

Date: Monday 23 September 2024
Time: 10.00 am - Draft Public Places Bylaw
Meeting Room: Tasman Council Chamber
Venue: 189 Queen Street, Richmond

Submissions Hearing

MINUTES ATTACHMENTS

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RSH24-09-2	Draft Public Places Bylaw Submissions Supporting Documents	3

PUBLIC FORUM: Council provides the opportunity for public forum input at its ordinary meetings. The views and opinions expressed in public forum do not necessarily reflect the position of the Tasman District Council, Council officers or elected members





Tasman Democracy Inc.

tasman.org.nz

27 August 2024

Tasman Democracy's submission on draft Public Places Bylaw

1. Tasman Democracy is a membership-based not-for-profit organisation which advocates for the interests of the community and encourages debate, dialogue and democratic decision making.

2. We oppose the adoption of the proposed Public Places Bylaw because the Tasman District Council provided insufficient information in its consultation documents in regards to the requirements of section 155 Local Government Act 2002 ('LGA'), specifically:
 - a) What is the problem that this bylaw tries to address?
(s155(1) LGA)
 - b) Why is a bylaw the most appropriate way to address the problem?
(s155(2) LGA)
 - c) Why is the draft bylaw the most appropriate form of a bylaw?
(s155(2)(a) LGA)

3. Further, the draft bylaw raises concerns to us and we submit that the following changes need to be made to the draft bylaw in case the Council pursues its adoption:
 - a) In regards to **section 7.7** the bylaw needs to specify based on what reasons and supporting grounds any authorised Officer or Police Officer can direct a Mobile Trader to relocate. This is to avoid discrimination by arbitrary exercise of power and in consequence give Mobile Traders the opportunity to file a complaint against such a direction if they believe the decision was unreasonable.

- b) Section **9.4(d)** states:

“ensure that forms with personal details are handled securely”

This is not a matter for the bylaw. Information privacy related provisions, and their applicability, are regulated under the Privacy Act 2020.

- c) Section **12.3** states:

“When considering a Licence to Occupy fee the Council may offer a discount for businesses that voluntarily maintain their outdoor dining areas as smoke and vape-free zones. Any discount and the amount is at the sole discretion of the Council.”

When assessing commercial activity, there should not be any discretion about the discount on a case by case bases. Instead we would like to see specific rules, including a specific discount, in order to avoid discrimination against certain business types or business owners, and consequently interference with the free market economy.

- d) Section **14.1** states:

*“Whenever a person (the applicant) applies to the Council for approval to carry out an activity that is regulated by this bylaw;
(a) the Council may at its discretion grant or decline the application”*

In order to avoid arbitrary exercise of power and discrimination it should be written into the bylaw that the Council must provide the reasons and supporting grounds in case that an application is declined.

- e) In regards to section **15.4** we would like to see a stronger wording that the infringement notice not only “shall” include the specified information, but instead “must” include them. Further, we suggest it must also include the name, signature and job title of the Officer who issued the infringement notice, so that the affected person can verify if this officer had authority to act on behalf of the Council in this context. The same applies to section **15.6**.

- f) In regards to section **16.1** we suggest that the proposed 14 days appeal timeframe is amended to 30 working days, so that the appellant has sufficient time to request official information under LGOIMA to prepare the application of appeal.
- g) Section **16.2** mentions that an appeal must include “*a copy of the infringement notice*“. We suggest that this requirement should be removed because it unnecessary burdens the appellant. Council has a duty of care to keep these kind documents reasonably available, also for its own internal use.
- h) In regards to section **16.6**, in addition to the reasons for the decision to be communicated to the appellant, the Council should also provide the grounds in support of these reasons to the appellant. Further, should the appeal not be upheld by the Council, appellants should be informed that they have the right to complain to the Office of the Ombudsman or to commence judicial review proceedings at the High Court against the decision made by the Council.
- i) To avoid any doubt in regards to section **17.2**, we suggest to amend “*upon giving notice to that person*” to “*after giving notice to that person*”.
4. Lastly, we are highly concerned that the preparation of this draft bylaw happened in closed workshops with the public excluded. Tasman Democracy requested that workshops on bylaws should be open to the public because of the public interest on those matters. This was declined by the Council, despite the fact that the Chief Ombudsman expects all council workshops to be open to the public by default, as well as the legislative requirement for the Council to conduct its business in an open and transparent manner (s14(1)(a)(i) LGA). As a result, we are concerned about a lack of scrutiny that went into this draft Public Places Bylaw.



27/08/2024

From: Blind Low Vision NZ
To: Tasman District Council
Subject: Public Places Bylaw

About Blind Low Vision NZ

Blind Low Vision NZ is the operating name of the Royal New Zealand Foundation of the Blind, an incorporated charitable society under the Incorporated Societies Act 1908. We are motivated as a 'for purpose' organisation. Our community includes those individuals who are blind, deafblind, have low vision or may have a print disability.

BLVNZ's mission is to empower approximately 16,000 clients and New Zealanders who are blind, deafblind, or low vision to live the life they choose. 180,000 Kiwis currently are blind, deafblind or have low vision and we are forecasting those numbers will increase to 225,000 by 2028.

Our services include providing vision loss rehabilitation, equipment and training to continue reading and communicating, and services that facilitate mobility, socialisation, recreation, education and employment.

We recognise that fundamental societal challenges still exist in New Zealand and the world. The barriers that remain require tenacity and collaboration with a vision to provide equal opportunity for all. The world is changing rapidly and we must keep pace with this change to meet people's expectations of daily life. We need to find new solutions, new ways to contribute to a New Zealand where equal opportunity is the norm for our community.

Our Position on Advertising Signs on Footpaths

Blind Low Vision NZ believes' that the minimum footpath or continuous accessible path of travel (CAPT) width should be 1.8 meters. Obstacles such as advertising and regulatory signs, seating, rubbish bins, utility poles, post boxes and bus shelters should be kept clear of the CAPT at all times. Advertising signs on the footpath should be avoided if possible. Where advertising is permitted, signs should be located away from the CAPT, i.e., on the kerb edge, and always placed consistently in the same location (for more information please see [Blind Low Vision NZ - Footpaths and Shared Spaces](#)).

