



**Mackenzie**

DISTRICT COUNCIL

**MINUTES**

**Bylaw Hearing**

**10 November 2021**

**MINUTES OF MACKENZIE DISTRICT COUNCIL  
BYLAW HEARING  
HELD AT THE COUNCIL CHAMBERS, FAIRLIE  
ON WEDNESDAY, 10 NOVEMBER 2021 AT 9.35AM**

- PRESENT:** Mayor Graham Smith, Cr Stuart Barwood
- ON ZOOM:** Deputy Mayor James Leslie, Cr Anne Munro, Cr Murray Cox
- IN ATTENDANCE:** David Adamson (General Manager Operations - Acting), Paul Numan (General Manager Corporate), Aaron Hakkaart (Planning Manager), Rachael Willox (Planner), Arlene Goss (Governance Advisor) and three submitters

**1 OPENING**

The Mayor welcomed everyone to the hearing, including those joining by Zoom.

**2 APOLOGIES**

Apologies were received from Cr Emily Bradbury and Cr Matt Murphy.

**3 REPORTS**

**3.1 MOBILE SHOPS AND TRADERS BYLAW**

The purpose of this report was for Council to formally receive and hear the submissions to the Proposed Mobile Shops and Traders Bylaw 2021.

Planner Rachael Willox introduced the process and explained what would happen at the hearing. The finished bylaw would be adopted at a council meeting on November 16.

**RESOLUTION 2021/96**

Moved: Cr Stuart Barwood

Seconded: Cr Murray Cox

1. That the report be received.

**CARRIED**

**RESOLUTION 2021/97**

Moved: Cr Stuart Barwood

Seconded: Deputy Mayor James Leslie

2. That the Council formally receive the eight submissions to the Proposed Mobile Shops and Traders Bylaw 2021.
3. The Council hear submissions from three submitters who wish to be heard in support of their submission.

**CARRIED**

**Submitter Jainik Shah from Hungry Birds**

Mr Shah said he had a few concerns about the bylaw. He asked for a provision to cater for private functions on private land to be added. Regarding the map of the area in Fairlie, he asked to change the boundary of the site to reflect the current situation.

Regarding the use of music, he said he uses a small Bluetooth speaker for religious chants and would like for this be included in a list of exclusions. This prayer was important to him and he did not want to fall into breaking the law.

Regarding the signage, the Chamber of Commerce suggested that they make themselves more visible so they had spent money on custom made signage and flags. The bylaw determined his new flags were slightly too big and getting them re-made would put him in financial stress.

He asked for clarification on rubbish bins. He uses biodegradable products. People take food away and they almost never leave rubbish behind. He would prefer the bylaw to require biodegradable containers rather than rubbish bins.

He asked for clarification on the 200m setback from other businesses. This was not included in the new bylaw. The new bylaw instead requires a fixed location. Mr Shah asked for some flexibility. He also suggested providing an area with a power and water supply and said he would be happy to pay rates.

Mr Hakkaart clarified the situation with catering for private events on private land. This did not require permission from the council.

Mr Shah was thanked for attending and told he would be notified of the outcome in due course.

**Submitters Sam and Jane Staley from Tekapo**

They own a café in the Tekapo village. They don't believe that in the past the presence of mobile traders in the village had influenced their business, but now they were concentrating on surviving the current situation.

Mr Staley agreed that mobile trading can add to the character of the district but it should not be at the expense of established businesses. He said mobile traders should not be advantaged over permanent traders. He asked the council to consider suspending all non-resident mobile trading while the current Covid situation was underway.

He believed most mobile traders were not residents of the district and it was important to look after our own people.

Mr Hakkaart clarified that some mobile traders were travelling through, like sellers of fruit and fresh fish, while others were residents in the town they operated in.

Sam and Jane Staley were thanked for attending.

*The hearing was adjourned for morning tea at 10.05am and reconvened at 10.22am.*

**Deliberations**

Mr Hakkaart said Council would now hold deliberations following the hearing of submissions and a late report would go on the agenda of the Extraordinary Council meeting on November 16, to allow Council to adopt the new bylaw.

Did Council want to only allow residents to carry out mobile trading in the district and not allow those from outside the district? There are some traders like fish and fruit who stop in Mackenzie on their way around the South Island. Others are resident in Mackenzie and sell in more than one town. Councillors noted the mobile traders added vibrancy to the towns. Mr Hakkaart read out

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the list of current mobile traders with permits. The people operating the regular carts were locals, with only the fish, fruit and honey ones travelling through. The fish trader visited once a fortnight and was popular with the community.

The councillors decided to continue with the current proposal and not ban traders from outside the district.

Would the exemption that applied to mobile ice cream shops also apply to coffee traders? This was removed from the draft bylaw because of the view that mobile coffee shops did not move around as much as Mr Whippy trucks. The councillors agreed with this being removed.

Regarding rubbish bins, discussion took place on whether mobile traders would need to supply their own rubbish bins. The intention was that the site must be left clean and tidy. The bylaw says all rubbish will be collected and taken away at the end of each operating day. The councillors agreed that traders needed to be responsible for any rubbish resulting from their trade, and this included the provision of a rubbish bin for customers who needed it.

The councillors also made decisions on signage, the use of music by mobile traders, and other matters raised in written submissions. A record of these decisions is in the report to council on the November 16 agenda.

**The hearing closed at 11.13am.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held**

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**CHAIRPERSON**