long it may take to develop given the lack of current plantings.

#### **Risks**

- 56 The following risks have been identified by officers relating to the Wharemauku Park concept:
- 56.1 *Council's relationship with our iwi partners:* Council needs to be cautious in responding to the concept to establish a wharenuī as a spiritual home for Puketapu Hapū, as it is unclear at this stage what the views of the Hapū and Council's wider iwi partners are on the establishment of the proposed wharenuī.
- 56.2 *Council's relationships with the town centre developers/landowners:* There is a risk endorsing the vision put forward by a group with no financial stake in the town centre, and dependent on others to be able to deliver their plan, could create difficulties in Council's relationships with the developers and land owners who are still working through their own plans for their land in the area, and whose involvement in the Wharemauku Park concept design is unclear.
- 56.3 *Poor outcomes for the stream and/or town centre:* Council could lose the opportunity to plan quality civic and open space in our district's main centre and negatively impact on the stream if development in this area happens in an ad hoc and disjointed manner. The collaborative effort with the community and influential business owners to develop a shared vision for the town centre, through the existing Town Centre Concept Design, provides some mitigation against this. The Town Centre Concept Design is intentionally designed to be flexible to seize opportunities that arise and work with private business developments, but it requires Council to balance this with the strategic direction articulated by the community.
- 56.4 *Community perceptions of Council:* The public communications regarding Wharemauku Park and the Whalesong sculpture are driven by the Whalesong Trust and its members. The communications are focused on promoting the concept, gathering broad community support, and raising funds (for the sculpture). This means that the existing communications are solely focused on the benefits of the concept(s). This is

could be at odds with Council's role, particularly as a regulator who will (inevitably) be identifying issues with the concept that need to be resolved in order for it to be able to proceed, and as a landowner who may have other intentions for this land. Clear messaging about Council's role and the work we are undertaking to support a revitalised stream and town centre will be important for managing community expectations if this proposal advances.

## ADVICE

- 57 Council has requested advice on the background, issues and challenges in considering whether Council is able to support the concept of Wharemauku Park.
- 58 As outlined above, while there are some opportunities for Council that may result from this concept, there are also issues and significant uncertainties at this time that make it difficult to understand the full implications of the concept. For that reason, it is necessary to exercise caution in publicly expressing support for the details of the park concept and its component parts.
- 59 Council considers that any public support for this proposal should be made within the following constraints:
- 59.1 Support is given for the broad concept of a revitalised town centre at Paraparaumu
  - 59.2 Support is given for the focus on restoring the mana of the Wharemauku Stream.
  - 59.3 Support is not given to any of the plans or specified sub-projects at this time.
- 60 These high-level aspects of the proposal are in line with existing Council projects and/or desired outcomes for the area. Focusing on these aspects minimises the risk of providing comprehensive support for a proposal that is still in the early conceptual stages and has not, to our knowledge, been widely socialised with all of the key stakeholders (particularly our iwi partners).
- 61 Council may be in a position to provide more specific support for individual components of the park concept in future when more information is available. However currently the level of uncertainty is too high.

## CONSIDERATIONS

### Policy considerations

- 62 There are no specific policy considerations.

### Legal considerations

- 63 The Issues section identifies that there are legal considerations around the designation of Council land for use as a Civic Centre: the Council-owned land within the scope of the proposed Wharemauku Park concept was acquired for development of the civic precinct and is subject to the Public Works Act 1981.
- 64 Further, concept drawings for Wharemauku Park show parts of the concept intrude on Council-owned land along the Wharemauku Stream banks which is on a local purpose reserve for stormwater. Under the Reserves Act 1977 it can only be used for that purpose.

### Financial considerations

- 65 There are no specific financial considerations.

### Tāngata whenua considerations

- 66 We expect iwi to have an interest in the Wharemauku Park concept, particularly as it relates to the Wharemauku Stream, however it is unclear the extent to which the Trust has engaged with our iwi partners on this concept to date.

- 67 While some members of Puketapu Hapū have provided support for the overall concept, and the concept of a wharenui, it is unclear whether the Trust have formally discussed the park concept with the Hapū, the wider Te Atiawa ki Whakarongotai iwi, or our other iwi partners at this stage.

### Strategic considerations

- 68 The broader strategic context for this issue is outlined in Appendix 1.
- 69 The proposed development of the Wharemauku Stream may also impact on the objectives of Ki Uta ki Tai and integrated catchment management.

## SIGNIFICANCE AND ENGAGEMENT

### Significance policy

- 70 This matter has a low level of significance under Council's Significance and Engagement Policy.

### Consultation already undertaken

- 71 No consultation has been undertaken by Council on this matter. It is unclear the extent to which the Trust has formally consulted with key stakeholders at this stage.

### Engagement planning

- 72 No engagement plan is required at this time.

### Publicity

- 73 No publicity is planned at this time, however some key messages can be provided for elected members to assist them with any conversations with community members about the project.

## RECOMMENDATIONS

- 74 Wharemauku Park appears to be a very preliminary concept that is made up of a number of individual projects. There is significant uncertainty around the park concept.
- 75 Officers recommend that Council:
- 75.1 note that the enhancement of the Paraparaumu town centre and Wharemauku stream is a complicated and interlinked development involving both Council and private/commercial investment over time
  - 75.2 agrees to support the broad vision of a central park for Paraparaumu town centre only
  - 75.3 agrees to focus support on enhancing the mana of the Wharemauku stream
  - 75.4 notes that Council can consider providing more specific support for individual components of the park in future, when more information is available
  - 75.5 note that, should Council wish to provide a stronger level of support for the Wharemauku Park concept in future, further investigation would be required.

## APPENDICES

1. Appendix 1: Relevant Council Strategies and Plans [↓](#)
2. Appendix 2: Current Council Activities Around Wharemauku Stream [↓](#)



## Appendix 1: Relevant Council Strategies and Plans

- 1 Council has a number of strategies and plans that provide guidance on what is possible and desirable for the town centre and Wharemauku Stream. The most relevant of these are:
  - 1.1 The Proposed District Plan
    - 1.1.1 Appendix 6.7: District Centre Zone Structure Plan
  - 1.2 Paraparaumu Town Centre Concept Design (2017)
  - 1.3 Open Space Strategy (2012)
  - 1.4 Sustainable Transport Strategy (2020)
  - 1.5 Cycling, Walking and Bridleway Strategy (2009)
  - 1.6 Stormwater Management Strategy (2008)
  - 1.7 Sustainable Water Management Strategy (2002)
  - 1.8 Wharemauku Freshwater Management Plan (Last updated 2014)
- 2 The Proposed District Plan includes objectives and policies for Working Zones (urban areas where business activities are the primary activity undertaken. Other activities which are complementary to and support business activities are also undertaken in the Working Zones and these may include cultural, community, civic, recreational, entertainment, education, religious and residential activities) and specific rules for the District Centre Zone.

### Policy 6.8 District Centre Zone

#### Policy 6.8 – District Centre Zone

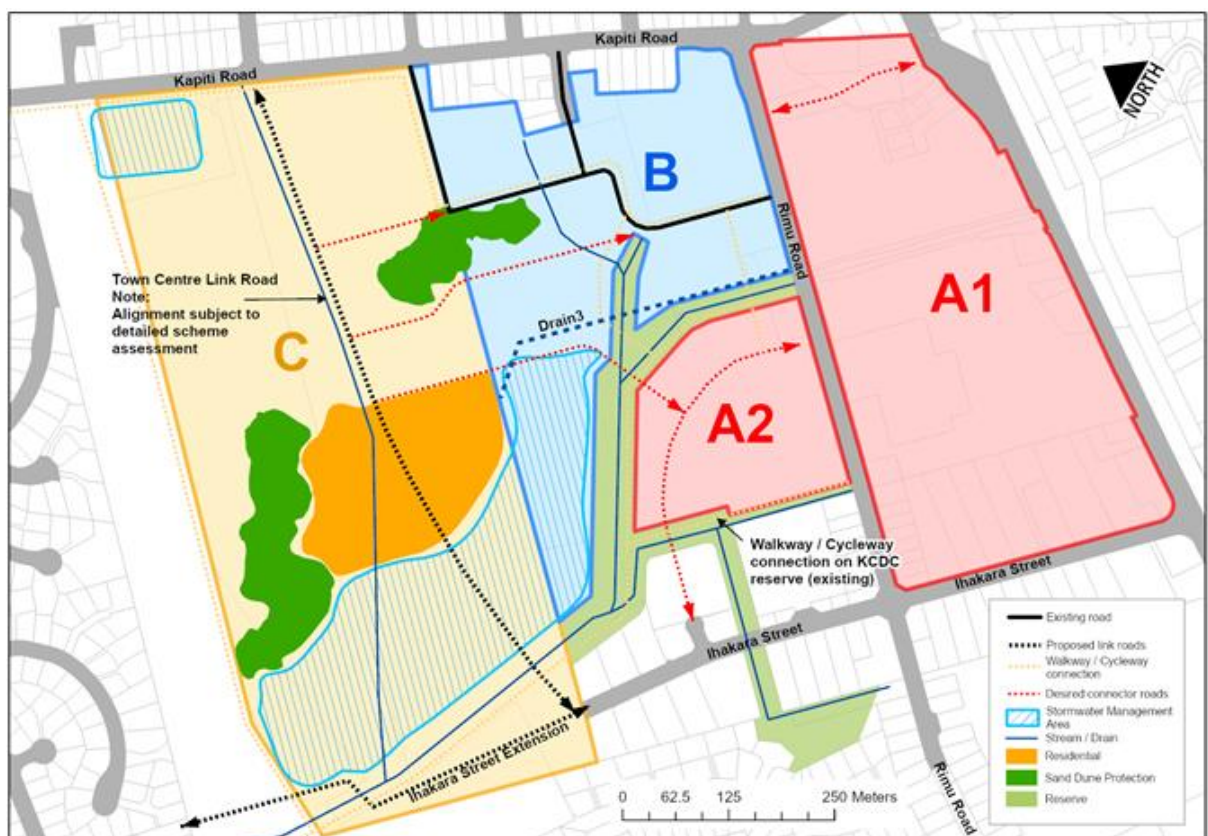
The **District Centre Zone** will be developed for a range of activities which recognises its importance as the core of the **Paraparaumu Sub-Regional Centre**. This **zone** will be developed in a way which achieves an integrated and compact core, ensures all precincts are well connected through pedestrian and **transport networks**, and provides for a broad range of mutually compatible activities that are integrated with public transport, and that provide a strong community focal point.

The following land uses will be provided for in the **District Centre Zone** consistent with the District Centre Zone Structure Plan in **Appendix 6.7**:

- a. retail and **commercial activities** in **Precinct A** that contribute to a vibrant and vital **centre** and will activate the following streets:
  - i. existing **State Highway One** (Main Road);
  - ii. Rimu Road;
  - iii. the desired connector **roads** in **Precinct A**;
- b. **residential activities**;
- c. clustered community facilities in **Precinct B**;
- d. commercial, limited retail and **residential activities** in **Precinct C** which do not adversely affect the role, function and vitality of **Precinct A**;
- e. a large consolidated stormwater management area and, if practicable, **wetland** to provide for **flood storage**, ecological values and **amenity values**; and
- f. recreational opportunities along the Wharemauku Stream, Drain 3, other stormwater management and **wetland** areas, and in **Precinct B**.