If you have any further questions, please do not hesitate to reach out to Policy and Advocacy at pa@blindlowvision.org.nz.

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The following submission is Blind Low Vision NZ's position on the built environment, footpaths, and shared spaces.

The Built Environment

The needs of all users of public buildings and spaces must be taken into account in developing infrastructure in New Zealand.

It is time to develop and legislate for a mandatory standard of access to public spaces and buildings.

For many blind people, the built environment acts as a barrier to their participation in the community. The inability to fully access the facilities that everyone else in the community takes for granted – footpaths, cafes, public buildings, swimming pools, libraries, sporting facilities and movie theatres – limits independence and impacts on quality of life.

Most often access to the built environment is thought of only in terms of wheelchair access within buildings and carparks. Blind, deafblind or low vision users are often not considered.

People who are blind, deafblind and who have low vision must be able to use footpaths safely and effectively. When cyclists and pedestrians share pathways, there is an increased potential for pedestrians to be injured. Cyclists move more quickly than pedestrians move and blind, deafblind and those with low vision often cannot hear them.

There are existing standards that apply to the built environment, such as the New Zealand Standard 4121:2001 Design for access and mobility: Building and associated facilities [by authority of compliance document for clause D1 Access Routes of the New Zealand Building Code].

What Blind Low Vision NZ Wants Government to Do:

Investigate what comparable countries are doing to create the conditions where building developers, designers and owners design for all users when designing, upgrading, modifying and retrofitting public buildings and spaces.

Ensure that public sector procurement practices for public spaces and buildings specify accessibility standards.

Support efforts to enshrine Universal Design in the Building Act and the Building Code and establish mandatory access standards for public building and spaces.

Amend legislation and regulations to set a clear expectation of what access standards must be.

Require access audits to be included in the design process and to be reviewed (as are fire safety standards) and adhered to.

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Remove shared use paths until minimum safety standards are met.

Give priority and sufficient resources to the implementation of the Malatest Report on the revision of the Building Code and NZ Standard 4121.

Enact a comprehensive accessibility law that will provide enforceable standards for all aspects of the built environment.

Footpaths and Shared Spaces

Public spaces that are inaccessible cannot accurately be described as 'public'. More and more obstacles are appearing on our shared spaces and public footpaths, without any warning or consultation with people who are blind, deafblind or have low vision.

Increasingly, riders of e-scooters, bicycles and other micro-mobility devices use footpaths and compete for limited space with pedestrians. Discarded scooters are being left in shared spaces and footpaths. Street furniture is incorrectly placed on or near footpaths. Councils are also installing coloured artwork on shared spaces and footpaths. Together, these new obstacles make it very difficult for people who are blind, deafblind or have low vision to independently and safely navigate around these additional hazards. It's not fair that pedestrians with vision loss are forced to avoid shared spaces and footpaths due to concern about their personal health and safety.

New Zealand's 78 local, regional and unitary councils do not consistently apply the guidance from Waka Kotahi – The New Zealand Transport Agency (Waka Kotahi) when designing shared spaces and footpaths.

Pedestrians who are blind, deafblind or have low vision must have safe access to shared spaces.

The guideline for shared space design should always be followed when planning these spaces.

Signage around shared spaces should clearly indicate correct behaviour for motorists and pedestrians.

Shared Spaces

The World Blind Union defines a shared space as:

“A street or place designed to improve pedestrian movement and comfort by reducing the dominance of motor vehicles and enabling all users to share the space rather than follow the clearly defined rules implied by more conventional designs” (Local Transport Note 1/11 October 2011, Department for Transport, London).

The World Blind Union adds that:

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“A Shared Space can also be described as a low speed residential or retail street where the usual kerb that distinguishes the footpath as pedestrian priority space and the roadway as traffic priority space is removed. The ambiguity of a common level and surfacing material leads to caution and lower speeds by vehicles. While this is generally beneficial to most road users, it creates difficulties for pedestrians who are blind, deafblind or partially sighted as the usual orientation cues are often absent and it is difficult for them to sense the subtle cues on the location of the continuous accessible path of travel (CAPT).

Waka Kotahi uses the following definitions in the Pedestrian Planning Guide.

Shared zone: “A residential street that has been designed to slow traffic and signed to give priority to pedestrians. The shared zone sign means that traffic is required to give way to pedestrians but pedestrians must not unreasonably impede traffic.”

Segregated shared-use path: A route shared by pedestrians and cyclists where both groups use separate, designated areas of the path.

Unsegregated shared-use path: A path shared by pedestrians and cyclists where both groups share the same space.

Footpath: The part of road or other public place built and laid out for pedestrian use.

Footpaths

The CAPT defines the area where the pedestrian route is safe and convenient for everyone, especially people who are blind, deafblind or have low vision and or with impaired mobility. It has even surfaces, gentle slopes and is free of permanent and temporary obstacles at all times. The minimum CAPT width must be 1.8 metres but wider is beneficial on busy footpaths.

Obstacles such as advertising and regulatory signs, seating, rubbish bins, utility poles, post boxes and bus shelters should be kept clear of the CAPT at all times. Advertising signs on the footpath should be avoided if possible. Where advertising is permitted, signs should be located away from the CAPT, i.e., on the kerb edge, and always placed consistently in the same location.

In 2020, 18% of the people that we served were aged between 65 and 79 years, and 46% were aged 80 years or over. This is a significant proportion of the people we serve who are impacted by inaccessible shared spaces and footpaths. The four leading eye conditions that lead to vision loss in New Zealand are age-related. Older and ageing pedestrians with vision impairment are particularly at risk.

We fully support the use of transport devices as active modes of transport. They help people get where they need to quickly and easily. However, for the safety of people with

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vision loss, they should not be used on footpaths or in shared spaces. This solution can work for all parties.

Shared spaces must be prioritised as safe and accessible for all pedestrians, especially pedestrians with vision loss.

Rules that require users to simply exercise courteous behaviour offer no protection or reassurance to our clients. We believe pedestrians cannot depend on other people's good behaviour when using shared spaces and footpaths.

