



I hereby give notice that an ordinary meeting of the Hibiscus and Bays Facilities and Reserves Committee will be held on:

Date: Friday, 6 December 2013
Time: 1:00pm
Meeting Room: Council Chamber
Venue: Orewa Service Centre
50 Centreway Road
Orewa

Hibiscus and Bays Facilities and Reserves Committee

OPEN AGENDA

MEMBERSHIP

Chairperson

Deputy Chairperson

Members

David Cooper
Janet Fitzgerald, JP
Gaye Harding
Julia Parfitt, JP
Lisa Whyte

(Quorum 3 Members)

Vivienne Sullivan
Local Board Democracy Advisor

2 December 2013

Contact Telephone: (09) 427 3317

Email: vivienne.sullivan@aucklandcouncil.govt.nz

Website: www.aucklandcouncil.govt.nz

ITEM	TABLE OF CONTENTS	PAGE
1	Welcome	5
2	Apologies	5
3	Declaration of Interest	5
4	Confirmation of Minutes	5
5	Leave of Absence	5
6	Acknowledgements	5
7	Petitions	5
8	Deputations	5
9	Public Forum	5
10	Extraordinary Business	5
11	Notices of Motion	6
12	Election of Chairperson and Deputy Chairperson	7
13	Landowner Approval, Orewa Beach and Stanmore Bay Soft Serve Ice Cream - Mobile Van Sales Application	9
14	Consideration of Extraordinary Items	

1 Welcome

2 Apologies

Member Lisa Whyte

3 Declaration of Interest

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

4 Confirmation of Minutes

5 Leave of Absence

At the close of the agenda no requests for leave of absence had been received.

6 Acknowledgements

At the close of the agenda no requests for acknowledgements had been received.

7 Petitions

At the close of the agenda no requests to present petitions had been received.

8 Deputations

At the close of the agenda no requests for deputations had been received.

9 Public Forum

A period of time (approximately 30 minutes) is set aside for members of the public to address the meeting on matters within its delegated authority. A maximum of 3 minutes per item is allowed, following which there may be questions from members.

At the close of the agenda no requests for public forum had been received.

10 Extraordinary Business

Section 46A(7) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“An item that is not on the agenda for a meeting may be dealt with at that meeting if-

- (a) The local authority by resolution so decides; and
- (b) The presiding member explains at the meeting, at a time when it is open to the public,-
 - (i) The reason why the item is not on the agenda; and
 - (ii) The reason why the discussion of the item cannot be delayed until a subsequent meeting.”

Section 46A(7A) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“Where an item is not on the agenda for a meeting,-

- (a) That item may be discussed at that meeting if-
 - (i) That item is a minor matter relating to the general business of the local authority; and
 - (ii) the presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but
- (b) no resolution, decision or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion.”

11 Notices of Motion

At the close of the agenda no requests for notices of motion had been received.

Election of Chairperson and Deputy Chairperson

File No.: CP2013/27825

Purpose

1. In accordance with Schedule 7, clause 25(c) a chairperson and deputy chairperson is to be appointed for the Hibiscus and Bays Facilities and Reserves Committee.

Executive Summary

2. The Local Board must elect members to the positions of chairperson and deputy chairperson in accordance with Schedule 7, clause 25 of the Act.

Recommendation/s

That the Hibiscus and Bays Facilities and Reserves Committee:

- a) elects local board member xx as chairperson and local board member xxx as deputy chairperson of the committee.

Attachments

There are no attachments for this report.

Signatories

Authors	Vivienne Sullivan - Local Board Democracy Advisor
Authorisers	Karen Lyons - Manager Local Board Services Lesley Jenkins - Relationship Manager

Landowner Approval, Orewa Beach and Stanmore Bay Soft Serve Ice Cream - Mobile Van Sales Application

File No.: CP2013/27826

Purpose

1. The purpose of this report is to seek the approval of the Hibiscus and Bays Facilities and Reserves Committee to provide individual Landowner Approvals to both Mr Carl Russell (Mr Whippy Auckland Ltd) and Mr Henry Huang (Super Kool NZ Ltd) to sell soft serve ice cream, confectionary, soft drinks, juice and water from their mobile vans at the following locations (see Attachment A aerial indicating approximate locations):
 - Orewa Beach Reserve Carpark
 - Stanmore Bay Reserve Carpark

Each proprietor has agreed to operate the following alternative days and weekends between each site:

- Dec 2013 - 28 Feb 2014 - 6 days only per week.
- 1 Mar - 30 Nov 2014 - alternative weekends only.