- 3 The Paraparaumu Town Centre is identified in the PDP as the District Centre and has a specific Structure Plan.
- 4 The purpose of the District Centre Zone Structure Plan is to plan for an integrated District Centre Zone within the Paraparaumu Sub-Regional Centre. The Structure Plan, in conjunction with the District Plan policies and rules, sets out the land use activities, transport network, public open space network and stormwater management for the District Centre Zone. The focus of the Structure Plan is to provide strategic planning to achieve the following:
  - 4.1 Retail and commercial areas located where they activate the following roads/streets: a) existing State Highway One (Main Road); b) Rimu Road; c) the desired connector roads in Precinct A;

- 4.2 Strengthen the role and function of the existing retail and commercial core (Precinct A) to better provide for the community's retail, social and commercial needs;
  - 4.3 Provide for residential activities near the Wharemauku Stream to encourage medium density residential development to occur close to the town centre;
  - 4.4 Clustered community facilities (in Precinct B);
  - 4.5 Provide for commercial, limited retail and residential activities (in Precinct C);
  - 4.6 Provide for a large consolidated stormwater area and wetland to provide for flood storage, ecological values and amenity for residents and other users of the area, with some development being deferred until this can be achieved;
  - 4.7 Recreational opportunities along the Wharemauku Stream, Drain 3, other stormwater management and wetland areas, and in Precinct B;
  - 4.8 Increased connectivity (the road, cycle and walkway network) throughout the area; and.
  - 4.9 A link road between the Kāpiti Road/Arawhata Road intersection and the Ihakara Street extension that provides a strategic east-west transport and freight connection, alleviates traffic issues on Kāpiti Road, and enables connections to desired connector roads.
- 5 District Centre Zone Structure Plan Precincts are shown below.



- 6 The Paraparaumu Town Centre Concept Design (2017) was developed through various studies and a comprehensive engagement process with the community in 2015. It made Paraparaumu town centre the heart of the district and the focal area for retail, commercial, cultural and civic activity. A programme of transitional transformation over 14 years was agreed during the 2015 Long Term Plan consultation, and a number of projects within this programme have been completed or

are underway. The programme was designed to identify priority projects but also be flexible enough to respond to opportunities that may arise.

- 7 The 2020 *Kāpiti Coast Centres – Centres Vision Background Report* (The Centres Vision Report) also provides guidance on principles of town centre design that promote a community's economic and social wellbeing.
- 8 Council's Open Space Strategy (2012, currently being reviewed) contains a number of relevant objectives, including to develop a coordinated, clearly defined and where possible, linked system of public and private land of an open, cultural or natural character that together provide:
  - 8.1 A buffer or visual contrast to the built environment
  - 8.2 Ecological corridors for improved ecological resilience
  - 8.3 An alternative active access link between communities
  - 8.4 Increased movement choices between public open space.
- 9 The Sustainable Transport Strategy (2020) recognises that the transport system needs to be planned as an integrated system, where all forms of transport are taken into account when designing transport corridors, including walking and cycling. The planning of the transport systems needs to be recognised and integrated with land use planning, open space planning and urban design.
- 10 Cycling, Walking and Bridleway Strategy (2009) has an objective "to develop networks that improve cycling, walking and horse riding access and linkages throughout Kāpiti" and underlying policies that stress the importance of completing these essential transport networks.
- 11 The Stormwater Management Strategy (2008) provides direction on managing the nature, location and scale of development in relation to stormwater risks and the effects of development on stormwater management. The Strategy also emphasises the use of open space as secondary flowpaths or floodwater retention areas in severe flood events.
- 12 The Sustainable Water Management Strategy (2002) recognises that the health of the natural systems, especially the rivers, streams, aquifers and coastal waters, is essential to people's health and pleasure, and to a large extent, is essential to the local economy.
- 13 The Wharemauku Freshwater Management Plan (the FMP) was developed in 2001 in consultation with the community and aims for sustainable management of the Wharemauku Stream to achieve a vision of "*A stream that is a focal point for the Kāpiti community, providing amenity while achieving improved biodiversity and reduced flood risk*". The FMP sets out priorities for the actions and identifies groups to take responsibility for implementation.
- 14 In addition, central government regulation through the National Policy Statement – Urban Development (NPS-UD) is relevant because it aims to ensure that New Zealand's towns and cities are well-functioning urban environments that meet the changing needs of our diverse communities. The NPS-UD is broadly seeking well-functioning urban environments that support community wellbeing under Objective 1:

*New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.*
- 15 The NPS-UD seeks to regulate for good urban design by facilitating more intensive development in urban centres that are within walkable distance to public transport

hubs. The policies of the NPS-UD will be incorporated into the Proposed District Plan through a plan change that is scheduled for notification in late 2022.

**Appendix 2: Current Council Activities Around Wharemauku Stream***Paraparaumu Town Centre Development*

- 1 During 2014 and 2015 Council worked with the community to identify development opportunities for the Paraparaumu town centre. The concepts developed make Paraparaumu town centre the heart of the district and the focal area for retail, commercial, cultural and civic activity. The Concept Design identifies the priority projects for the area and is the guiding document for all future Paraparaumu town centre design projects, setting the design framework to progress future projects in an integrated way.
- 2 Some of the relevant elements of the Concept Design include:
  - 2.1 a storm water/ wetland area around the Wharemauku Stream, fronted onto and overlooked by land uses.
  - 2.2 ecological and recreational enhancement of the Wharemauku stream.
  - 2.3 A Wharemauku recreation area and destination play space identified as a strategic opportunity that will contribute to consolidation of the town centre. This will include landscaping to the west of the library in conjunction with developing the play space.
- 3 While the Concept Design is focused on public land and amenities, the community's vision encompasses the whole of the centre, including privately-owned commercial, retail and office space. It is important to recognise that it is not Council who builds a town centre, but a mix of Council, developers and community.

*East-West Link Road*

- 4 The proposed East-West Link Road ("the Link Road") is referenced in the concept plan for Wharemauku Park. The Link Road project is intended to improve connectivity in the town centre, support development, and provide opportunities for congestion relief to Kāpiti Road and Rimu Road.
- 5 The Link Road connecting Ihakara Street and Arawhata Road and associated town centre projects are identified in Council's Long Term Plan and the Regional Land Transport Plan (RLTP) significant activities list. The RLTP identifies the regional priorities, sets out transport investment intentions, and includes all activities the region would like to be included in the National Land Transport Programme (NLTP).
- 6 The Draft KCDC Long Term Plan identifies that *"over the next three years, we've budgeted \$25 million to link Arawhata Road and Ihakara Street in Paraparaumu, to provide a strong east-west connection for the town centre, and respond to growth in the area"*.
- 7 A Programme Business Case has been completed, and once endorsed by NZTA this will allow us to progress to the Single Stage Business Case and implementation for the Link Road project. Funding for this is being sought through the 2021-2024 NLTP, and decisions on this are expected later this year.
- 8 The road forms part of the District Centre Structure Plan. The Structure Plan, in conjunction with the District Plan policies and rules, sets out the land use activities, transport network, public open space network and stormwater management for the District Centre Zone.. Any connectivity beyond that identified in the Structure Plan would need further assessment.
- 9 Detailed design of the project will be undertaken once funding has been secured.

*Redevelopment of the Paraparaumu Community Centre*

- 10 In 2020, the Paraparaumu Community Centre was closed after toxic mould was identified at levels that were not considered safe for continued use of the building. The Draft 2021 Long Term Plan includes \$5 million funding across three years for a replacement facility.
- 11 This is a significant project that will be part of the civic precinct of Paraparaumu's town centre for many years. Considering how the facility could be designed and positioned to maximise its contribution to a revitalised town centre could be part of the scope of the redesign project.

*Stormwater Management*

- 12 The National Policy Statement for Freshwater Management requires freshwater to be managed in a way that gives effect to *Te Mana o te Wai*, i.e. that recognises the inherent connection between waterbodies, tāngata whenua identity, and the mana of the area. The emphasis is on improving degraded water bodies and maintaining or improving all others.
- 13 The inherent importance of the Wharemauku Stream and its catchment to Te Ātiawa ki Whakarongtai is recognised and reflected in all planning discussions. Council has indicated to Te Ātiawa ki Whakarongtai its willingness to review and finalise the existing Wharemauku Freshwater Management Plan (currently draft).
- 14 Work is currently underway in partnership with iwi to develop a stormwater management framework and policy direction for the district. This may have an influence on how Council plans capital works.
- 15 In terms of capital works in relation to Wharemauku Stream, an initial assessment has been undertaken of proposed works in the catchment to provide upstream storage and reduce downstream flow constrictions. An upstream storage option has been ruled out as not feasible and too expensive and onerous in terms of liabilities. Staff are currently engaged in assessment of the effects of combinations of additional catchment enhancements, stormwater upgrades and proposed developments in order to prepare a development strategy for the catchment.
- 16 Council is also re-building our flood hazard modelling, including the Wharemauku catchment. The re-build is to include recent development which has occurred within the District, and to improve the models by taking advantage of updated software capability, improved computing power, improved topographic data (LiDAR) and improved information on the drainage network, and updated climate change predictions.
- 17 The adaptive monitoring framework mandated under Council's global stormwater discharge permit has moved into the cultural monitoring phase. Te Ātiawa ki Whakarongtai is informing (and to the extent possible undertaking the monitoring) within its rohe, with the emphasis currently on the Wharemauku Stream catchment.
- 18 Council is also in the process of applying for global maintenance consent to allow Council to maintain our open channel network (including the Wharemauku Stream and its tributaries) and intends to work in partnership with each iwi to determine what would constitute 'best practice' within each rohe.

**8.2 DRAFT KEEPING OF ANIMALS, BEES AND POULTRY BYLAW 2021 - APPROVAL FOR PUBLIC CONSULTATION**

**Author:** Aston Mitchell, Policy Advisor

**Authoriser:** Natasha Tod, Group Manager Strategy, Growth and Recovery

**PURPOSE OF REPORT**

- 1 This report presents the draft Kapiti Coast District Council Keeping of Animals, Bees, and Poultry Bylaw 2021 (hereafter referred to as 'the draft Bylaw') and seeks Council approval to undertake public consultation on the draft Bylaw.
- 2 This report is intended to be read in conjunction with the attached information:
  - Statement of Proposal for public consultation (Appendix 1), and
  - The draft Bylaw (Appendix 2).

**DELEGATION**

- 3 Section 145 of the Local Government Act 2002 (LGA 2002) gives Council the power to make a bylaw. Under section B1 of the Governance Structure and Delegations for the 2019-2022 Triennium the Strategy and Operations Committee is responsible for the development and/or review of strategies, plans, policies, and bylaws.

**BACKGROUND**

- 4 The current Keeping of Animals, Bees, and Poultry Bylaw (the Keeping of Animals Bylaw) was adopted on 3 June 2010 and in accordance with sections 159 and 160 of the LGA 2002 a reviewed bylaw must be adopted by 3 June 2022 or the Keeping of Animals, Bees, and Poultry Bylaw will be automatically revoked.
- 5 Data collection and initial analysis for the first phase of the review of the Keeping of Animals Bylaw commenced in 2020, with our early engagement starting in early 2021.
- 6 The data collection, early engagement and analysis phase has recently been concluded. In this early review and engagement work, Council Officers:
  - sought views from the community on the Have Your Say tool online
  - consulted with community stakeholders, including SPCA Waikanae and the Wellington Beekeepers Association,
  - consulted with government stakeholders, including Greater Wellington Regional Council, and the Department of Conservation,
  - contacted our iwi partners to seek their views and input,
  - analysed all animal-related service requests, emails, and other correspondence received by Council from January 2018 to January 2021,
  - reviewed a number of other Council's Keeping of Animals Bylaws, and
  - assessed the Bylaw rules against other legislation to check for any ambiguities or inconsistencies that required amendment.