Pedestrians who are blind, deafblind or have low vision need to be able to identify when they enter a pathway that is designated as a shared path. Written signage and painted markings alone should not be relied on.

We recommend installing detectable physical barriers between cyclists and pedestrians rather than making paths shared.

We support the World Blind Union (WBU) Position Statement on Electric Scooters (E-scooters) which states that "A motorized E-scooter is powered by an electric motor. It is any two-wheeled device that has handlebars, and a floorboard that is designed for someone to stand on when riding."

E-Scooters are an example of a micro-mobility device. The WBU Position Statement goes on to state that "E-Scooters are an example of new technology that expands "personal" transport options. They provide a relatively cheap mode of transport that is more accessible than walking or cycling for some people and can go where buses don't."

Other examples of micro-mobility devices include but aren't limited to skateboards and electric bikes. To ensure pedestrian safety, these devices should not be permitted under any circumstances to be used on footpaths.

We support rules that ensure micro-mobility devices, like e-scooters or skateboards, move off the footpath where they're less likely to come into conflict with pedestrians.

We support the installation of segregated cycle paths. Segregated cycle paths physically separate fast moving micro-mobility devices and pedestrians which prevents pedestrians from unknowingly veering into the cycle lanes. Signage or road markings are insufficient to enable people who are blind, deafblind or have low vision to identify changes in space designation.

Coloured Footpath and Roadway Art

The use of coloured footpath and roadway art is an increasing trend in Aotearoa New Zealand. Waka Kotahi – The New Zealand Transport Agency (Waka Kotahi) has recently released its [Draft Handbook for Tactical Urbanism in Aotearoa – Guidance: Roadway Art](#) (September 2020). This guidance forms part of the Waka Kotahi [Innovating Streets](#)

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[Project](#), which includes a number of “pilots” funded by the NZTA and the local territorial authorities.

Waka Kotahi consulted an external accessibility consultant on the impact of footpath and roadway art for travellers with access needs. However, the draft guideline doesn't consider the health and safety issues for pedestrians with vision loss. Pedestrians with low vision may view the art as an obstacle such as a hole in the ground. There is a risk of causing distress, disorientation and potential injury as a result.

Coloured footpath and roadway art is a subset of street art. It is not considered a “traffic control device”. However, Waka Kotahi seems to be using coloured footpaths and roadway art as a traffic calming tactic. For the estimated 228,000 New Zealanders living with significant vision loss coloured footpath and roadway art is an additional barrier and hazard to safely and independently navigating the streetscape.

Footpaths

The CAPT defines the area where the pedestrian route is safe and convenient for everyone, especially people who are blind, deafblind or have low vision and or with impaired mobility. It has even surfaces, gentle slopes and is free of permanent and temporary obstacles at all times. The preferred width is 1.8 metres (minimum width 1.5 metres), but wider is beneficial on busy footpaths.

Obstacles such as advertising and regulatory signs, seating, rubbish bins, utility poles, post boxes and bus shelters should be kept clear of the continuous accessible path of travel at all times. Advertising signs on the footpath should be avoided if possible. Where advertising is permitted, signs shall be located away from the continuous accessible path of travel, i.e., on the kerb edge, and always placed consistently in the same location.

Blind Low Vision NZ fully supports the use of transport devices as active modes of transport. They help people get where they need to quickly and easily. However, for the safety of people with vision loss, they should not be used on footpaths or in shared spaces. This solution can work for all parties.

For more information refer to the [World Blind Union Position Statement on “Electric Scooters”](#)

Shared spaces

A shared space occurs when pedestrians, cyclists and motorists have access to the same space, usually in the middle of a city. While the speed of traffic is encouraged to be less than 30kmph, they are difficult places for blind, deafblind and low vision pedestrians to navigate. This is due to slowly moving quiet traffic, the flatness of the area, and a lack of tactile markings to indicate roads, safe crossing points and footpaths. When cyclists, vehicles and pedestrians use shared spaces or zones, there is an increased potential for

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conflict between them. The likelihood of injury is increased for blind, deafblind and low vision pedestrians.

Rules that require users to simply exercise courteous behaviour offer no protection or reassurance to our clients. Blind Low Vision NZ believes vulnerable footpath users cannot depend on other people's good behaviour when using footpaths and roadways.

Pedestrians who are blind, deafblind or have low vision need to be able to identify when they enter a pathway that is designated as a shared path. Written signage and painted markings alone should not be relied on.

Blind Low Vision NZ recommends installing detectable physical barriers between cyclists and pedestrians rather than making paths shared.

For more information refer to the [World Blind Union Position Statement on "Shared Spaces"](#).

Roadways

The use of coloured footpath and roadway art is an increasing trend in Aotearoa New Zealand. Waka Kotahi – The New Zealand Transport Agency (Waka Kotahi) has a Draft Handbook for Tactical Urbanism in Aotearoa – Guidance: Roadway Art (September 2020). This guidance formed part of the Waka Kotahi Innovating Streets Project, which included a number of "pilots" funded by Waka Kotahi and the local territorial authorities.

Coloured footpath and roadway art is a subset of street art. It is not considered a "traffic control device". However, Waka Kotahi seems to be using coloured footpaths and roadway art as a traffic calming tactic. For the estimated 180,000 New Zealanders living with significant vision loss, coloured footpath and roadway art is an additional barrier and hazard to safely and independently navigating the streetscape.

Blind Low Vision NZ objects to allowing local ruling authorities like local councils to change rules in certain areas, as this affects the safety of New Zealanders who are blind, deafblind or have low vision. New Zealand roads should have consistent standards applied, monitored, and enforced across the country.

Footpaths and shared spaces must be prioritised as safe and accessible for all pedestrians, especially pedestrians with vision loss.

Micro-mobility devices such as e-scooters should only be used on cycle paths or the road. To ensure pedestrian safety these devices should not be permitted under any circumstances to be used on footpaths.

We support rules that ensure micro-mobility devices, like e-scooters or skateboards, move off the footpath and onto parts of the road where they're less likely to come into conflict with pedestrians or fast-moving motor vehicles.

