
MINUTES
of the
Public Places Bylaw Deliberations Meeting
held
10.30 am, Tuesday, 15 October 2024
at
Tasman Council Chamber, 189 Queen Street, Richmond

Present: Councillor C Hill (Chair), Councillors G Daikee, C Mackenzie, T Walker

In Attendance: Councillor J Ellis, Group Manager – Service & Strategy (J Ridd), Strategic Policy Manager Service & Strategy (D Fletcher), Regulatory Manager Environmental Assurance (S Bruyns), Reserves & Facilities Manager Community Infrastructure (G Reburn) (Zoom), Community Policy Advisor (C Budai), Governance Officer (R Grover)

Absent: Councillor M Kininmonth

1 OPENING, WELCOME

2 APOLOGIES AND LEAVE OF ABSENCE

Nil

3 REPORTS

3.1 Draft Public Places Bylaw Deliberations

Community Policy Advisor, Cat Budai presented the report.

Ms Budai summarised some of the key themes from community feedback including:

- disability advocacy
- sandwich board regulation
- reducing visual clutter
- competition with mobile traders and
- potential revenue impacts for business owners if sandwich boards were prohibited in

the Tasman region.

Ms Budai outlined the rationale for the new clause (11.12) of the bylaw and answered questions on the report. Clause 3.6 of the recommendation was amended to 'Not withstanding clauses 11.3, 11.4 and 11.5'.

**Moved Councillor Mackenzie/Councillor Daikee
SH24-10-1**

That the Public Places Bylaw Hearing and Deliberations Panel

1. receives the Draft Public Places Bylaw Deliberations report RSH24-10-3; and
2. agrees to the following changes to the Draft Public Places Bylaw in response to submitter feedback for the reasons set out in section five of the agenda report:
 - 2.1 remove clause 7.1(b) (Mobile Trading; an authorised Council Officer has specifically decided that a Mobile trading activity is not permitted)
 - 2.2 remove clause 9.4 (d) (Street Fundraising; handling of personal details)
 - 2.3 change to Clauses 11.2, 11.4 and 11.5 (Retail Displays on Footpaths; change clear path requirements for pedestrians from 2 metres to 1.8 metres)
 - 2.4 add Clause 11.11 (Retail Displays on Footpaths; Sandwich boards must not obstruct or impact users of accessible parking, bus stops or pedestrian crossings)
 - 2.5 add Clause 11.14 (Retail Displays on Footpaths; exemptions for sandwich board regulations)
 - 2.6 change to Clause 12.3 (specify 20% discount for smoke/vape-free outdoor dining); and
3. agrees to staff amending wording in the following clauses in the Draft Public Places Bylaw for the reasons set out in section five of this report:
 - 3.1 change to Definitions and Interpretation (Provide a more robust definition for Public Place)
 - 3.2 change to clause 12.4 (Outdoor dining; reflects same clear path for pedestrians as sandwich board requirements)
 - 3.3 changes to Clause 15.3 (remove reference to authorised officer, include non-compliance for sandwich boards, and specify the infringement amount within this clause)
 - 3.4 remove clauses 15.4, 15.5, 15.6, 15.7, 15.8, and 15.9 (Offences and Penalties)
 - 3.5 remove Section 16 (Appeals Process)
 - 3.6 change clause 11.12 to 'Not withstanding clauses 11.3, 11.4 and 11.5 The Council reserves the right to dictate the exact location for the placement of boards, prioritising pedestrian safety and convenience; and
4. agrees to staff amending wording in the following clauses in the Draft Public Places Bylaw:
 - 4.1 new clause 12.7 to enable staff to agree an exemption to the outdoor dining width of 1.8 metres in isolated sections of a path where there are constraints such as street furniture, poles, or rubbish bins or a narrow section of path.

- 4.2 clarify that sandwich boards includes the base, and that clause 11.10 applies to the base also.
- 4.3 clause 7(1)(f) to clarify the limit to be within a 200-metre radius of a fixed premises selling similar products.
5. agrees to change the title of the Public Places Bylaw to the Tasman District Council Public Places Bylaw 2024; and
6. agrees to replace title page information about when the bylaw is made with a table on the following page documenting the bylaw's review history; and
7. in accordance with section 155 of the Local Government Act 2002:
- 7.1 agrees that the proposed Tasman District Council Public Places Bylaw 2024 (including the changes in resolutions 2-5 above) is the most appropriate form of bylaw for addressing nuisance, health and safety in a public place; and
- 7.2 notes that the proposed Tasman District Council Public Places Bylaw 2024 (including changes in resolutions 2-5 above) does not give rise to any implications under the New Zealand Bill of Rights Act 1990; and
- 8 delegates authority to the Public Places Hearing and Deliberation Panel Chair and the Chief Executive Officer to approve any minor changes or minor editorial amendments to the proposed Tasman District Council Public Places Bylaw, prior to being submitted to Tasman District Council; and
- 9 confirms the minutes of the 23 September 2024 Public Places Bylaw Hearing Panel meeting as a true and correct record; and

Recommendation to Tasman District Council

That the Tasman District Council:

1. receives the Draft Public Places Bylaw Deliberations report.
2. in accordance with sections 155, 159, and 160 of the Local Government Act 2002:
- 1.1 agrees that the proposed Tasman District Council Public Places Bylaw 2024 is the most appropriate form of bylaw for addressing nuisance, health and safety matters in a public place; and;
- 1.2 notes that the proposed Tasman District Council Public Places Bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990; and
2. pursuant to section 145 of the Local Government Act 2002, adopts the Tasman District Council Public Places Bylaw 2024 (Attachment 1 to the agenda report) with effect from 1 February 2025; and
3. authorises staff to publicly notify the Tasman District Council Public Places Bylaw 2024 and the date that it has effect from; and
4. notes that the Tasman District Council Public Places Bylaw 2024 will need to be reviewed before 28 November 2029.

CARRIED

The Chair closed the meeting with karakia at 11.20am.

Confirmed as a correct record of proceedings by resolution on Enter date .

Unconfirmed