**REVIEW PROGRESS**

- 7 The current phase involves the development of a draft Bylaw and public consultation, in accordance with the section 156 of the LGA 2002, through a special consultative procedure.
- 8 Subject to approval, Council Officers intend to release the draft Bylaw for public consultation between 28 June to 28 July 2021. Following this, on 5 August, Council will hear submitters and receive a summary report of submissions.

- 9 The final draft Bylaw is planned to be presented to full Council (in accordance with Council delegations) for consideration and adoption at the end of September 2021.

### DISCUSSION ON THE PROPOSED BYLAW

- 10 The early engagement, data collection and analysis phase identified a range of views that exist across the District.
- 11 We saw a wide range of concerns and requests through our service request analysis and early engagement feedback. However, the majority of people were comfortable with the rules in current Bylaw and largely requested additions to the Bylaw, rather than changes to the current rules.
- 12 Based on feedback and analysis, Council Officers consider that many of the current rules remain appropriate and fit-for-purpose. However, a number of matters were identified that required further consideration to ensure that our District has the appropriate protections and measures in place to improve safety and reduce potential nuisance or offensive behaviour. A variety of proposals have been developed to address or mitigate the issues raised, where it is reasonable to do so. These fall into three areas:
- i) Changes or additions to the current Keeping of Animals Bylaw rules;
  - ii) Operational matters, for things such as safety improvements and responsible ownership, which help support the overall intent of the draft Bylaw;
  - iii) Minor and technical amendments have been identified and addressed.
- 13 We intend to test the operational proposals through the Statement of Proposal, alongside the proposed 2021 Bylaw amendments. The operational proposals do not have a fiscal impact and will be managed through existing staff resource.
- 14 The Statement of Proposal also provides the community with more information on the different roles and responsibilities of government agencies involved in the keeping and management of animals within the District.
- 15 People won't necessarily see their own preference reflected in the draft Bylaw, as we considered a range of factors in determining how best to respond to issues raised and meet our legislative requirements. These factors include the size and impact of the issue, practicality of a response, appropriateness of using the Bylaw, ability to monitor or enforce, and the associated cost. While a number of issues were raised, in a number of cases these were considered to be out of scope for this Bylaw with its focus on preventing nuisance, offensive behaviours, and health and safety risks.
- 16 The key areas being tested through the Statement of Proposal are:
- Ensuring public health and safety around apiaries;
  - The reduction of poultry noise nuisance in the District;
  - The discouragement of feral animals in the District; and
  - Supporting information for the Bylaw.

### CONSIDERATIONS

#### Policy considerations

- 17 There are no policy considerations in addition to those outlined in this report and the Statement of Proposal, attached as Appendix 1 to this report.

#### Legal considerations

- 18 The adoption of the 2021 Keeping of Animals, Bees, and Poultry Bylaw must be completed by 3 June 2022.



- 19 Under section 145 of the Local Government Act 2002, a territorial authority may make bylaws for its district for one or more of the following purposes:
- (a) protecting the public from nuisance;
  - (c) protecting, promoting, and maintaining public health and safety;
  - (d) minimising the potential for offensive behaviour in public places.

### Financial considerations

- 20 This bylaw review is being carried out within existing budgets.

### Tāngata whenua considerations

- 21 Council Officers have sought iwi input and will continue to support iwi to engage with the content of the draft Bylaw and submit on the Statement of Proposal.

### Strategic considerations

- 22 *Toitū Kāpiti* reflects aspirations for a vibrant and thriving Kāpiti, with strong and safe communities that are connected to our natural environment. The Keeping of Animals, Bees, and Poultry Bylaw supports Council and our District in ensuring the public is protected from nuisance, health and safety risks, and offensive behaviour in relation to the keeping of animals, which feeds into the Toitū Kāpiti aspirations.

## SIGNIFICANCE AND ENGAGEMENT

### Significance policy

- 23 In accordance with the LGA 2002, a special consultative procedure will be required for this draft Bylaw review.

### Consultation already undertaken

- 24 A pre-consultation engagement phase has already taken place. This included targeted pre-engagement with iwi partners and key stakeholders, as well as a *Have Your Say* ideas board through our engagement portal.
- 25 Officers briefed Council on 20 March 2021 (on the issues and ideas identified through the engagement and analysis phase), and again on 11 May 2021 (to outline the content proposed as a part of the Statement of Proposal).

### Engagement planning

- 26 A communications and engagement plan has been developed to support the public consultation process through a range of channels. These include our regular digital channels (including Facebook, the Keeping of Animals Bylaw web page on [kapiticoast.govt.nz](http://kapiticoast.govt.nz), Antenna and e-newsletter Everything Kāpiti), newspaper advertising, direct emails to stakeholders, and media advisories.
- 27 The information available to the public for consultation on the draft Bylaw has been produced in accordance with LGA 2002 requirements and Council's Significance and Engagement Policy.

### Publicity

- 28 Publicity and other communications have been included in the communications and engagement plan.

**RECOMMENDATIONS**

- 29 That the Committee receives and notes this report, including Appendices 1 and 2 to this report.
- 30 That the Committee approves the Statement of Proposal and the Draft Kāpiti Coast District Council Keeping of Animals, Bees, and Poultry Bylaw 2021 for public consultation in accordance with the Special Consultative Procedure as set out by the Local Government Act 2020.
- 31 That the Committee delegates authority to the Chair of the Strategy and Operations Committee and the Chief Executive to approve minor and technical changes required (if any) to the consultation documents before they are publicly released on 28 June 2021.

**APPENDICES**

1. Statement of Proposal [↓](#)
2. Draft Keeping of Animals, Bees and Poultry Bylaw 2021 - Including changes [↓](#)
3. Draft Keeping of Animals, Bees and Poultry Bylaw 2021 - Tracked Changes version [↓](#)
4. Submission form [↓](#)



## **Draft for Approval**

### **STATEMENT OF PROPOSAL**

# **DRAFT KAPITI COAST DISTRICT COUNCIL KEEPING OF ANIMALS, BEES, AND POULTRY BYLAW 2021**

**17 June 2021**

## CONTENTS

HAVE YOUR SAY .....	3
INTRODUCTION AND BACKGROUND .....	4
The current Keeping of Animals, Bees, and Poultry Bylaw .....	4
Legislative requirements .....	5
The review process so far .....	5
UNDERSTANDING DIFFERENT ROLES AND RESPONSIBILITIES FOR MANAGING ANIMALS .....	7
ISSUES RAISED AND PROPOSED RESPONSES.....	8
DISCOURAGEMENT OF FERAL ANIMALS .....	9
UPDATED OWNERSHIP REQUIREMENTS.....	9
Management and Requirements for Bees.....	9
Noise Nuisance from Roosters and Peacocks .....	10
Poultry Coops.....	11
THE MANAGEMENT AND CONTROL OF CATS.....	12
OTHER MINOR OR TECHNICAL AMENDMENTS .....	13
SUMMARY OF PROPOSED CHANGES.....	14

**HAVE YOUR SAY**

The Council invites your views on the draft Kapiti Coast District Council Keeping of Animals, Bees, and Poultry Bylaw 2021.

**The formal consultative period will last for four weeks, from 28 June 2021 to 28 July 2021.**

Submissions must be made either in writing or online.

You can complete the submission form attached to this document and either:

- email it to [submissions@kapiticoast.govt.nz](mailto:submissions@kapiticoast.govt.nz),
- drop it off at the Council offices or a Council Service Centre, or
- post it to 'Kāpiti Coast District Council, Private Bag 60601, Paraparaumu 5254'.

You can also make your submission online via Council's online submission portal at [www.kapiticoast.govt.nz/keeping-animals-bees-poultry](http://www.kapiticoast.govt.nz/keeping-animals-bees-poultry).

Hard copies of the submission forms are also available from District libraries and service centres.

**Submissions will be heard on 5 August 2021.**

Persons who wish to be heard by Council will be given the opportunity to do so. If you wish to make an oral submission to Councillors, please indicate YES on the submission form and ensure you have included your contact details. We will contact you to arrange a time for you to speak.

**What happens to your feedback?**

Your submission, and those of other submitters, will help inform Councillors as we finalise the new Kapiti Coast District Council Keeping of Animals, Bees, and Poultry Bylaw 2021.

## INTRODUCTION AND BACKGROUND

1. The Kapiti Coast District Council (the Council) is undertaking a statutory review of the Kapiti Coast District Council Keeping of Animals, Bees, and Poultry Bylaw 2010 (the '2010 Bylaw'). This Statement of Proposal presents the draft Kāpiti Coast District Council Keeping of Animals, Bees, and Poultry Bylaw 2021 (the 'draft 2021 Bylaw'), being proposed for adoption this year.
2. We have undertaken a range of targeted activities (input from the community and key stakeholders, a review of other Council's Keeping of Animals Bylaws, and a review of service requests, emails, and other correspondence) to identify and better understand the issues affecting the keeping of animals. As a result, we are now proposing a number of changes to better manage the keeping of animals within our District. Most are changes to the Bylaw itself, while there are some operational changes to support the intent of the Bylaw, such as providing information on our website, to support the overall intent of the Bylaw.
3. This Statement of Proposal:
  - helps the community understand the Council's responsibilities and the review process to date
  - explains the challenges we have identified and why we are proposing the changes, and
  - invites the community to make submissions on the draft 2021 Bylaw.

### *The current Keeping of Animals, Bees, and Poultry Bylaw*

4. Council adopted the 2010 Bylaw in June 2010 (<https://www.kapiticoast.govt.nz/media/21964/kcdc-keeping-of-animals-bees-and-poultry-bylaw-2010.pdf>). The purpose of the Bylaw is to manage the keeping of animals within the District to ensure these activities do not create a nuisance or become a threat to public health and safety.
5. The key matters covered in the 2010 Bylaw are:
  - The keeping of animals must be in a manner which does not cause nuisance or create threats to public health and safety;
  - Ensuring animals are kept in adequate environments – i.e. appropriate fencing, appropriate sized areas, and appropriate distances from boundaries, dwellings, and buildings where food is stored for human consumption;
  - Prohibition of roosters and limiting the number of poultry kept in urban areas; and
  - Licensing of beehives kept in urban areas.
6. There are a number of roles and responsibilities relating to the management of animals. These are explained further later in this document, and are important as the scope of the Bylaw means a number of matters are excluded from the Bylaw rules, including:
  - Dogs, which are covered in the Kāpiti Coast District Council Dog Control Bylaw 2019 and Dog Control Policy 2019;

- Animal welfare as this is covered by the SPCA and the Animal Welfare Act 1999;
- Wild animals as these are free and not 'kept';
- Pest management, as this is covered by the Greater Wellington Regional Council under the Regional Pest Management Plan 2019-2039, and
- Environmental protection, which sits under a range of other legislation, including the Resource Management Act 1991.