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We do not support the use of coloured footpath and roadway art as it can potentially create confusion and or disorientation for travellers with vision loss. Coloured footpath and roadway art is another barrier to the low vision traveller in their path of travel. We strongly advocate that there be no coloured art on pedestrian crossings.

We support the installation of cycle paths which physically separate both motor traffic and the footpath to prevent pedestrians from unknowingly veering into the lanes. Signage or road markings are insufficient to enable people who are blind, deafblind or have low vision to identify changes in road space designation.

What Blind Low Vision NZ wants Central and Local Government to do

No coloured footpath and roadway art is used in the Continuous Accessible Path of Travel (CAPT). Note that the Waka Kotahi minimum CAPT width is 1.8m.

No coloured footpath and roadway art is used near pedestrian crossings or intersections.

No reflective paint is used in coloured footpath and roadway art.

Our Position

Blind Low Vision NZ does not support the use of coloured footpath and roadway art as it can potentially create confusion and or disorientation for travellers with vision loss. This is an added barrier for this group of people in travelling safety and independently. A number of eye conditions result in the loss of colour vision, especially the ability to see red and green colours. Coloured footpath and roadway art is another barrier to the low vision traveller in their path of travel. We fully support Waka Kotahi's position of not permitting coloured art on zebra crossings. We strongly advocate that there be no coloured art on pedestrian crossings. The Continuous Accessible Path of Travel (CAPT) must be kept completely clear of coloured art works at all times.

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23 August 2024

Tasman District Council
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Richmond, 7050

Tēnā koutou

Submission on Public Places Bylaw

1. Thank you for the opportunity to submit on the Public Places Bylaw (PPB). This submission has been compiled by the National Public Health Service (NPHS) Te Waipounamu region, Health New Zealand – Te Whatu Ora. NPHS Te Waipounamu services the South Island including the Tasman Region.
2. NPHS recognises its responsibilities to improve, promote and protect the health of people and communities of Aotearoa New Zealand under the Pae Ora (Healthy Futures) Act 2022 and the Health Act 1956.

Pae Ora requires the health sector to protect and promote healthy communities and health equity across different population groups by working together with multiple sectors to address the determinants of health.

3. NPHS is focused on the achievement of equitable health outcomes. We use the Ministry of Health's definition of equity:

In Aotearoa New Zealand people have differences in health that are not only avoidable, but unfair and unjust. Equity recognises different people with different levels of advantage require different approaches and resources to get equitable health outcomes.¹

4. This submission responds to the questions asked in Tasman District Council's (TDC) PPB Submission Form.
5. This submission sets out matters of interest and concern to NPHS Te Waipounamu, and information included is based on evidence about public health and equity. It is pleasing to hear from Council kaimahi that local iwi has been engaged with for this consultation through Council's iwi engagement tool Whakawhitiwhiti Whakaaro; and that some have indicated a desire to provide input. We have also sought advice from CCS Disability Action and Blind Low Vision NZ kaimahi.

¹ Ministry of Health – Manatū Hauora (2024, July 2). Achieving equity. <https://www.health.govt.nz/about-ministry/what-we-do/achieving-equity>

General Comments

6. We welcome the opportunity to comment on the PPB.
7. Health and wellbeing are influenced by a wide range of factors beyond the health sector. These factors are often referred to as the 'social determinants of health', and can be described as the environmental, economic and social conditions in which people are born, grow, live, work and age.²
8. The diagram³ below shows how these determinants of health are complex and interlinked. Initiatives to improve health outcomes and overall quality of life must involve organisations and groups beyond the health sector, such as local government, if they are to have a collective impact.⁴

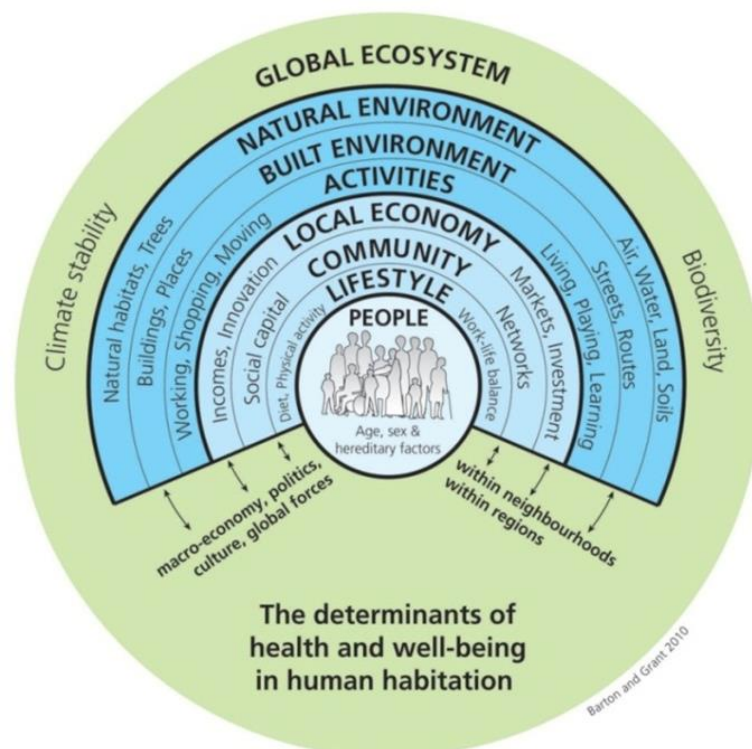


Figure 1: Social determinants of health

² Public Health Advisory Committee. (2004). *The Health of People and Communities. A Way Forward: Public Policy and the Economic Determinants of Health*. Public Health Advisory Committee.
https://mohlibrary.softlinkhosting.co.nz:443/liberty/OpacLogin?mode=BASIC&openDetail=true&corporation=default_corp&action=search&queryTerm=uuid%3D%225e0914be0a5a01e27fdf294000051624%22&editionUuid=5e0914be0a5a01e27fdf294000051624&operator=OR&url=%2Fopac%2Fsearch.do

³ Barton, H. & Grant, M. (2006). A health map for the local human habitat. *The Journal of the Royal Society for the Promotion of Health*, 126(6), 252-253.