Executive Summary

2. In accordance with the guidelines, this application is considered under 'minor commercial activities' and therefore the delegation is with the Hibiscus and Bays Facilities and Reserves Committee to approve 'Commercial Operators Permits' on parkland.
3. The application has been assessed using the Commercial Activities on Parks Checklist (Attachment B).
4. An initial assessment has concluded the Open Space Zoning for each site as follows:
 - Orewa Beach Reserve, Open Space 4
 - Stanmore Bay Recreation Reserve, Open Space 4
5. At all locations the activity is considered 'Restricted Discretionary Activity', which would require the applicants to obtain a Resource Consent. They would also have to require an Operating Licence. The applicants have been advised not to apply for these until they have obtained the parkland 'Commercial Operators Permit', for which this report seeks consideration.

Recommendation/s

That the Hibiscus and Bays Facilities and Reserves Committee:

- a) Delegate Landowner Approval to the Manager, Local and Sports Parks North to grant a 12 month Parkland Commercial Operators Permit to each proprietor (Mr Carl Russell, Mr Whippy Auckland Ltd and Mr Henry Huang, Super Kool NZ Ltd), for Orewa Beach Reserve and Stanmore Bay Reserve, on the basis that:
 - i) Each proprietor pays an application processing fee charge of \$465.00, in accordance with the 'Commercial Operators on Local and Sports Parks Generic Conditions';
 - ii) During the 12 month period information is obtained to help guide future charges and determine level of conflict with local traders, to enable Members to

determine whether or not a new 12 month permit should be issued;

- b) Prior to commencement the Parks Advisor reviews the type of vehicle, graphics and colours to ensure it is appropriate for the locations.

Discussion

6. The applicants have consulted local businesses and organisations, details are provided in their applications and within an email direct from a local Orewa business (see Attachments C and D).

7. In summary, local businesses are not supportive, however the Orewa Surf Club (which also sells ice cream and refreshments) and other clubs and organisations associated with each reserve have not objected through the consultation.

8. Although Officers appreciate the views of those consulted, the issuing of a Commercial Operators Permit/Landowner Approval for this activity will assist Auckland Council in monitoring and reporting of illegal trading activity that is reportedly happening without a permit.

9. The issuing of Commercial Operators Permits on reserve land, for mobile vendors is restricted to a maximum of six (6) days per week and for a period no longer than 12 months.

10. With regards to revenue and charging for Commercial Operators Permit on Parks and Reserves, there is currently no pricing schedule for these types of activities however, at minimum staff time for processing the application, preparing necessary legal documents and monitoring and evaluating the proposal should be recouped.

Consideration

Local Board Views

11. The details of this proposal were presented previously via email to Parks Portfolio Holders on 16 April 2013. Mixed views and opinions were received, which led to further investigation and preparation of this report.

Maori Impact Statement

12. There are no perceived impacts or adverse effects for Maori with this proposal.

General

13. The proposed main sale items differ from those of neighbouring businesses, in that the sales are predominately soft serve ice-cream.

Implementation Issues

14. A Street Trading permit will need to be obtained by each proprietor.

Attachments

No.	Title	Page
A	Soft Serve Ice Cream Aerial Plan	13
B	Commercial Trading Permit Checklist	15
C	Soft Serve Ice Cream Consultation	17
D	Soft Serve Ice Cream Consultation - Mr Whippy	19

Signatories

Authors	Vivienne Sullivan - Local Board Democracy Advisor
Authorisers	Karen Lyons - Manager Local Board Services Lesley Jenkins - Relationship Manager

Attachment One: Orewa, aerial photo of location and other businesses



Attachment one: Stanmore Bay, aerial photo of location and local dairy



Attachment Two

January 2013

Internal Parks, Sport and Recreation Checklist for Commercial Activities on Parks and Reserves

Matters that should be considered when assessing a request to undertake a commercial activity on a Council park or reserve include but are not limited to:

- The benefits to the park visitors, the local and regional community and tangata whenua,
- The consistency with both the zoning for the parkland under the relevant District Plan and the reserve classification for park land if managed under the provisions of the Reserves Act 1977,
- The consistency with all additional acts that guide the council in the management of the area of interest, such as the Historic Places Act 1993 and the Conservation Act 1987,
- Whether the proposal is in conformity with and contemplated in the approved management plan for the parkland,
- The compatibility with other approved consents, permits, leases and licences active on the area of parkland under consideration,
- The suitability of the site, for example in terms of land stability or sea level rise and whether other planning requirements such as wastewater, storm water, access and egress and parking can be met in the location,
- Whether any adverse effects, including cumulative effects, of the proposal on the park values, park infrastructure, parks maintenance, approved activities, the enjoyment of other park users and adjoining communities can be sufficiently avoided, mitigated or remedied,
- The degree to which exclusion of the public is necessary for public safety, security or the competent operation of the proposed activity.
- The potential to set a precedent that could give rise to similar activities which in combination may result in adverse cumulative effects on parks in the future,
- Whether the proposal could reasonably be undertaken in another location on the park, on another park or on another location which is not on a park, where the potential adverse effects would be significantly less.
- The operator's background and relevant experience,
- The degree to which persons affected by the proposal, including tangata whenua, supported the application through any relevant oral or written submissions received,
- Whether there is any financial benefit anticipated by Council or by non-profit organizations.
- Whether the good and/or service is provided on private land in close proximity to the park.

Part F: Consultation

- It is essential that you discuss your proposal with all known interested or potentially affected parties. Interested parties may include adjacent neighbours, iwi, existing park users, or other community or interest groups.
- The Senior Ranger can assist in identifying appropriate people and groups who should be contacted.
- In the table below, include the names of all individuals and organisations that have been consulted, along with the method of consultation carried out. The outcomes of any consultation should be described, along with the nature of any issues or concerns raised. Also, attach any relevant correspondence received from persons consulted.

Name <i>e.g. J. Smith</i>	Orewa Surf Club
Organisation / relationship <i>e.g. Adjacent neighbour</i>	Business offering similar product located in the same car park as proposed site.
Method of consultation <i>e.g. Written correspondence</i>	Written correspondence by email
Outcome <i>e.g. Concerns about noise levels.</i>	No concerns
Mitigation or avoidance measures <i>e.g. Describe measures to mitigate noise.</i>	

Name	Plantation Café
Organisation / relationship	Business offering similar product located across the road approx. 300m from the Orewa beach car park
Method of consultation	Phone call with owner
Outcome	Owners oppose the idea of an ice cream van as they feel it will impact on their sales
Mitigation or avoidance measures	

Name	Movenpick
Organisation / relationship	Business offering similar product located across the road approx. 400m from the Orewa beach car park
Method of consultation	Phone call with owner
Outcome	Owners oppose the idea of an ice cream van as they feel it will impact on their sales
Mitigation or avoidance measures	

Name	Brightside Dairy – Stanmore Bay
Organisation / relationship	Business offering similar product located across the road approx. 200m from the Stanmore Bay car park
Method of consultation	Phone call with owner
Outcome	Owners oppose the idea of an ice cream van as they feel it will impact on their sales
Mitigation or avoidance measures	

Name	Hibiscus Coast Football Club
Organisation / relationship	Football Club located in the Stanmore Bay car park
Method of consultation	Email
Outcome	No concerns
Mitigation or avoidance measures	

Name	Hibiscus Coast Boating Club
Organisation / relationship	Boat Club located in the Stanmore Bay car park
Method of consultation	Phone call
Outcome	No concerns
Mitigation or avoidance measures	

Name	Stanmore Bay Coastguard
Organisation / relationship	Coastguard base located in the Stanmore Bay car park
Method of consultation	Email
Outcome	No concerns
Mitigation or avoidance measures	

Don Lawson

Subject: FW: Mr Whippy in the car park

From: Orewa SLSC [mailto:orewaslsc@xtra.co.nz]
Sent: Tuesday, 12 November 2013 9:30 a.m.
To: 'Carl Russell'
Cc: Saskia Trask
Subject: RE: Mr Whippy in the car park

Hi Carl

I have discussed this with the committee and the bar & restaurant manager.
We do not have a problem with this as long as you are situated north of the exit which puts you at the opposite end of the car park from us.

Thanks for your consideration.