### *Legislative requirements*

7. In accordance with section 145 of the Local Government Act 2002 (LGA), the Council may make Bylaws for its District for purposes of:
  - protecting the public from **nuisance**;
  - protect, promote, and maintain **public health and safety**;
  - minimise the potential for **offensive behaviour** in public places;
8. Section 146 also provides Council with specific bylaw making powers for a variety of purposes, including for the keeping of animals, bees, and poultry.
9. Council Bylaws must be reviewed every 10 years and, if not reviewed, are revoked two years after the date that the review is due. Accordingly, the 2010 Bylaw was due for review by 3 June 2020 (10 years from the date it was adopted) and the final date for completion of the review is 3 June 2022 (2 years from the date the review is due).
10. The Council is also required to consult the community when making, amending, or reviewing a Bylaw and, after deciding to adopt any amendments to the Bylaw, the local authority must give public notice of when the Bylaw or amendments come into operation.
11. To enable public understanding of the Bylaw review process and the proposed amendments the Local Government Act 2002 requires Council to present this Statement of Proposal.
12. When making or reviewing Bylaws, the Local Government Act 2002 requires Council to make three determinations. These are to ensure that the Bylaw is necessary, that it is the most appropriate form of a Bylaw, and that any implications under the New Zealand Bill of Rights Act 1990 are considered.
13. In this respect, Council considers that the draft 2021 Bylaw:
  - continues to be the most appropriate way to manage the keeping of animals, bees, and poultry in the District to protect, promote, and maintain health and safety, and to protect the public from nuisance,
  - subject to the proposed amendments, remains an appropriate Bylaw for the Council, and
  - does not contain provisions that would be foreseen to be in conflict with the New Zealand Bill of Rights Act 1990.

*The review process so far*

14. The Bylaw plays an important role in helping manage animals that are kept within our District to ensure the public are protected from nuisance and offensive behaviour, as well as protecting, promoting, and maintaining public health and safety. This is particularly important with the continued popularity of pets in conjunction with the keeping of animals as part of semi and rural living across the district..
15. While animals play a significant role in many people's lives, others prefer some areas to be animal free. The community's strong interest in keeping animals across the District makes it important to invite the community to be involved in this Bylaw review, using the special consultative procedure outlined under the Local Government Act 2002.
16. To develop the draft 2021 Bylaw and this Statement of Proposal, Council gathered and analysed information and talked with numerous stakeholders to assess whether the current 2010 Bylaw appropriately addressed issues related to the keeping of animals, bees, and poultry. In this early review and engagement work, Council:
  - sought ideas from the community via the Have Your Say tool online
  - consulted with key stakeholders, including SPCA Waikanae and the Wellington Beekeepers Association,
  - consulted with government stakeholders, including Greater Wellington Regional Council, and the Department of Conservation,
  - contacted our iwi partners to seek their views and input,
  - analysed all animal-related service requests, emails, and other correspondence received by Council from January 2018 to January 2021,
  - reviewed a number of other Council's Keeping of Animals Bylaws, and
  - assessed the Bylaw rules against other legislation to check for any ambiguities or inconsistencies that required amendment.
17. Following analysis, we concluded that many of the current rules remain appropriate and fit-for-purpose, but some amendments would help reduce the potential for nuisance and risks to health and safety, as well as aligning our Bylaw with some of our District Plan provisions.
18. A number of proposals have been identified to address or mitigate the issues and challenges, where possible. Most of these include changes to the 2010 Bylaw itself, while there is also some proposed supporting operational changes to help support the overall intent of the Bylaw.
19. While engagement has identified a range of views, people will not necessarily see their individual preference reflected in the draft 2021 Bylaw. We consider a range of factors in determining how to respond to issues and meet our legislative requirements. These considerations include but are not limited to, the:
  - size and impact of issue
  - usefulness or appropriateness of using the Bylaw to address it
  - practicality of response
  - Council's ability to monitor or enforce
  - financial impact in terms of capital expenditure or staff costs, and



- existing rules in legislation
20. The next sections of this Statement of Proposal provide more information on:
- the material Council gathered during the early review and engagement period,
  - proposed changes to the Bylaw
  - other measures that Council would like to propose to enable better support understanding of and compliance with the Bylaw.
21. With the release of this Statement of Proposal, Council is inviting feedback on the draft 2021 Bylaw and the accompanying proposals for reducing potential nuisance and health and safety risks.

## UNDERSTANDING DIFFERENT ROLES AND RESPONSIBILITIES FOR MANAGING ANIMALS

22. There are a variety of different roles and responsibilities involved in managing animals.
23. Animal activities are subject to a range of central, regional, and local government rules, managed by a number of agencies and organisations, and not just the Council. Other agencies who manage animal-related activities and issues in the District includes Greater Wellington Regional Council (GWRC), the Department of Conservation (DOC), the Ministry for Primary Industries, and the Society for the Prevention of Cruelty to Animals (SPCA).
24. Given the focus of the Bylaw to safeguard public health and safety, reduce nuisance and offensive behaviour means that many animal-related issues fall outside of the scope of the Bylaw. However, Council also cannot make a Bylaw that is inconsistent with any other legislation or rules.
25. As a result, it can be confusing to understand what you can and can't do when keeping animals. The following section helps outline some of the different areas of responsibility that operate alongside this Bylaw.

### **Dog Control:**

26. The Dog Control Act 1996 is administered by the Department of Internal Affairs, but provides the responsibility to manage dog control locally to District Councils. In Kapiti, this is managed through the Dog Control Bylaw 2019 and Dog Control Policy 2019.

### **Animal Welfare:**

27. The Animal Welfare Act 1999 sets the obligations of animal owners or people in charge of animals. They have to meet an animal's physical, health, and behavioural needs, and must alleviate pain or distress.
28. Where these needs are not met, the Act gives regulatory authority to the Ministry of Primary Industries with enforcement actioned through the RNZSPCA (SPCA).
29. There are also a number of Codes of Welfare that sit under the Animal Welfare Act 1999, which expands on the basic obligations of the Act by setting minimum standards and recommended best practice for the care and management of specific animal types. These codes are set by the Ministry of Primary Industries, with failure to comply with the codes enforced under the Act through MPI and the SPCA.

**Wild Animals:**

30. Wild animals are not kept animals. They are covered by a number of other Acts (including those mentioned under Protection of the Environment). Wild animals are managed by DOC.

**Pest Species:**

31. Pest management is covered regionally, by the Greater Wellington Regional Pest Management Plan 2019-2039 and managed by the GWRC. It is an outline for how to manage or eradicate identified animal pest species. This Plan and its operational requirements are mandatory under the Biosecurity Act 1993.

**Environmental Protection:**

32. There are a range of Acts that help manage impacts on the environment caused by animals.
33. The Reserves Act 1977 provides powers to regional and district councils to manage animals within their parks and reserves.
34. Similarly, the Conservation Act 1987 provides the Department of Conservation with the responsibility and powers to protect public conservation land under conservation management strategies and plans. The Act also prohibits the transfer or release of live aquatic life into freshwater (some exceptions apply), as well as the trespassing of livestock on conservation land.
35. The Resource Management Act 1991 also provides the ability for regional and district Councils to establish rules to help manage the effect of activities, including those created by animals. While this enables Councils to address issues such as noise and odour, it also has the scope to address environmental issues created from animals as part of its Regional and District Plans.
36. Lastly, the Freshwater Fisheries Regulations 1983 manages fish in New Zealand. It is managed by MPI and prevents the possession of any identified noxious fish under the Act as they have the potential to harm New Zealand's biodiversity.

**Other Legislation or Bylaws**

37. Council also has a number of other legislation or Bylaws that manage or make rules affecting keeping of animal's activities that sit alongside the Bylaw. This includes:
- Health Act 1956 (for the improvement and protection of public health and to prevent or abate nuisance)
  - Impounding Act 1955 (trespassing and wandering stock, impounding)
  - Search and Surveillance Act 2012 (monitoring, investigation, prosecution)
  - KCDC District Plan (which has some animal-related provisions and housing conditions)
  - KCDC Public Places Bylaw 2017 (prohibits the release of animals, the harming or interference of animals, and the grazing of animals in public places)
  - KCDC Beach Bylaw 2021 (prohibits driving to cause adverse effects on animals or releasing native animals on the beach).

## ISSUES RAISED AND PROPOSED RESPONSES

38. Our early engagement and review work identified a number of issues for the review of the Bylaw to consider. Proposed responses to these are explained further below, but include:
- Discouragement of feral animals;
  - Updated requirements for animal ownership in urban or urban-bordering areas, and including non-urban areas for bees; and,
  - A desire for Council to do more for the management and control of cats.
39. We also identified a number of minor and/or technical changes to definitions to improve clarity and understanding of the Bylaw.

### DISCOURAGEMENT OF FERAL ANIMALS

40. During our early engagement process, we identified a need to introduce measures around the feeding and encouragement of feral animals within Kāpiti.

#### ***Our considerations***

41. Providing sustenance, harbourage, or comfort to feral animals can cause ongoing nuisance and pose health risks to people and other animals if they are encouraged.
42. Where feral animals are encouraged, they can quickly multiply and become difficult to control with the potential to create noise or odour problems or health and safety issues, including attracting vermin.
43. The Greater Wellington Regional Pest Management Plan 2019-2039 provides for the management of feral animals where classified as pest animals under the Plan. However, the Plan does not prevent the encouragement of feral animals in the first instance.

#### ***What we propose***

44. We propose to introduce an amendment to the Bylaw to prevent the encouragement of feral animals in the District where they could become a nuisance or health and safety risk, by prohibiting the provision of sustenance, harbourage, or comfort to feral animals. This will work to prevent nuisance and health and safety issues from occurring in Kāpiti.

#### **Proposal:**

- i. A Bylaw amendment prohibiting persons from providing sustenance, harbourage, or comfort to feral animals, to cause them to become a nuisance or health and safety risk to other persons.*

### UPDATED OWNERSHIP REQUIREMENTS

#### ***Management and Requirements for Bees***

45. Under our 2010 Bylaw, a person must have permission from Council to keep beehives in an urban area.
46. As a part of the urban hive licensing process, potential hive owners are required to contact their neighbour's to discuss the introduction of hives, and must have an apiarist

- undertake an assessment to determine the best placement for the hives which considers things such as flight paths and accessibility for bees.
47. There is no requirement under the 2010 Bylaw for beehives to be licensed with Council when placed in privately owned non-urban areas.
  48. Beehives cannot be placed on any Council-owned land without the express permission of the Council.
  49. During our early engagement there was a question raised around the need to license urban hives with Council.
  50. We also identified a need for additional nuisance and health and safety measures around the placement of hives in proximity to public places.

### ***Our considerations***

51. Under the Biosecurity Act 1993, all apiaries are required to be registered with The Management Agency, who record apiary information including locations, compliance and reporting documentation, as well as providing beekeepers with specialist support in beekeeping. This registration requirement is a management tool for preventing and containing an aggressive bee pest nationally (American Foulbrood), with the ultimate goal of eradication.
52. The information received by The Management Agency is not shared with local agencies, and although the location of hives is captured, their locations are not determined based on potential nuisance and health and safety risks. Given this, the national registration system through The Management Agency is not able to be used as a tool by Council to assist in the prevention of nuisance or health and safety risks.
53. The provision for Council's licensing assessment process of hives in urban areas is to prevent health and safety issues arising where individuals have allergies to bees, as well as helping to prevent nuisance issues through inappropriate placement of hives.
54. The Bylaw and the Health Act 1956 do allow for the enforcement for the removal of hives if the hives were already in place, but without licensing with Council there is no opportunity to prevent nuisance and health and safety actions, and only an opportunity to take action after something has already occurred.