⁴ <https://journals.sagepub.com/doi/10.1177/1466424006070466>

⁴ McGinnis J.M., Williams-Russo P. & Knickman JR. (2002). The case for more active policy attention to health promotion. *Health Affairs*, 21(2), 78-93.

<https://www.healthaffairs.org/doi/abs/10.1377/hlthaff.21.2.78>

Specific Comments

9. Trading in public places can influence the social determinants of health through factors such as employment, social inclusivity, accessibility for all, and consideration of waste impacts.⁵ Trading in public places can create vibrancy and social cohesion in communities and create socially dynamic and diverse space. Unintended consequences on health and wellbeing can also be influenced including pollution (such as waste), accessibility, smoking and alcohol impacts, and food and drink regulations⁵(and food safety). NPHS Te Waipounamu previously submitted feedback on the PPB through the early engagement process in December 2023. We summarise our key messages below, with references referring to the PPB unless stated otherwise.

Q01. Overall, how much do you agree with what is proposed in the draft PPB?

Mostly Agree

10. NPHS Te Waipounamu broadly supports the proposed bylaw. We suggest modifications as outlined below to strengthen the bylaw, whilst considering the positive and negative effects that trading in public places can have on health and wellbeing.

Q02. How much do you agree with what is proposed in the trading in Parks and Reserves section?

Mostly Agree

11. NPHS Te Waipounamu supports that permission must be granted for any trading in parks and reserves. Should permission be granted we encourage waste removal to be prioritised. Commercial activities can create waste through the packaging of food products which can lead to litter in a natural environment. Litter harms our environment, contaminating soil, waterways and threatening wildlife habitats⁶, along with visually impacting the environment. We also encourage greater emphasis on supporting vendors to provide healthy food and beverage options, so that parks and reserves remain health promoting environments.⁷

⁵ National Health Committee. The social, cultural and economic determinants of health in New Zealand. A report from the National Advisory Committee on Health and Disability. Retrieved August 2024. 1998;17:2010

⁶ Take litter with you. (n.d.). Department of Conservation. Retrieved November 30, 2023, from <https://www.doc.govt.nz/parks-and-recreation/know-before-you-go/take-your-litter-with-you/>

⁷ Unhealthy Food. (n.d.). Health Coalition Aotearoa. Retrieved November 20, 2023, from <https://www.healthcoalition.org.nz/health-issues/unhealthy-food/>

Q03. How much do you agree with what is proposed in the mobile trading section?

Mostly disagree

12. NPHS Te Waipounamu recommends mobile trading licences continue to be required as per the 2010 Trading in Public Places Bylaw, rather than it being a permitted activity without a licence. Retaining a licence provides greater assurance that mobile traders are meeting safety compliance requirements (evidence of current WOF, electrical certification and LPG installation inspection certificate) as per form 1 of the 2010 bylaw. It also supports Council having greater oversight and awareness of the products and services being sold in a community setting. Requirements for food and alcohol licensing that the applicant is unaware of, may also be picked up through the mobile trading licence application process. Retaining the existing licence requirement supports a proactive rather than reactive approach to potential health and safety risks, opposed to anticipating mobile traders are aware of associated rules.

Q04. How much do you agree with what is proposed in the commercial services section?

Mostly Agree

13. To strengthen this aspect of the bylaw, NPHS Te Waipounamu recommends commercial traders are asked to consider ways of reducing associated waste from their service. This may include mobile coffee carts promoting that customers bring their own coffee cups to reduce waste going into landfill. We encourage a section on environmental considerations to be included in the application form (if not there already), requiring applicants to consider ways of reducing waste and implementing more sustainable practices where possible. Removal of their own associated rubbish and not relying on council bins should also be included, similarly to what applies to other commercial practices. Council could also consider offering a discount on the application fee for businesses implementing sustainable practices, similarly to what is proposed in the bylaw for outdoor dining areas maintaining smokefree/vape-free (SFVF) zones.

Q05. How much do you agree with what is proposed in the busking section?

Mostly Agree

14. We support enabling buskers to perform in public places in conjunction with the proposed criteria. There is a growing body of evidence showing how arts and creativity can make a significant difference to people's health and wellbeing.⁸

Q06. How much do you agree with what is proposed in the retail displays on footpaths section?

Mostly Agree

15. NPHS Te Waipounamu supports policies 11.1 and 11.2 requiring written permission from Council for the placement, erection, or establishment of any retail display on the public footpath or road. We recommend if permission is granted that it is for a restricted period such as a maximum number of days, as retail displays can limit accessibility. We note footpath width must not be reduced to less than 2-metres. This is important as the pedestrian route should be safe and convenient for everyone, especially people with impaired mobility such as people who are blind and have low vision. We encourage Council to incorporate universal design guidelines when developing footpaths and other urban environments to support accessibility.⁹

Q07. The draft bylaw proposes that retailers will need to ensure a 2-metre clearway for pedestrians when putting advertising sandwich boards on footpaths. If the footpath was too narrow for this, the sign would not be permitted. Other options were also considered during the drafting of this bylaw. Choose which option you prefer.

Retailers must ensure a 2-metre clearway for pedestrians when putting advertising sandwich boards on footpaths. If the footpath is too narrow, the sign would not be permitted.

~~Prohibit all advertising sandwich boards from footpaths~~

~~Require different clearways for different parts of the district where footpaths are narrower. This may involve only requiring 1.5 metres of clearway in some places.~~

~~Not sure or no comment~~

16. Maintaining a 2-metre clearway for pedestrians is important for provision of consistent footpath width and reduced obstacles to navigate. Monitoring of non-compliant sandwich

⁸ Rosie Dow, Katey Warran, Pilar Letrondo, Daisy Fancourt. (2023). The arts in public health policy: progress and opportunities. The Lancet Public Health. [https://www.thelancet.com/journals/lanpub/article/PIIS2468-2667\(22\)00313-9/fulltext](https://www.thelancet.com/journals/lanpub/article/PIIS2468-2667(22)00313-9/fulltext)

⁹ <https://kaingaora.govt.nz/assets/Publications/Design-Guidelines/Masterplanning-for-Universal-Design.pdf>

boards and enforcement provisions is essential if sandwich boards are retained. Footpaths should be inclusive for all, including disabled people, buggies and prams. People who are visually impaired can find the placement of sandwich boards hazardous, particularly if they are placed incorrectly and not meeting the current criteria outlined in the bylaw. Tasman's aging population is increasing, in turn, it is anticipated people using mobility aids such as walkers, electronic and non-motorised wheelchairs and scooters is likely to increase.

