

## From Living Streets Aotearoa

# Submission on Nelson City Council's draft Urban Environments Bylaw 2022

Due: 8/12/2021

Send to: [submissions@ncc.govt.nz](mailto:submissions@ncc.govt.nz)

### Referencing:

Statement of Proposal: [https://hdp-au-prod-app-nels-shape-files.s3.ap-southeast-2.amazonaws.com/3516/3606/0193/Statement\\_of\\_Proposal\\_-\\_Amended\\_Urban\\_Environments\\_Bylaw\\_-\\_FINAL\\_APPROVED\\_4\\_Nov\\_2021.pdf](https://hdp-au-prod-app-nels-shape-files.s3.ap-southeast-2.amazonaws.com/3516/3606/0193/Statement_of_Proposal_-_Amended_Urban_Environments_Bylaw_-_FINAL_APPROVED_4_Nov_2021.pdf)

and Draft Amended Bylaw: [https://hdp-au-prod-app-nels-shape-files.s3.ap-southeast-2.amazonaws.com/4816/3606/0140/Draft\\_Amended\\_Urban\\_Environments\\_Bylaw\\_-\\_FINAL\\_APPROVED\\_4\\_Nov\\_2021.pdf](https://hdp-au-prod-app-nels-shape-files.s3.ap-southeast-2.amazonaws.com/4816/3606/0140/Draft_Amended_Urban_Environments_Bylaw_-_FINAL_APPROVED_4_Nov_2021.pdf)

and The existing Urban Environments Bylaw 2015: <http://www.nelson.govt.nz/assets/Our-council/Downloads/bylaws/bylaw-225/Urban-Environments-Bylaw-updated-with-Kerr-St-changes-from-21-March-2019-Council-meeting-A2174442.pdf>

1. This submission relates to Part Five (Trading in Public Places) of the draft Bylaw.
2. We would appreciate being able to speak with councillors regarding our submission on the proposed bylaw.
3. We support clause 5.4.6 which states

'No itinerant trader or operator of a mobile shop shall carry out their commercial activity on any footpath or other public place within the Designated Commercial Areas.'

being one of the conditions of itinerant traders and mobile shop operators obtaining a permit to operate in Nelson.

4. This is because such commercial activity is very likely to hinder pedestrian use of the footpaths in an area where high pedestrian use is expected.

5. We also support clause 5.6 which states

'No person shall use any public place for the purpose of providing a commercial service, without a Council permit.'

but believe that this requirement for a permit should include for erecting signage in a public place.

6. This is because the purpose of signage is to encourage people to enter a commercial premise to purchase goods or services - that is, to 'solicit patronage'. 'Soliciting patronage' is part of the definition of Commercial services given on p6 of the draft bylaw.
7. Furthermore, without a permitting system there will be little to control the use of signage. Permitting enables a set of conditions to be defined and consequences for non-compliance.
8. Such requirement to obtain a permit would also help to minimise the commonly-experienced hindrance that such signs create for pedestrians, especially those who are blind or have low vision. It would also help to avoid a proliferation of signs degrading the amenity of the commercial districts.
9. The requirement not to impede the free movement of pedestrians is proposed to be applied to buskers (see clause 5.16.1, which we support) so it is only fair that is also apply to signs.
10. The City Amenity Bylaw (cl.8.4) requires that authorisation is obtained to leave, place, deposit or erect any material or thing on any public place in the city centres. Signs are things and should be covered by this provision.
11. Regardless of whether or not permits must be obtained to display signs in a public place (other than those which are fastened to or otherwise set against and displayed parallel to, the front wall of the business concerned) we support clause 5.21, 5.21.1 and 5.21.2 which state

5.21 'No person shall display or cause to be displayed on the footpath adjacent to any retail or other business premises any sandwich board which does not relate directly to the business or promote or display the products or services specific to the business carried on within such premises; and'

5.21.1 'no person in respect of any business premise within a Designated Commercial Area shall display or cause to be displayed more than one such sandwich board; and'

5.21.2 'where any such business has frontage to more than one street or public place one sandwich board may be displayed at each frontage; and' .

12. However, we do not support clause 5.21.3 which states

'no person shall display or continue to display on any footpath any sandwich

board which due to its design or location on the footpath constitutes a hazard for pedestrians or which reduces the width of the footpath available to pedestrians to less than 1.5 metres; and'

because 1.5m is not sufficient space for there to be a clear accessible path of travel (CAPT) on a footpath in a busy commercial area.

13. Pedestrians do not use the outer part of paths (it is known as the shy zone). NZTA's Pedestrian Network Guide (PNG) says this is about 0.15m on each side. Thus, paths of nominal width of 1.5m have an effective width of only 1.2m. This would require individual walking pedestrians to come uncomfortably close to one another or even to rub shoulders when passing and it would mean that two wheelchair users or mobility scooter users would not be able to pass one another at all.

14. 1.5m is not in keeping with the width of the CAPT recommended in the Pedestrian Network Guide for busy retail areas which states that

'The through zone should be a dedicated, continuous and accessible route free of obstruction that can accommodate peak pedestrian demands.'  
(underlining added)

15. The existing width of the CAPT of 2m is much more appropriate and we request that you reject the proposal to change it from this.