### ***What we propose***

55. While the siting of hives is already a part of the apiarist assessment to keep bees in an urban area, there is currently no specific requirement around the siting of apiaries near public places. There is currently no similar requirement for siting of hives in non-urban areas. This creates a potential risk to the health and safety of members of the public, as well as having the potential to create nuisance from flying bees on public pathways.
56. Ensuring the proximity to public areas is considered in siting beehives would reduce the nuisance impact and health and safety risks.
57. As a part of the operational side of the licensing process, we could require apiarists to specifically consider the nuisance and health and safety risks of apiary placement, alongside their other considerations where applying to urban areas. For non-urban areas we propose to have all apiaries located 10m or more from public places. Where this requirement cannot be met, Council would consider the application and risks

involved, and if considered appropriate, would provide an exemption licence to keep bees.

**Proposals:**

- ii. *An operational response to amend the licensing process for urban apiaries by requiring apiarists to consider the placement of apiaries in proximity to public places.*
- iii. *A Bylaw amendment requiring all non-urban apiaries to be placed 10m or more from public places, unless an exemption license has been granted by Council.*

**Noise Nuisance from Roosters and Peacocks**

- 58. During early engagement the community identified an issue relating to the noise nuisance created by roosters and peacocks in built-up areas.
- 59. The 2010 Bylaw prohibits roosters in an urban area due to the potential they create for noise nuisance, without an exemption license from Council. It also currently allows up to 12 poultry (including peacocks) to be kept in an urban area.

***Our considerations***

- 60. Noise and smell nuisances can be dealt with under the Bylaw and the Health Act 1956, and property owners are required to abate any nuisance, however prohibiting peacocks from urban areas, alongside roosters, would act as a preventative to nuisance issues in areas where they are more likely to occur due to higher population densities.
- 61. Prohibiting peacocks and roosters was also raised as an issue in urban-bordering areas such as those zoned for rural-residential.<sup>2</sup>
- 62. We did consider prohibiting roosters and peacocks from urban-bordering properties, however rural residential zoning under our Proposed District Plan provides for 'lifestyle' properties in the District to enable people to live in a rural environment. It is land that is considered suitable for small scale rural activities such as horse riding, gardening, and farming in close proximity to urban facilities.
- 63. Noise nuisance, including that generated by peacocks and roosters can also be managed under the general provisions of the current Bylaw which prohibit the creation of nuisance including noise nuisance, however it is less likely to be an issue in less populated non-urban areas.
- 64. Given these factors it would not be appropriate for the Bylaw to prohibit the keeping of roosters and peacocks in non-urban areas.

***What we propose***

- 65. Similarly to how roosters are currently controlled, we propose a Bylaw amendment to prohibit peacocks from an urban area without an exemption license from Council. This will work to prevent noise nuisance caused by peacocks from urban areas.

**Proposal:**

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<sup>2</sup> Rural zoning (including rural residential) in our Proposed District Plan is given to land that is considered generally open and has a relatively low presence of buildings and structures compared to the more urbanised areas of the District.

- iv. *A Bylaw amendment stating that a licence is required from the Council before any person can keep or allow to be kept within any urban area any peacock.*

### **Poultry Coops**

66. During our early engagement process it was identified that the minimum size requirements listed in our Bylaw under Section 7.5 for a poultry coop do not meet the standards set by MPI in their Codes of Welfare.

#### **Our considerations**

67. The provision of the standards are to help manage the potential noise, smell and attraction of vermin for the keeping of poultry. This is particularly important for poultry in urban areas where in appropriate space and numbers of poultry can lead to nuisance and health and safety concerns with closer proximity of neighbors.
68. For some animals classified as poultry under the Bylaw it would not be appropriate to keep them in poultry coops, nor do they have their own Codes of Welfare. All animals however are covered by the Animal Welfare Act 1999.

#### **What we propose**

69. To address the inconsistency identified, Council could align the space requirements for poultry with MPI's Code of Welfare for Layer Hens in order to reduce the likelihood of nuisance and health and safety issues.
70. For poultry animals which are not suited to be kept in poultry coops, Council could add a footnote stating that not all poultry types come under the Layer Hens Code of Welfare, and that the Code of Welfare for that animal type should apply. The Animal Welfare Act 1999 overarches these codes and all animal types come under it whether there is a specific code or not.

#### **Proposal:**

- v. *A Bylaw amendment to Section 7.5 of the current Bylaw, to replace the section with "the size of each poultry coop and attached run must meet the minimum standards as set out in the Layer Hens Code of Welfare issued under the Animal Welfare Act 1999".*
- vi. *A footnote to be added to the Bylaw in the poultry section advising "Some poultry types do not apply under the Layer Hens Code of Welfare and may have their own Code of Welfare. The Animal Welfare Act 1999 applies for all animals".*

### **THE MANAGEMENT AND CONTROL OF CATS**

71. Our early engagement identified a number of concerns from the public relating to the management and control of cats in Kāpiti. The main areas of concern or suggestions made included the environmental impact of cats, requiring the microchipping, registering, and de-sexing of cats; and limiting the number of cats per property.

#### **Our considerations**

72. While a number of issues were raised in relation to cats, there is minimal information to identify cats as a substantive issue for Kāpiti residents that could be used to justify creating additional undertakings for Council through the Bylaw.

73. A number of the issues raised relate to environmental impacts or the welfare of cats. As previously discussed, the scope and breadth of outcomes in these areas cuts across a range of roles and responsibilities of a number of organisations. A number of these sit outside the scope of the Bylaw's focus on nuisance, offensive behaviour, and health and safety.
74. Where relevant issues currently arise relating to cats, they are able to be addressed under the general provisions of our current Bylaw.
75. Placing a limit on the number of cats per property could be considered with regards to potential for nuisance and health and safety, particularly in urban areas where the impacts are potentially more acute with denser living spaces. However, current service request data suggests that while there are a small number of nuisance complaints, this does not necessarily relate to having a higher number of cats.
76. As the Bylaw already enables issues relating to nuisance or health and safety to be addressed, we consider that placing a limit on the number of cats per property would not be very purposeful or appropriate.

***What we propose***

77. We propose to introduce information to our website to encourage responsible cat ownership, which could include information on the relevant roles and responsibilities and where to go for relevant support and services.
78. This proposal will help to set expected behaviour in our community while helping to prevent future nuisance and health and safety issues from arising.

**Proposal:**

- vii. No Bylaw amendment. We propose to publish information on our Council website to encourage responsible cat ownership and provide information on support and services available and who to contact for them.*

**OTHER MINOR OR TECHNICAL AMENDMENTS**

79. As well as the proposals above, the draft 2021 Keeping of Animals Bylaw includes some minor changes to improve the intent, clarity and structure of the Bylaw. These include:
- a number of new or amended definitions;
  - alignment with the Proposed District Plan;
  - alterations to some references where agencies have been re-named.
80. For more information, see the summary of proposed changes below.

## SUMMARY OF PROPOSED CHANGES

81. A summary of all proposed changes in the draft 2021 Bylaw can be found in the table below. A full copy of the draft 2021 Bylaw can be found here ([insert hyperlink](#)).

Draft 2021 Keeping of Animals, Bees, and Poultry Bylaw			Key differences between draft 2021 Bylaw and 2010 Bylaw
1	Title, Commencement, and Application	2021	Minor amendments to reflect 2021 Bylaw.
		General Bylaw	Removed clause as not applicable.
2	Keeping of Animals, Bees, and Poultry Validation		Carried over from 2010 Bylaw.
3	Objective		Carried over from 2010 Bylaw.
4	Interpretation		<p>The following terms are newly defined (n) or amended (a) to make the overall intent and scope of the Bylaw clearer.</p> <ul style="list-style-type: none"> <li>• Poultry (a)</li> <li>• Urban Area (a)</li> <li>• Authorised Officer (n)</li> <li>• Aviary (n)</li> <li>• Bird (n)</li> <li>• Council (n)</li> <li>• Feral Animal (n)</li> <li>• Nuisance (n)</li> <li>• Offence (n)</li> <li>• Public Place (n)</li> <li>• Slaughter (n)</li> <li>• Wild Animal (n)</li> </ul>
5	Keeping of Animals	Slaughter Offences	This is a new note under 5 (d) regarding legislation related to slaughter waste, for prohibitions against leaving animals or animal carcasses in a state where they are offensive or injurious to health, as well as waterway contamination.
		Animal Welfare Footnote	This footnote has been amended to reflect that MPI now administer the Animal Welfare Act 1999, and that breaches are enforced by MPI and the SPCA with support from the NZ Police.
		Animal Housing Buildings	<p>This is a new clause and aligns with our Proposed District Plan provisions. The intent of including the clause here as well as the Proposed District Plan is to make it more accessible for users of the Bylaw.</p> <p>It also includes a new note below that reminds users of the Bylaw that some specific animal types have additional distance requirements under the Bylaw.</p>
6	Stock	Pigs and Goats	A footnote has been added to clause 6.4 to advise users of the Bylaw that a resource consent is required when keeping pigs or goats in a living zone to align with the Proposed District Plan provisions. The intent of including the clause here as well as the Proposed District Plan is to make it more accessible for users of the Bylaw.
7	Poultry	Birds	This is a new footnote added to section 7 and references the Proposed District Plan, as this contains several specific rules on birds.
		Roosters	This is a new footnote added to clause 7.1 to advise users of the Bylaw that a resource consent is required when keeping roosters in a living zone to align with the Proposed District Plan provisions. The intent of including the clause here as well as the Proposed District Plan is to make it more



			accessible for users of the Bylaw.
		Peacocks	A new clause has been added to prohibit the keeping of peacocks in an urban area.
		Front Boundary	The minimum distance siting for a poultry coop clause has been amended to include the front boundary setback as required by the Proposed District Plan.
		Minimum Standards	The minimum standards for a poultry coop clause has been amended to reflect the current standards as set by MPI. A footnote has been added to advise that not all poultry types apply under the specific Code of Welfare mentioned and may have their own Code of Welfare. It reminds users that the Animal Welfare Act 1999 applies to all animals.
		Maximum Numbers	Amended reference from birds to reflect poultry.
<b>8</b>	Bees	Licenses and Titles	Amendments to clause 9.1 and 9.2 have been included to reflect that Council grants a license to keep bees to property owners. It has also been amended to capitalise the title of Authorised Officer.
		Non-urban apiaries	A new clause has been added to introduce a minimum distance for apiaries in non-urban areas from public places.
		The Management Agency	A note has been added to advise users of the Bylaw of their obligations under the Biosecurity Act 1993 if they are a beekeeper.
<b>9</b>	Feral Animal Nuisance		A new section has been included to prohibit the encouragement of feral animals in the District.
<b>10</b>	Offence and Penalty		Two new clauses have been added to advise users of the Bylaw of some of the actions Council can take for breaches of the Bylaw.
<b>11</b>	General Bylaw		This clause has been deleted as it is not required for the Bylaw.
	Rules on Dogs		This note has been amended to reflect the current controls in place for dogs.




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 PART 9 OF THE KAPITI COAST DISTRICT COUNCIL CONSOLIDATED BYLAWS
 

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# KEEPING OF ANIMALS, BEES & POULTRY BYLAW 2021

1	Title, Commencement and Application .....	2
2	Bylaw Validation.....	2
3	Objective .....	3
4	Interpretation.....	3
5	Keeping of Animals .....	4
6	Stock .....	5
7	Poultry .....	5
8	Bees .....	6
9	Encouraging Nuisances by Feral Animals .....	6
10	Offence and Penalty .....	7



## **1 Title, Commencement and Application**

- 1.1 This Bylaw may be cited as the Kapiti Coast District Council Keeping of Animals, Bees & Poultry Bylaw 2021 and comes into force on XX MMMM 2021.
- 1.2 This Bylaw is made pursuant to sections 145 and 146(a)(v) of the Local Government Act 2002 and any other Act or Authority enabling the Council in that behalf.
- 1.3 This Bylaw applies to the Kapiti Coast District.