Q 08. How much do you agree with what is proposed in the outdoor dining section?

Mostly Agree

17. NPHS Te Waipounamu supports Council's consideration of offering a discount for businesses that voluntarily maintain their outdoor dining areas as SFVF zones. In addition, we recommend TDC takes this a step further and develops a SFVF Outdoor Policy as mentioned in our 2021 and 2024 Long Term Plan submissions.

Considerations supporting SFVF environments include:

- Outdoor dining environments with smoking can have smoke particulate levels three to nearly five times higher than recommended exposure levels.¹⁰
- Second hand smoke can make your eyes sore and give you headaches, coughs, sore throats, dizziness and make you feel sick.¹¹
- Regulations to restrict smoking areas support maintaining air quality and protect human health, particularly workers.¹²
- Smokefree (SF) community areas provide positive role modelling for tamariki and youth¹³ and de-normalises visible smoking in public.

18. It is noted under 4.1a, one of the purposes of the bylaw is to provide reasonable controls to protect public health and safety. We anticipate an equity perspective is an important consideration of this. Māori, disabled and pacific populations are all disproportionately affected by smoking as demonstrated in Figure 1. In Figure 2 below, Māori were the largest

¹⁰ Protecting our families and breathing easy in our communities. (2022, July). Smokefree. <https://www.smokefree.org.nz/smokefree-environments/smokefree-in-your-community>

¹¹ <https://www.smokefree.org.nz/smoking-its-effects/second-hand-smoke>

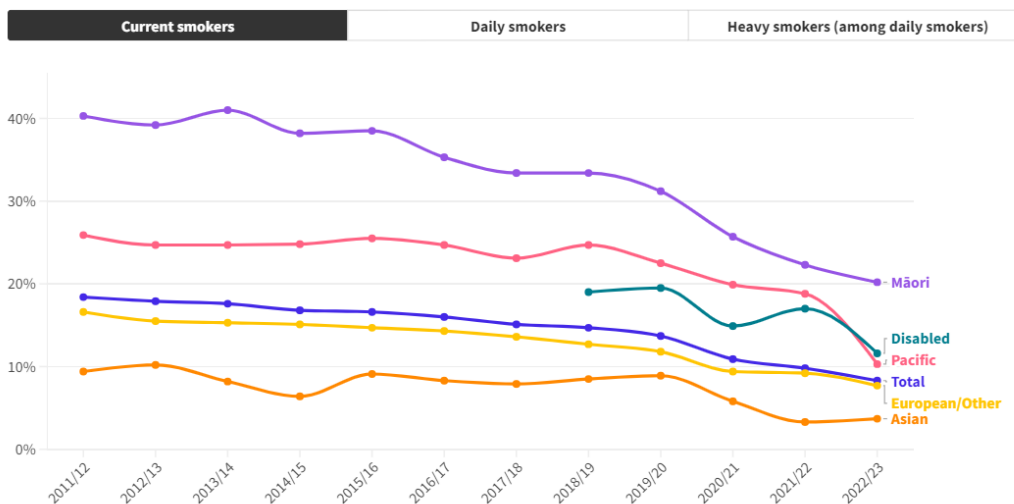
¹² National Library of Medicine. (2011). Smoking outdoors at pubs and bars: is it a problem? An air quality study. <https://pubmed.ncbi.nlm.nih.gov/22237565/>

¹³ Smokefree in your community. (2022, July). Smokefree. <https://www.smokefree.org.nz/smokefree-environments/smokefree-in-your-community>

ethnicity group in Te Taihū reporting to be current smokers compared to those non-Māori living in Tasman during 2017-2020. This data supports the promotion of SFVF environments for the health of our marginalised communities.

Figure 1

NZ smoking (tobacco) trends by ethnicity, disability

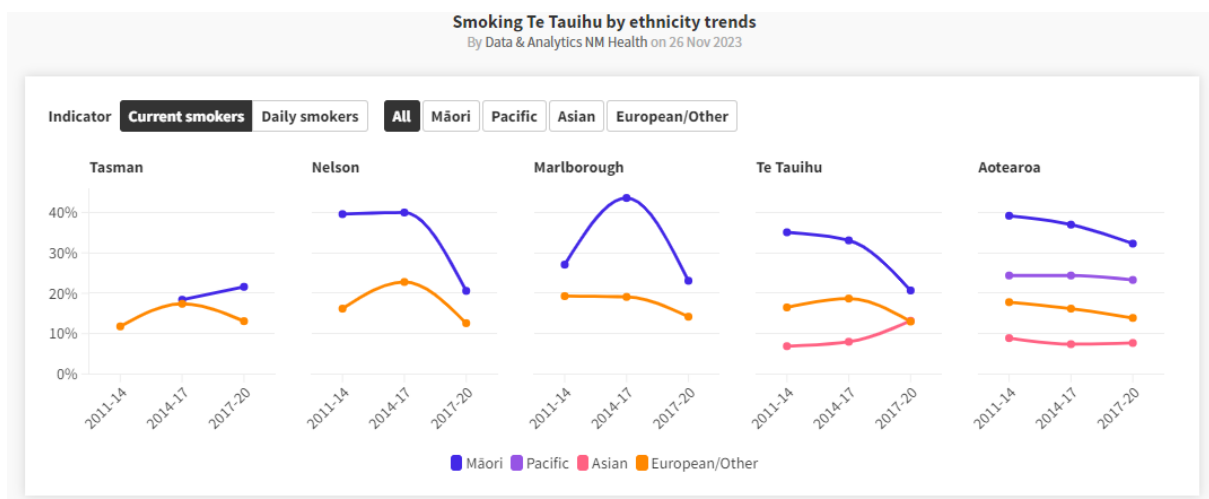


Source: [NZ Health Survey annual data explorer](#)

Current smokers (aged 15+ years) smoke at least monthly, and have smoked more than 100 cigarettes in their whole life. Daily smokers (aged 15+ years) are current smokers who smoke every day, and have smoked more than 100 cigarettes in their whole life. The 100-cigarette threshold limits the indicator to people with established tobacco use. Heavy smokers are daily smokers who smoke at least 21 cigarettes every day.