16. The reason given for changing it to 1.5m is stated as to make it consistent with the City Amenity Bylaw 2017 but that Bylaw should never have included allowing only 1.5m CAPT. We urge you to amend that Bylaw to ensure there is always a minimum of 2m CAPT on footpaths in commercial zones and other areas where high peak pedestrian numbers are expected.

17. We also do not support clause 5.21.4 which states

'any sandwich board displayed shall be located immediately adjacent to the business to which it relates and shall be sited so as to extend no further onto the footpath than 600mm from the frontage of the said business; and '

18. Again this is inconsistent with the Pedestrian Network Guide which states

'In **retail areas** the continuous accessible path of travel is normally located next to the building line, which is likely to be the main orientation cue followed by people who are blind or have low vision. Street furniture such as parking meters and rubbish bins should be located near the kerb.'

19. Similarly, tables and chairs and displays of merchandise shouldn't be up against the building. If they are, then they should be cordoned off by structures that meet the requirements for blind and low vision pedestrians to detect them without walking into them.

20. Please note that NZ Standard 4121 requires that objects temporarily and

permanently positioned adjacent to accessways shall have a feature within 150 mm of the ground that will be detectable by a person using a white cane and be colour-contrasted with its immediate surroundings.

21. We also advocate that any such structures be at least 1000 mm tall, have no moving parts, be collapsible if hit, and have no sharp edges.
22. We request that the bylaw be amended to state that all signs (other than those affixed to the front of buildings and parallel to the footpath), tables and chairs and furniture associated with displaying goods be required to be located in the furniture zone, adjacent to the kerb, leaving at least a 2m clear accessible path of travel adjacent to the building line.
23. We think that clause 5.22 which states

'For the avoidance of doubt the term "sandwich board" does not include any advertising board or flyer or poster holder which is fastened to or otherwise set against and displayed parallel to, the front wall of the business concerned.'

is mostly appropriate. However we believe it should include wording to require that any such signs do not project out from the front wall of the business by more than 25mm. This is to avoid creating danger for pedestrians, both sighted and not, who may easily collide with signs which project out further from the wall.

24. Furthermore, flags or other structures that are used to attract passers-by attention should be covered by the bylaw as these are also able to obstruct and injure pedestrians. Flags, especially, move in the wind and should not be allowed to impinge on the CAPT at any time.
  25. We do not support the proposal in clause 5.23 which states
- 'The Council may by resolution prohibit sandwich boards from being located on footpaths, or may require changes to the location of sandwich boards. '
26. It is not the proper role, or use of time, of Councillors to be making resolutions about where individual sandwich boards can be positioned. That is the role of officers and could be dealt with in a permit approval process.
  27. For the same reasons as stated above, we do not support proposed clauses 5.24, 5.25 and 5.26 which state

5.24 'No operator of a business within a Designated Commercial Area shall place, erect, or establish any display on the footpath adjacent to their business if the design of the retail display, or the location of the retail display on the footpath, is a hazard to pedestrians, or it reduces the width of the footpath available to pedestrians to less than 1.5 metres.

5.25 'Exception: Retail displays will be allowed to leave less than 1.5m clear for pedestrians where the displays are provided in conjunction with, and as part of, any general promotion or other like event within the Designated

Commercial Areas. '

5.26 'Council may, by resolution, prohibit retail displays from being located on footpaths, or change the footpath width which is required to be available to pedestrians.'

28. These proposed clauses mean that businesses will be able to display goods on the footpath adjacent to their premises and decrease the footpath width available to pedestrians to 1.5m, and even less on occasions, unless a resolution of Council is passed to prohibit that.
29. Just as for sandwich boards and other advertising structures, we think a permit should be required to commandeer public space to display goods and that the conditions for obtaining the permit should include that the goods be displayed in the furniture zone, not adjacent to the building, and that a 2m CAPT is always maintained for pedestrian use.
30. In addition, when there are retail displays on the footpath, people stop to look at them and handle the merchandise. This results in these people impeding travel of others along the footpath. This needs to be taken into account so that, if any displays are permitted, a CAPT of 2m should be maintained at all times, including when people are inspecting the goods.
31. Once more, it should be the work of council officers to implement policy concerning external retail displays, not of the elected members to make resolutions about individual displays.
32. We request that the Bylaw require that there always be a 2m wide CAPT in the commercial areas which are the subject of this Bylaw.
33. Please make the streets safe and comfortable for all users.

Thank you.

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### **About Living Streets**

Living Streets Aotearoa is New Zealand's national walking and pedestrian organisation, providing a positive voice for people on foot and working to promote walking-friendly planning and development around the country.

Our vision is "More people choosing to walk more often and enjoying public places".

The objectives of Living Streets Aotearoa are:

- to promote walking as a healthy, environmentally-friendly and universal means of transport and recreation
- to promote the social and economic benefits of pedestrian-friendly communities
- to work for improved access and conditions for walkers, pedestrians and runners including walking surfaces, traffic flows, speed and safety
- to advocate for greater representation of pedestrian concerns in national, regional and urban land use and transport planning.

For more information about the organisation, please see: [www.livingstreets.org.nz](http://www.livingstreets.org.nz) or contact: Gay Richards, President, 0211-747-066.