Regards,

Heather Hilder | Club Administrator | 09 426 5058



From: Carl Russell [mailto:carl@mrwhippy.co.nz]
Sent: Monday, 11 November 2013 9:30 p.m.
To: orewaslsc@xtra.co.nz
Subject: FW: Mr Whippy in the car park

Hey Heather

Just wondering if you could please get back to me this week – I need to get this put in place by xmas, and the councils aren't that good at moving quickly!

Thanks, Carl

From: Carl Russell [mailto:carl@mrwhippy.co.nz]
Sent: Thursday, 7 November 2013 11:49 a.m.
To: orewaslsc@xtra.co.nz
Subject: Mr Whippy in the car park

Morning Heather

As discussed this morning I have applied for a permit to trade in the Orewa beach car park over the summer months during weekends and school holidays, and part of the council approval process is to seek consultation from local organisations who may be deemed to be affected by the presence of an ice cream

12/11/2013

van in the car park – the surf club being one of the organisations.

I wondered if you could please share your view and confirm that this arrangement will not concern the surf club in a way that may cause you to complain. The council have confirmed they have not received any complaints to date from you, so I'm hoping you will continue to maintain this view! You have probably noticed ice cream vans in the park from time to time anyway? We have always been coming in although not strictly legal until I have this permit.

Could you please discuss with whomever necessary within the club, forward on this email if you wish, and come back to me with your response to the above.

Thanks very much for your time.

Carl Russell | Mr Whippy East Auckland
Cell: 021 896 783 Email: carl@mrwhippy.co.nz

0800 4 WHIPPY | www.mrwhippy.co.nz



Don Lawson

Subject: FW: About Mr Whippy Sale license

From: RenJerry [mailto:jerryrengolf@hotmail.com]
Sent: Friday, 1 November 2013 3:37 p.m.
To: Tony Strange
Subject: About Mr Whippy Sale license

Dear Mr. Tony Strange,

Yesterday morning we have received a phone call from the owner of Mr. Whippy about his application of the sale license on Orewa beach during summer time. He was instructed to communicate with local business owners by the city council, which has been done and is much appreciated. After discussion, we think it is very important to express our views on this issue as a local business owner and hopefully we can reach an agreement in the end.

We do not support the idea of offering them the license for following reasons:

- <!--[if !supportLists]-->1. <!--[endif]-->As a local business owner, summer is a crucial time period for our business. We do welcome competition as it encourages efficiency and provide more choice for the consumers. However, over competitive market will be harmful. I believe all other local businesses would agree with us on this statement. Evidence has shown the catering market in Orewa is saturate, which means any new entrants will reduce the community surplus. We made 35k deficit in last business year, which has fully shown how over saturate the market is.
- <!--[if !supportLists]-->2. <!--[endif]-->Plantation café has been operating in Orewa for over 30 years. We are well known for providing a wide range of ice cream and food. We make multiple payments to the council every year such as tax, rates and donation. But on the other hand, Mr. Whippy is a small business with low cost and high mobility. Their service area covers the entire peninsula such as red beach, Orewa, Manly and Gulf Harbour. Hence we do expect city council to protect local businesses, because if Mr. Whippy is allowed to sale ice cream on the beach, this will create a monopoly power which will put all local business in disadvantage. If local business are forced to shut down, I believe it will not be beneficial for the either the local business owners or the council.
- <!--[if !supportLists]-->3. <!--[endif]-->The operation of Mr. Whippy will impose many externalities. We were informed that they will be setting up in the Orewa beach car park. Orewa Beach car park is a very busy spot in the summer time. The set up of the ice cream van may cause safety hazard, traffic congestion and also increased littering and noise may damage the surrounding environment.
- <!--[if !supportLists]-->4. <!--[endif]-->Our main supplier, Tiptop and street, have promised us that we are the only retail outlet in this region.
- <!--[if !supportLists]-->5. <!--[endif]-->The owner from Mr. Whippy claim that he did the same thing last year summer, but we did not give any informed consent.

In conclusion, we believe that the social cost of issuing sale license to Mr. Whippy will far exceeds the social benefit. Hence as a local business owner, we hope that city council would make the right decision and regulate the temporary business sector to protect local businesses' right and opportunity to service the community.

Thank you very much
Kindly Regard
Plantation café Inc.
2013/10/31

13/11/2013

Item 13

Attachment D