Figure 2



19. Vaping is also an increasing health concern. A recent survey¹⁴ conducted by Action on Smoking and Health (ASH) indicated that Māori girls are vaping 25% more than the average rate among their peers. There is also an increase in Pacific Teens becoming addicted
20. NPHS Te Waipounamu notes the requirements around alcohol and food licensing and the need for outdoor dining environments to be regulated (policy 12.3). We are aware TDC's regulatory team proactively carry out compliance checks in this area. We support the continuation of this mahi, which in turn reduces health risks associated with alcohol consumption and supports prevention of foodborne illness.

Q09. How much do you agree with what is proposed in the enforcement section?

Mostly Agree

21. NPHS Te Waipounamu supports the proposed penalties under Part B Enforcement to ensure requirements of the bylaw are met. We anticipate sufficient levels of authorised council officers will be allocated to monitoring this mahi to provide safe and healthy public places in the Tasman region.

Conclusion

22. NPHS Te Waipounamu does not wish to be heard with respect to this submission.
23. Thank you for the opportunity to submit on the PPB.

Ngā mihi,

Vince Barry

Regional Director
National Public Health Service
Te Waipounamu Region

Contact details

Nicola Gausel

NPHS Te Waipounamu

Te Kāwanatanga o Aotearoa
New Zealand Government

¹⁴https://assets.nationbuilder.com/ashnz/pages/70/attachments/original/1702170472/2023_ASH_Y10_Snapshot_Topline_smoking_and_vaping_FINAL.pdf?1702170472

Tasman submission
Sandwich boards
CCSDA 2024

Thank you for allowing me to speak today.

I represent CCS Disability Action Nelson, Marlborough branch. CCS Disability Action is the largest pan disability group in New Zealand.

Within your proposed Public Places Bylaw, you have proposed that sandwich boards be placed against the curb. While this does help those with blind/low vision and those needing extra room to access shop entrances it is not entirely without its problems. Mobility parking requires a clear area for exiting the vehicle and allowance for wheelchairs. Sandwich boards falling into the road create hazards for the driver and the proliferation of sandwich boards observed in other towns and cities points to bylaws that have not been enforced.

I appreciate the efforts of those wanting to create an accessible environment in Richmond. Tasman has seen a lot of development in recent years, including retirement villages. I am sure that you know the increasing population of people over 65 in the Richmond area in particular, is something to consider when making changes to bylaws. Tasman isn't the only area with a growing population over 65. By 2043 the Nelson population of over 65 will make up a third of the population. And statistics NZ puts the percentage of over 65 having a disability at 59% and physical limitations were the most common impairment.

With such a large percentage of over 65's it is good to remember that even without disabilities there are other factors to remember. As we age, we find mobility and agility affected. We find that we are unable to manoeuvre as easily around obstacles. A clear footpath gives confidence and encourages foot traffic. To create a township that is a destination requires confidence in access and removal of barriers. Foot traffic brings impulse buying and encourages socialisation away from the online buying that some now prefer. If we want people to change those online purchasing habits from Covid, then create a barrier free, inviting environment. We are bombarded with advertising everywhere, every day. Sandwich boards are very old fashioned and I would like to think that we have reached a time when we can look at how to create a welcoming open space for everyone. Access and inclusiveness are not airy fairy ideas, they are or should be a natural part of decision making. Why make a township beautiful and then clutter it with sandwich boards that remove the disabled and many over 65's from being able to enjoy with confidence, a town centre?

Please remove all sandwich boards and make this township a real destination for everyone and not just the able bodied.

However, if it is the council's decision to retain the sandwich boards, then please keep them as outlined in your proposal. One sandwich board per shop, allowing 2 metres clearance from the board to the shop and against the roadside curb which allows those using aids such as canes to navigate the footpath with some safety and confidence. I am sure you are aware that in NZ the training for those using such aids is that you stay close to the shop for safety reasons. I would also ask that signs not be allowed beside mobility parking as this also presents a risk to those

trying to get out of their vehicle. And I hope that the rules would be enforced, because the problems that have arisen in other places would indicate that there has been no enforcement. In fact I know of one place (not in TDC) that has two sandwich boards, a flag, table and chairs (allowed) and a motorcycle all on the one pavement outside their shop. It is of course possible that the business owner or manager is unaware of the laws of their council, but it does demonstrate what can happen when there is no follow-up.

Thank you for your time.

Disability Survey 2013 (statisticsNZ) key facts page attached.

Nelson City Council, Nelson Ageing Population paper page 3 attached.

Office for Disability Issues 2023 Key Facts about disability in NZ. Attached.



PUBLIC ACCESS : REGIONAL ECONOMY



DEMOGRAPHICS INSIGHTS CONTACT

Regional Economic Profile | Richmond | 2023

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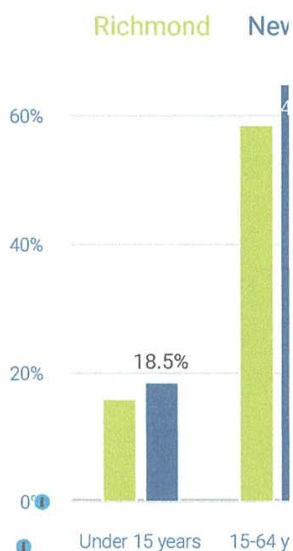
Nelson Regional Development Agency