## **2 Bylaw Validation**

- 2.1 The Kapiti Coast District Council Keeping of Animals, Bees & Poultry Bylaw 2021 was approved at a meeting of the Kapiti Coast District Council held on DD MMMM 2021 after completion of the Special Consultative Procedure.
- 2.2 The Common seal of the Kapiti Coast District Council was affixed, pursuant to a resolution of Council on DD MMMM 2021 in the presence of:

.....  
K Gurunathan  
**Mayor**

.....  
Wayne Maxwell  
**Chief Executive Officer**



### 3 Objective

- 3.1 This Bylaw manages the keeping of animals, poultry and bees throughout the Kāpiti Coast District to ensure this activity does not create a nuisance or become a threat to public health and safety. There are special controls on the keeping of animals, poultry, and bees, which have the potential to cause problems, particularly in urban areas.
- 3.2 Nothing in this Bylaw derogates from any provision of, or the necessity for compliance with:
- i. the Animal Welfare Act 1999 or any Act passed in amendment or substitution thereof;
  - ii. any other applicable Acts of Parliament, regulations or rules;
  - iii. any other Council bylaws, District Plan requirements; and
  - iv. any other requirements imposed by either Greater Wellington Regional Council or Department of Conservation.

### 4 Interpretation

- 4.1 In this Bylaw, unless the context requires otherwise:

<b>Animal</b>	means any live member of the animal kingdom (excluding dogs) that is a mammal, a bird or any other member of the animal kingdom which is declared from time to time by the Governor-General, by Order in Council, to be an animal for the purposes of the Animal Welfare Act 1999.
<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 (a) includes any Council Enforcement Officer; and (b) includes any agent licensed by Council to carry out a duty or operate a public place on Council's behalf
<b>Aviary</b>	means a fixed, permanent structure designed for the keeping of cage birds and excludes any structure used to house poultry.
<b>Bird</b>	means any live domesticated bird including, but not limited to: pigeon, parrot, budgerigar, canary, dove
<b>Council</b>	means the Kāpiti Coast District Council, or an officer authorised to exercise the authority of the Council
<b>Feral Animals</b>	means an animal in a wild state, not domesticated or tamed, but descended from domesticated species.
<b>Keeping</b>	means: (a) in respect of all animals, the keeping of one or more of the species concerned and includes their young; and (b) in respect of bees, the keeping of one or more occupied hives.
<b>Nuisance</b>	means unreasonable interference with the peace, comfort, or convenience of a person, whether by way of excessive noise, or offensive odours, or as defined under the Health Act 1956.
<b>Offence</b>	means a breach of this Bylaw.



<b>Poultry</b>	means any live domesticated or farmed bird usually kept for its utility such as meat and eggs, it includes, but is not limited to: fowl, goose, duck, turkey, peacock (including peafowl), pheasant, ostrich or emu.
<b>Poultry Coop</b>	means a structure suitable for containing poultry that consists of a rainproof roof, a properly graded floor of concrete, timber or other appropriate material with a suitably enclosed run attached.
<b>Public Place</b>	means every thoroughfare of a public nature or open to or used by the public as of right, and, every park, reserve, beach, riverbed, place of public resort or place to which the public has access.
<b>Rooster</b>	means an adult male chicken.
<b>Slaughter</b>	means the killing of animals for food and does not include euthanizing animals for welfare purposes.
<b>Stock</b>	shall include any horse, cattle, deer, donkey, sheep, pig, goat, alpaca or llama.
<b>Wild Animal</b>	means an animal living in a wild state, that is not domesticated or tamed, and normally living in a natural environment.
<b>Urban Area</b>	means any part of the District zoned for general residential, industrial, or commercial and mixed use zone in the Kapiti Coast District Plan.

## 5 Keeping of Animals

### 5.1 No person shall:

- (a) keep any animal which is or likely to be a nuisance or a threat to public health and safety; or
- (b) keep any animal in conditions which are or are likely to be a nuisance or threat to public health or safety<sup>2</sup>; or
- (c) keep, or allow any animal in a public place in a manner which is likely to be a nuisance or a threat to public health and safety; or
- (d) slaughter an animal or dismember, handle, process or dispose of the carcass or remains of an animal on any property or premise so as to cause or be likely to cause a nuisance or threat to public health and safety.

Note: It is an offence under the Health Act 1956 to leave animals, or animal carcasses in a state where they are offensive or injurious to health. It is an offence under the Resource Management Act 1991 to discharge any contaminant into water unless authorised under the Act.

<sup>2</sup> Every animal owner has a responsibility to treat and care for their animal/s humanely. The Council will report any breaches of the Animal Welfare Act 1999 to the SPCA, Police or MPI inspectors.





- 5.2 Where a private property owner wishes to permanently keep a wild animal on their property and/or a circus animal (other than those classified as stock or poultry), they shall apply for a licence from the Council and abide by any requirements specified on the licence to protect public health and safety.
- 5.3 No person shall site any building housing animals within 1 metre of property boundaries, or within a 4.5 metre set back of the front boundary.  
Note: Additional distance requirements are required for some animal types (i.e. stock and poultry) as identified in this Bylaw or the District Plan.

## **6 Stock**

- 6.1 No owner or occupier of any land shall permit any stock to be kept or grazed thereon, unless such land is enclosed on all sides by a proper and adequate stock proof fence.
- 6.2 Every person being the owner or having the care of any stock shall keep and prevent the same from wandering or being at large without proper guidance on any public place.
- 6.3 No person shall use a public road frontage for the permanent grazing of stock unless the prior written approval of the Council is given. This approval shall be subject to such conditions as the Council may impose.
- 6.4 No person shall keep any pig or goat on any property in an urban area when the area is less than 2000 square metres in size, unless a licence granting an exemption to this rule has been provided by the Council<sup>3</sup>.
- 6.5 No person shall site a building housing pigs, pig swill or manure, closer than 50 metres from any dwelling or building used for the storage or sale of food for human consumption and no such building shall be within 20 metres of a property boundary.

## **7 Poultry<sup>4</sup>**

- 7.1 A licence is required from the Council before any person can keep or allow to be kept within an urban area any rooster<sup>5</sup>.
- 7.2 A licence is required from the Council before any person can keep or allow to be kept within an urban area any peacock.
- 7.3 Every person being the owner or having the care of any poultry on any property shall keep and prevent the same from wandering beyond the property boundary.

<sup>3</sup> The keeping of pigs or goats in a "living zone" (as defined by Kapiti's District Plan) is a non-complying activity under the District Plan and requires a resource consent.

<sup>4</sup> Kapiti's District Plan contains several separate provisions for birds which must be adhered to, including siting distances and aviary size requirements.

<sup>5</sup> Roosters in a "living zone" (as defined by Kapiti's District Plan) also requires a resource consent.



- 7.4 No person shall site a poultry coop closer than 2 metres from any property boundary, dwelling or building where food is stored for human consumption, or within a 4.5 metre set back from the front boundary.
- 7.5 Every poultry coop of whatever size shall be suitably constructed so that poultry are confined within the poultry coop and associated run.
- 7.6 The size of each poultry coop and attached run must provide for the minimum standards as set out in the Layer Hens Code of Welfare issued under the Animal Welfare Act 1999<sup>6</sup>.
- 7.6 In an urban area the total number of poultry on any one urban premises shall not exceed 12 unless a licence for more has been granted by the Council.

## **8 Bees**

- 8.1 Persons wishing to keep bees in an urban area are required to obtain a license from the Council. A license will be given, if in the opinion of an Authorised Officer, the keeping of such bees is set up and carried out in such a way that it is unlikely to become a nuisance to any person or dangerous or injurious to health.
- 8.2 A license to keep bees may be revoked if the conditions for which the license was originally given are not being met, or nuisance complaints from two or more different adjoining property owners have been received.
- 8.3 All non-urban apiaries must be placed 10m or more from public places unless an exemption license has been granted by Council.

Note: All beekeepers have a legal requirement under the Biosecurity Act 1993 to register any apiary, within 30 days of possession, with The Management Agency. This is additional to the requirement to license your beehives with the Council.

## **9 Encouraging Nuisances by Feral Animals**

- 9.1 No person shall provide sustenance, harbourage, or comfort to feral animals, including cats, in a public place, so as to cause them to become a nuisance or health and safety risk to other persons.

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<sup>6</sup> Some poultry types do not apply under the Layer Hens Code of Welfare and may have their own Code of Welfare. The Animal Welfare Act 1999 applies for all animals.



## **10 Offence and Penalty**

- 10.1 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.
- 10.2 The Council may apply to the District Court for an injunction to restrain a person from committing a breach, or continuing to breach this Bylaw, as set out in the Local Government Act 2002.
- 10.3 Notwithstanding the above, nothing in this Bylaw serves to prevent the Council, where it considers it appropriate, from exercising its powers under the Health Act 1956 or Resource Management Act 1991 to abate nuisance without notice.

For rules on Dogs see the Kapiti Coast District Council Dog Control Bylaw 2019 and Dog Control Policy 2019.





PART 9 OF THE KAPITI COAST DISTRICT COUNCIL CONSOLIDATED BYLAWS

## KEEPING OF ANIMALS, BEES & POULTRY BYLAW ~~2010~~2021

1	Title, Commencement and Application	2
2	Bylaw Validation	2
3	Objective	3
4	Interpretation	3
5	Keeping of Animals	4
6	Stock	6
7	Poultry	6
8	Bees	8
9	Encouraging Nuisances by Feral Animals	8
10	Offence and Penalty	9
1	Title, Commencement and Application	2
2	Bylaw Validation	2
3	Objective	3
4	Interpretation	3
5	Keeping of Animals	4
6	Stock	4
7	Poultry	4
8	Bees	5
9	Offence and Penalty	6
10	Kapiti Coast District Council General Bylaw	6

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## 1 Title, Commencement and Application

- 1.1 This Bylaw may be cited as the Kapiti Coast District Council Keeping of Animals, Bees & Poultry Bylaw ~~2010-2021~~ and comes into force on ~~04 July XX MMMM 2010-2021~~.
- 1.2 This Bylaw is made pursuant to sections 145 and 146(a)(v) of the Local Government Act 2002 and any other Act or Authority enabling the Council in that behalf.
- 1.3 This Bylaw applies to the Kapiti Coast District.
- ~~1.4 This Bylaw replaces Part 4 and 5 of the Kapiti Coast District Council General Bylaw 1991.~~

## 2 Bylaw Validation

- 2.1 The Kapiti Coast District Council Keeping of Animals, Bees & Poultry Bylaw ~~2010-2021~~ was approved at a meeting of the Kapiti Coast District Council held on ~~03 June DD MMMM 2010-2021~~ after completion of the Special Consultative Procedure.
- 2.2 The Common seal of the Kapiti Coast District Council was affixed, pursuant to a resolution of Council on ~~03 June DD MMMM 2010-2021~~ in the presence of:

.....  
~~Jenny Rowan~~ K Gurunathan  
 Mayor

.....  
~~Pat Dougherty~~ Wayne Maxwell  
 Chief Executive Officer

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### 3 Objective

- 3.1 This ~~bylaw~~ **Bylaw** manages the keeping of animals, poultry and bees throughout the Kāpiti Coast District to ensure this activity does not create a nuisance or become a threat to public health and safety. There are special controls on the keeping of animals, poultry, and bees, which have the potential to cause problems, particularly in urban areas.
- 3.2 Nothing in this Bylaw derogates from any provision of, or the necessity for compliance with:
- the Animal Welfare Act 1999 or any Act passed in amendment or substitution thereof;
  - any other applicable Acts of Parliament, regulations or rules;
  - any other Council bylaws, District Plan requirements; and
  - any other requirements imposed by either Greater Wellington Regional Council or Department of Conservation.