Age composition

Compare areas: Focus year: 2023

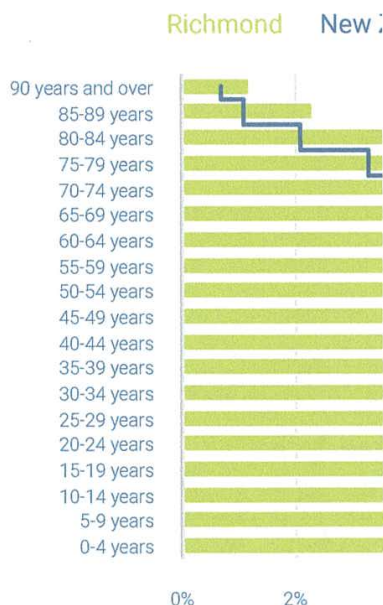
Population by broad age group, 2023

% of total, as at 30 June



Population by 5-year age group

% of total, as at 30 June



Age composition of the population, 2023

People, as at 30 June

Extended age	Richmond	Level % of total
0-4 years	870	4.5%
5-9 years	1,000	5.2%
10-14 years	1,170	6.1%
15-19 years	1,300	6.8%
20-24 years	1,160	6.0%
25-29 years	950	4.9%

Population age composition

The age composition of an area's population has implications for the demand for services and facilities, as well as decisions regarding changes to property rates. For example, as a population ages, the demand for certain types of service and new facilities such as schools will decrease. Meanwhile, as a greater proportion of the population retires from work,

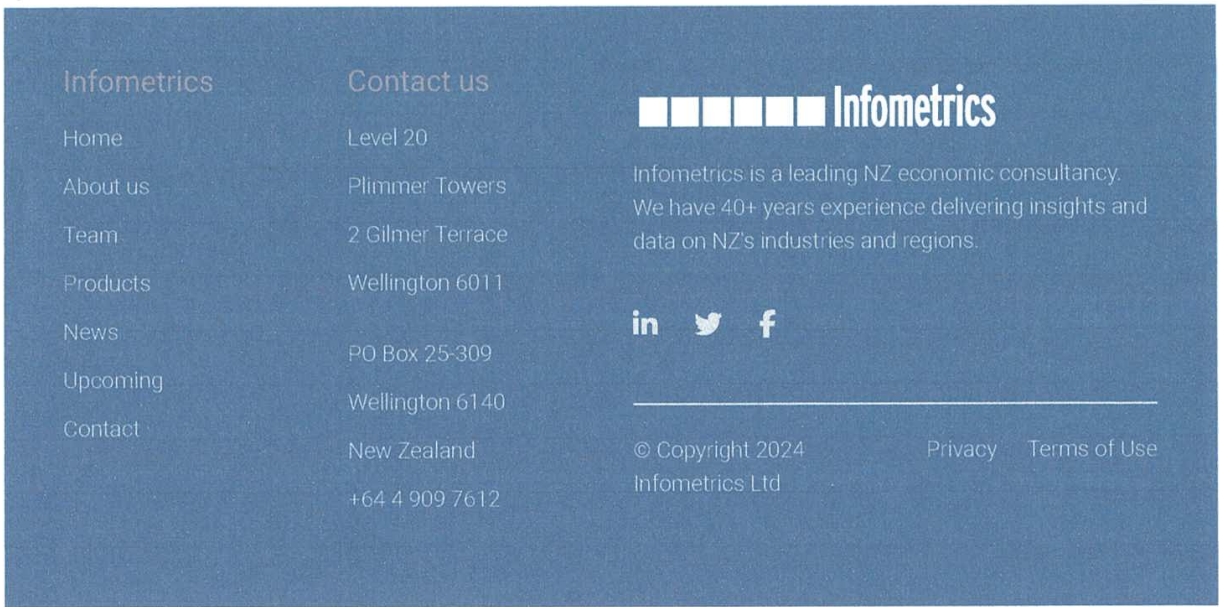
Overview	30-34 years	990	5.2%
	35-39 years	980	5.1%
	40-44 years	1,000	5.2%
Economy	45-49 years	1,090	5.7%
	50-54 years	1,350	7.0%
	55-59 years	1,260	6.6%
Labour market	60-64 years	1,170	6.1%
	65-69 years	1,170	6.1%
	70-74 years	1,200	6.3%
Demographics	75-79 years	1,120	5.8%
	80-84 years	760	4.0%
	85-89 years	440	2.3%
Population	90 years and over	230	1.2%
	Dependency ratio	70.7%	
Growth			
Age composition			
Census			
Overview			
Indicators			
Indicator drill-down			
Compare areas			
Across my peers			
Within my area			
Data			
Total			
		19,200	100.0%

sources of incomes change and there is likely to be an increase in demand for leisure and care-based facilities.

This section outlines the age composition of Richmond's population by five year age group and contrasts this against the national population. The dependency ratio, the number of under 15 year olds and over 65 year olds as a ratio of the rest of the population is also provided.

Highlights for Richmond, 2023

- In 2023, 58.6% of Richmond's population was of working age (15-64). This proportion was lower than in New Zealand (64.9%).
- The proportion of young people (0-14) was 15.9% in Richmond. This proportion was lower than in New Zealand (18.5%).
- The proportion of people 65 years and older was 25.5% in Richmond. This proportion was higher than in New Zealand (16.5%).
- Overall, the dependency ratio was 70.7% in Richmond. This proportion was higher than in New Zealand (54.0%).



The image shows a dark blue footer for the Infometrics website. It is organized into three columns. The left column contains a list of navigation links: Home, About us, Team, Products, News, Upcoming, and Contact. The middle column is titled 'Contact us' and provides the following information: Level 20, Plimmer Towers, 2 Gilmer Terrace, Wellington 6011, PO Box 25-309, Wellington 6140, New Zealand, and the phone number +64 4 909 7612. The right column features the Infometrics logo (a series of white squares followed by the text 'Infometrics'), a short description: 'Infometrics is a leading NZ economic consultancy. We have 40+ years experience delivering insights and data on NZ's industries and regions.', and social media icons for LinkedIn, Twitter, and Facebook. At the bottom of the right column, there is a horizontal line, followed by the copyright notice '© Copyright 2024 Infometrics Ltd' and links for 'Privacy' and 'Terms of Use'.