### 4 Interpretation

4.1 In this Bylaw, unless the context requires otherwise<sup>1</sup>:

**Animal** means any live member of the animal kingdom (excluding dogs) that is a mammal, a bird or any other member of the animal kingdom which is declared from time to time by the Governor-General, by Order in Council, to be an animal for the purposes of the Animal Welfare Act 1999.

**Authorised Officer** means any person authorised by the Council to carry out any of the duties provided for under this bylaw or any Council bylaw; and  
(a) includes any Council Enforcement Officer; and  
(b) includes any agent licensed by Council to carry out a duty or operate a public place on Council's behalf.

**Aviary** means a fixed, permanent structure designed for the keeping of cage birds and excludes any structure used to house poultry.

**Bird** means any live domesticated bird including, but not limited to: pigeon, parrot, budgerigar, canary, dove.

**Council** means the Kāpiti Coast District Council, or an officer authorised to exercise the authority of the Council.

**Feral Animals** means an animal in a wild state, not domesticated or tamed, but descended from domesticated species.

**Keeping** means:

- (a) in respect of all animals, the keeping of one or more of the

<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.



species concerned and includes their young; and

	(b) in respect of bees, the keeping of one or more occupied hives.	
<b>Nuisance</b>	means unreasonable interference with the peace, comfort, or convenience of a person, whether by way of excessive noise, or offensive odours, or as defined under the Health Act 1956.	Formatted: Indent: Left: 0.11", Hanging: 0.24", Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Center + Aligned at: 0.63" + Tab after: 0.88" + Indent at: 0.88", Tab stops: 0.11", List tab + Not at 0.88"
<b>Offence</b>	means a breach of this Bylaw.	Formatted: Font: 12 pt
<b>Poultry</b>	means any live domesticated or farmed bird usually kept for its utility such as meat and eggs, it includes, but is not limited to: fowl, goose, duck, pigeon, turkey, parrot, peacock (including peafowl), budgerigar, pheasant, canary, ostrich or emu.	Formatted: Font: 12 pt Formatted: Font: 12 pt Formatted: Font: 12 pt
<b>Poultry Coop</b>	means a structure suitable for containing poultry that consists of a rainproof roof, a properly graded floor of concrete, timber or other appropriate material with a suitably enclosed run attached.	Formatted: Font: 12 pt
<b>Public Place</b>	means every thoroughfare of a public nature or open to or used by the public as of right, and, every park, reserve, beach, riverbed, place of public resort or place to which the public has access.	Formatted: Font: 12 pt
<b>Rooster</b>	means an adult male chicken.	Formatted: Font: 12 pt
<b>Slaughter</b>	means the killing of animals for food and does not include euthanizing animals for welfare purposes.	Formatted Table
<b>Stock</b>	shall include any horse, cattle, deer, donkey, sheep, pig, goat, alpaca or llama.	Formatted: Font: 12 pt Formatted: Font: 12 pt
<b>Wild Animal</b>	means an animal living in a wild state, that is not domesticated or tamed, and would normally living in a natural environment.	Formatted: Font: 12 pt Formatted: Font: 12 pt
<b>Urban Area</b>	means any part of the District zoned for general residential, industrial, or commercial and mixed use zone-use in the Kapiti Coast District Plan.	Formatted: Font: 12 pt Formatted: Font: 12 pt Formatted: Font: 12 pt Formatted: Font: 12 pt Formatted: Font: 12 pt Formatted Table Formatted: Font: 12 pt

## 5 Keeping of Animals

### 5.1 No person shall:

- keep any animal which is or likely to be a nuisance or a threat to public health and safety; or
- keep any animal in conditions which are or are likely to be a nuisance or threat to public health or safety<sup>2</sup>; or
- keep, or allow any animal in a public place in a manner which is likely to be a nuisance or a threat to public health and safety; or

<sup>2</sup> Every animal owner has a responsibility to treat and care for their animal/s humanely. The Council will report any breaches of the Animal Welfare Act 1999 to the SPCA, Police or MAF MPI inspectors.





- (d) slaughter an animal or dismember, handle, process or dispose of the carcass or remains of an animal on any property or premise so as to cause or be likely to cause a nuisance or threat to public health and safety.

Note: It is an offence under the Health Act 1956 to leave animals, or animal carcasses in a state where they are offensive or injurious to health. It is an offence under the Resource Management Act 1991 to discharge any contaminant into water unless authorised under the Act.

- 5.2 Where a private property owner wishes to permanently keep a wild animal on their property and/or a circus animal (other than those classified as stock or poultry), they shall apply for a licence from the Council and abide by any requirements specified on the licence to protect public health and safety.

- 5.3 No person shall site any building housing animals within 1 metre of property boundaries, or within a 4.5 metre set back of the front boundary.  
Note: Additional distance requirements are required for some animal types (i.e. stock and poultry) as identified in this Bylaw or the District Plan.

5.2.

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## 6 Stock

- 6.1 No owner or occupier of any land shall permit any stock to be kept or grazed thereon, unless such land is enclosed on all sides by a proper and adequate stock proof fence.
- 6.2 Every person being the owner or having the care of any stock shall keep and prevent the same from wandering or being at large without proper guidance on any public place.
- 6.3 No person shall use a public road frontage for the permanent grazing of stock unless the prior written approval of the Council is given. This approval shall be subject to such conditions as the Council may impose.
- 6.4 No person shall keep any pig or goat on any property in an urban area when the area is less than 2000 square metres in size, unless a licence granting an exemption to this rule has been provided by the Council<sup>3</sup>.
- 6.4.5 No person shall site a building housing pigs, pig swill or manure, closer than 50 metres from any dwelling or building used for the storage or sale of food for human consumption and no such building shall be within 20 metres of a property boundary.

## 7 Poultry<sup>4</sup>

- 7.1 A licence is required from the Council before any person can keep or allow to be kept within an urban area any rooster<sup>5</sup>.
- 7.2 A licence is required from the Council before any person can keep or allow to be kept within an urban area any peacock.
- 7.1

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<sup>3</sup> The keeping of pigs or goats in a "living zone" (as defined by Kapiti's District Plan) is a non-complying activity under the District Plan and requires a resource consent.

<sup>4</sup> Kapiti's District Plan contains several separate provisions for birds which must be adhered to, including siting distances and aviary size requirements.

<sup>5</sup> Roosters in a "living zone" (as defined by Kapiti's District Plan) also requires a resource consent.



**7.27.3** Every person being the owner or having the care of any poultry on any property shall keep and prevent the same from wandering beyond the property boundary.

**7.37.4** No person shall site a poultry coop closer than 2 metres from any property boundary, dwelling or building where food is stored for human consumption, or within a 4.5 metre set back from the front boundary.

**7.47.5** Every poultry coop of whatever size shall be suitably constructed so that poultry are confined within the poultry coop and associated run.

**7.5** The floor of each poultry coop shall provide a minimum area of space for each bird in accordance with the following table. The size of each poultry coop and attached run must provide for the minimum standards as set out in the Layer Hens Code of Welfare issued under the Animal Welfare Act 1999<sup>6</sup>.

<b>Floor Space Requirements for a Poultry Coop</b>				
Type of Poultry Bird	Coop		Attached Run	
	Sq Ft	Sq M	Sq Ft	Sq M
Bantam Hen*	3	0.28	4	0.37
Standard Hen	4	0.37	6	0.56
Large Poultry**	6	0.56	8	0.74

In an urban area the total number of poultry on any one urban premises shall not exceed 12 unless a licence for more has been granted by the Council. \* including Quail

\*\*such as ducks & geese

**7.6** In an urban area the total number of birds on any one urban premises shall not exceed 12 unless a licence for more has been granted by the Council.

<sup>6</sup> Some poultry types do not apply under the Layer Hens Code of Welfare and may have their own Code of Welfare. The Animal Welfare Act 1999 applies for all animals.

Page 7 of 9

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## 8 Bees

8.1 Persons wishing to keep bees in an urban area are required to obtain permission-a license from the Council. Permission-A license will be given, if in the opinion of an authorised-Authorised officerOfficer, the keeping of such bees is set up and carried out in such a way that it is unlikely to become a nuisance to any person or dangerous or injurious to health.

8.2 Permission-A license to keep bees may be revoked if the conditions for which the permission-license was originally given are not being met, or nuisance complaints from two or more different adjoining property owners have been received.

8.3 All non-urban apiaries must be placed 10m or more from public places unless an exemption license has been granted by Council.

Note: All beekeepers have a legal requirement under the Biosecurity Act 1993 to register any apiary, within 30 days of possession, with The Management Agency. This is additional to the requirement to license your beehives with the Council.

8.2 —

## 9 Encouraging Nuisances by Feral Animals

9.1 No person shall provide sustenance, harbourage, or comfort to feral animals, including cats, in a public place, so as to cause them to become a nuisance or health and safety risk to other persons.

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### 910 Offence and Penalty

10.1 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.

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10.2 The Council may apply to the District Court for an injunction to restrain a person from committing a breach, or continuing to breach this Bylaw, as set out in the Local Government Act 2002.

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10.3 Notwithstanding the above, nothing in this Bylaw serves to prevent the Council, where it considers it appropriate, from exercising its powers under the Health Act 1956 or Resource Management Act 1991 to abate nuisance without notice.

~~9.1~~

### 10– Kapiti Coast District Council General Bylaw

10.1 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.

For rules on Dogs see the Kapiti Coast District Council Dog Control Bylaw ~~2008~~2019 and Dog Control Policy 2019.

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Admin only:

Date received	Submission number

## Review of Kāpiti Coast District Council Keeping of Animals, Bees, and Poultry Bylaw 2010

See the *Statement of Proposal to adopt the Kāpiti Coast District Council Keeping of Animals, Bees, and Poultry Bylaw*

Submissions Close 4.00 pm, Wednesday 28 July 2021

### How to lodge your submission:

Online: Go to <http://consult-kapiticoast.objective.com/portal>, and click on **Review of the Keeping of Animals, Bees, and Poultry 2010 Bylaw**

You can also email, post or deliver your submission as follows:

**Email:** [kapiti.council@kapiticoast.govt.nz](mailto:kapiti.council@kapiticoast.govt.nz)

**Post:** Kāpiti Coast District Council  
Private Bag 60-601,  
PARAPARAUMU 5254

**Deliver:** Paraparaumu Service Centre, 175 Rimu Road,  
Waikanae Service Centre, Mahara Place  
Ōtaki Service Centre, 81-83 Main Street

If handwriting, please write your contact details in clear **BLOCK CAPITAL** letters.

Submitter details					
Is this an individual submission?		Yes		No	
If this submission is on behalf of an organisation, please state the name of the organisation:					
Organisation:					
<b>Title (tick one)</b>	Mr.		Mrs.		Other (please specify)
First Name:					
Last Name:					
Address (*indicate your preference for receiving a response by circling either Address or Email)					
*Address:					
*Email:					
Phone number:				Mobile:	
Do you want to speak to the Council about your submission at the consultation hearing to be held on Thursday 5 August 2021?					No
					Yes
Signature of submitter (or person authorised to sign on behalf of the submitter)					

.....  
 (Note: A signature is not required if you make your submission online or by email)

Date: .....2021

### Review of Kāpiti Coast District Council Keeping of Animals, Bees, and Poultry Bylaw 2010

Please refer to the Statement of Proposal to adopt the Kāpiti Coast District Council Animals, Bees, and Poultry Bylaw 2021.

**Question 1: Do you support the Bylaw amendment to introduce a clause to prohibit persons from providing sustenance, harbourage, or comfort to feral animals, so as to cause them to become a nuisance to other persons?**

Please indicate Yes No

Comments

--

**Need more room?** You can send us extra pages if there is not enough space on this form to give all the feedback you want to. Please make sure your name and contact information is included.

**Question 2: Do you support the amendment to the Bees section of the Bylaw to require all non-urban apiaries are placed 10 metres or more from public places?**

Please indicate Yes No

Comments

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**Need more room?** You can send us extra pages if there is not enough space on this form to give all the feedback you want to. Please make sure your name and contact information is included.

**Question 3: Do you support the Bylaw amendment to Poultry under Section 7.5 to remove specific provisions for minimum poultry coop requirements and link this to the Ministry for Primary Industries Layer Hens Code of Welfare?**

Please indicate Yes No

Comments

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**Need more room?** You can send us extra pages if there is not enough space on this form to give all the feedback you want to. Please make sure your name and contact information is included.

**Question 4: Do you support providing further information on Councils website on the roles and services to support responsible cat ownership to support the operation of the Bylaw??**

Please indicate Yes No

Comments

--

<b>Need more room?</b> You can send us extra pages if there is not enough space on this form to give all the feedback you want to. Please make sure your name and contact information is included.

**Do you have any general feedback on the proposed changes to the Kāpiti Coast District Council Keeping of Animals, Bees, and Poultry 2010 Bylaw?**

**Comments**

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**Need more room?** You can send us extra pages if there is not enough space on this form to give all the feedback you want to. Please make sure your name and contact information is included.

**Privacy Statement:** Please note that all submissions (including names and contact details) will be made publicly available. A summary of submissions including the name of the submitter may also be made publicly available and posted on the Kapiti Coast District Council website. Personal information will be used for administartion relating to the subject matter of the submissions, including notifying submitters of subsequent steps and decisions. All information will be held by the Kapiti Coast District Council, with submitters having the right to access and correct personal information.

**9 CONFIRMATION OF MINUTES****9.1 CONFIRMATION OF MINUTES**

**Author:** Tanicka Mason, Democracy Services Advisor

**Authoriser:** Janice McDougall, Group Manager People and Partnerships

**CONFIRMATION OF MINUTES****RECOMMENDATIONS**

- 1 The minutes of the Strategy and Operations committee meeting of 20 May 2021 be accepted as a true and correct record.

**APPENDICES**

1. Confirmation of minutes - 20 May 2021 [↓](#)

**MINUTES OF KAPITI COAST DISTRICT COUNCIL  
STRATEGY AND OPERATIONS COMMITTEE MEETING  
HELD AT THE COUNCIL CHAMBER, GROUND FLOOR, 175 RIMU ROAD, PARAPARAUMU  
ON THURSDAY, 20 MAY 2021 AT 9.36AM**

**PRESENT:** Cr James Cootes, Cr Gwynn Compton, Mayor K Gurunathan, Deputy Mayor Janet Holborow, Cr Angela Buswell, Cr Jackie Elliott, Cr Martin Halliday, Cr Sophie Handford, Cr Jocelyn Prvanov, Cr Bernie Randall, Cr Robert McCann

**IN ATTENDANCE:** Community Board Members Marilyn Stevens, Guy Burns, Richard Mansell

Wayne Maxwell, Sean Mallon, Janice McDougall, Natasha Tod, Mark de Haast, James Jefferson, Sacha Haskell, Tania Parata, Claire Rewi, Kara Kearney, Aaron Cronin, Darryn Grant, Ian Georgeson, Jo Bryan, Maerce Wenhold, Tanicka Mason

**APOLOGIES:** There were none.

**LEAVE OF ABSENCE:** There were none.

**1 WELCOME**

**2 COUNCIL BLESSING**

Cr Cootes welcomed everyone to the meeting and invited Cr Prvanov to read the Council blessing.

**3 APOLOGIES**

Apology for lateness was noted for Cr Elliott.

**4 DECLARATIONS OF INTEREST RELATING TO ITEMS ON THE AGENDA**

There were none.

**5 PUBLIC SPEAKING TIME FOR ITEMS RELATING TO THE AGENDA**

There were none.

**6 MEMBERS' BUSINESS**

(a) Public Speaking Time Responses

There were none.

(b) Leave of Absence

There were none.

(c) Matters of an Urgent Nature (advice to be provided to the Chair prior to the commencement of the meeting)

There were none.

## 7 UPDATES

### 7.1 ZEAL KAPITI UPDATE

Jesse Boyd CEO of Zeal and Hamish Campbell spoke to a presentation and answered members questions.

Cr Elliott arrived at 10.01am

Cr Jocelyn Prvanov left the meeting at 10:07 am.

Cr Jocelyn Prvanov returned to the meeting at 10:08 am.

Meeting adjourned at 10.22am

Meeting resumed at 10.32am

### 8.5 SIX MONTH UPDATE - ECONOMIC DEVELOPMENT KOTAHITANGA BOARD

This item was brought forward in the agenda.

Neil MacKay, chair of the Economic Development Kotahitanga Board gave a verbal update from the board and responded to members questions.

Cr Bernie Randall left the meeting at 10:33 am.

Cr Bernie Randall returned to the meeting at 10:34 am.

#### COMMITTEE RESOLUTION SAOCC2021/20

Moved: Cr Jackie Elliott

Seconder: Cr Angela Buswell

That the Strategy and Operations Committee notes the 6-monthly update from the Economic Development Kotahitanga Board Independent Chair, Neil MacKay.

**CARRIED**

#### COMMITTEE RESOLUTION SAOCC2021/21

Moved: Cr Angela Buswell

Seconder: Cr Sophie Handford

That the Strategy and Operations Committee notes the updates to the Economic Development Strategy Implementation Plan.

**CARRIED**

Against: Cr Bernie Randall

**CARRIED 10/1** Committee Recommendation

Moved: Cr Angela Buswell

Seconder: Cr Robert McCann

That the Strategy and Operations Committee extends the appointment of Neil MacKay as the Independent Chair of the Economic Development Kotahitanga Board for a further 12-month period until 31 July 2022.

## 7.2 KĀPITI AGE FRIENDLY UPDATE

Tania Parata, Manager Connected Communities gave a joint presentation with Grey Power, represented by Trevor Daniels and Kevin Burrows and the Older Persons Council, represented by David Ogden.

Members questions were answered.

Cr Angela Buswell left the meeting at 11:27 am.

Cr Jackie Elliott left the meeting at 11:30 am.

Cr Jackie Elliott returned to the meeting at 11:31 am.

## 8 REPORTS

### 8.1 FINANCE REPORT AS AT 31 MARCH 2021

Ian Georgeson, Chief Financial Officer made some key points relating to the report and answered members questions.

Cr Bernie Randall left the meeting at 11:51 am.

Cr Angela Buswell returned to the meeting at 11:53 am.

Cr Bernie Randall returned to the meeting at 11:53 am.

Cr Gwynn Compton left the meeting at 11:55 am.

Cr Gwynn Compton returned to the meeting at 11:57 am.

#### **COMMITTEE RESOLUTION SAOCC2021/22**

Moved: Deputy Mayor Janet Holborow

Seconder: Mayor K Gurunathan

That the Strategy and Operations Committee receives and notes this report.

That the Strategy and Operations Committee notes the actual financial performance and position of the Council for the nine months ended 31 March 2021.

**CARRIED**



**8.2 CONTRACTS UNDER DELEGATED AUTHORITY**

The report was taken as read.

**COMMITTEE RESOLUTION SAOCC2021/23**

Moved: Cr Bernie Randall

Seconder: Cr Martin Halliday

That the Strategy and Operations Committee notes there were two contracts accepted under delegated authority over \$250,000 for the period 1 January to 31 March 2021.

**CARRIED**

**8.3 SUBMISSION ON SUPPORTING SUSTAINABLE FREEDOM CAMPING**

Leeza Boyd, Senior Advisor Policy took the report as read and responded to members questions.

**COMMITTEE RESOLUTION SAOCC2021/24**

Moved: Cr Jackie Elliott

Seconder: Cr Sophie Handford

That Council note the submission lodged on the Proposed changes to support effective management of freedom camping in New Zealand.

**CARRIED**

**8.4 THIRD QUARTER ACTIVITY REPORT**

Mayor K Gurunathan left the meeting at 12:12 pm.

Jo Bryan Manager, Corporate Planning and Reporting introduced the activity report with Group Managers speaking to their respective areas. Group managers responded to members questions.

Ms Bryan noted that there had been a change to page 37 of the dashboard and that the powerpoint presentation provided detail of the status updates. Both documents were tabled at the meeting.

The meeting was adjourned at 1.04pm

The meeting resumed at 1.32pm

Cr Randall did not return to the meeting.

**COMMITTEE RESOLUTION SAOCC2021/25**

Moved: Cr Gwynn Compton

Seconder: Cr Robert McCann

That the Strategy and Operations Committee receives this report, including Appendix A to this report.

That the Strategy and Operations Committee notes the Council's performance for the third quarter of the 2020/21 financial year, for each activity included in its 2018-38 long-term plan.

**CARRIED**

## **TABLED DOCUMENTS**

The following documents were tabled.

### **Appendices**

- 1 Updated page 37
- 2 Activity Report - Q3 2021

Item - 8.5 Six Month Update - Economic Development Kotahitanga Board - was covered earlier in the minutes as they had been brought forward in the agenda.

## **9 CONFIRMATION OF MINUTES**

### **9.1 CONFIRMATION OF MINUTES**

#### **COMMITTEE RESOLUTION SAOCC2021/26**

Moved: Deputy Mayor Janet Holborow

Seconder: Cr Angela Buswell

The minutes of the Strategy and Operations Committee meeting of 6 May 2021 be accepted as a true and correct record.

**CARRIED**

## **10 PUBLIC SPEAKING TIME**

- For items not on the agenda  
There were none.

## **11 CONFIRMATION OF PUBLIC EXCLUDED MINUTES**

Nil

The Strategy and Operations Committee meeting closed at 1.58pm.

.....  
**CHAIRPERSON**



**10 PUBLIC SPEAKING TIME**

- For items not on the agenda

**11 CONFIRMATION OF PUBLIC EXCLUDED MINUTES**

Nil

**12 PUBLIC EXCLUDED REPORTS****RESOLUTION TO EXCLUDE THE PUBLIC****PUBLIC EXCLUDED RESOLUTION**

That, pursuant to Section 48 of the Local Government Official Information and Meetings Act 1987, the public now be excluded from the meeting for the reasons given below, while the following matters are considered.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 48 for the passing of this resolution</b>
<b>12.1 - Major Events Fund 2020/21 Closeout and 2021/22 Recommendations</b>	Section 7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	Section 48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7