

## APPENDIX ONE - CLASSIFYING COMMERCIAL ACTIVITY IN PUBLIC PLACES

The following table sets out three main types of commercial activities, and provides a guide to which types of proposals are likely to require which agreement and what information must be provided in an application.

### *Major Commercial Activity*

**Most commercial activity in this category will be those that require significant capital investment and permanent structures. They are more likely to require a long term lease rather than a licence to occupy.**

<b>A commercial activity is major if -</b>	<b>Information required as part of application</b>	<b>Occupation agreement</b>	<b>Policy application assessed against</b>
<p>It is a long term, large-scale user or</p> <p>It requires the occupation of park or reserve land (as designated under the Reserve Act 1977)</p> <p>It may have an impact that is of economic, environmental, social and/or community significance or concern.</p> <p>It may involve the building of structures and/or significant modifications to the site.</p>	<p>A detailed outline of the proposal.</p> <p>An assessment of environmental and social effects and mitigations.</p> <p>A comprehensive business plan, including evidence of operator experience, qualifications and character references.</p> <p>A health and safety plan.</p>	<p>A lease (but could be or combination of lease, easement or licence).</p> <p>Have a term of between 2 and 33 years.</p> <p>Take several months to process.</p> <p>May be publicly notified.</p>	<p>Encroachments on Road Reserve Policy</p> <p>Reserve Management Plan (if one exists)</p> <p>District plan/resource consent requirements (where applicable)</p> <p>Trading in Public Places / Public Places Bylaw</p> <p>Licensing requirements</p>

### *Minor Commercial Activity*

**The majority of commercial use of public places will fall under this category.**

<b>A commercial activity is minor if -</b>	<b>Information required as part of application</b>	<b>Occupation agreement</b>	<b>Policy application assessed against</b>
<p>It is a short term, small-scale operation e.g. food vendor operating on a reserve / road reserve on a limited basis.</p> <p>Is an operation that is not building substantial structures or facilities or modifying the site. Is generally a mobile or temporary structure.</p> <p>Has little impact on the site</p>	<p>A detailed outline of the proposal.</p> <p>An assessment of environmental and social effects and mitigations</p> <p>An outline of the business model, including evidence of operator experience, qualifications and</p>	<p>A licence to occupy.</p> <p>Short term arrangement of up to five years.</p>	<p>Encroachments on Road Reserve Policy</p> <p>Reserve Management Plan (if one exists)</p> <p>District plan/resource consent requirements (where applicable)</p> <p>Trading in Public Places / Public Places Bylaw</p>

or beyond it.	character references. A health and safety plan.		Licensing requirements
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***Start Up – Short Term***

<b>A commercial activity is a start up businesses if</b>	<b>Information required as part of application</b>	<b>Occupation agreement</b>	<b>Policy application assessed against</b>
<p>It is a new activity and demand for the good or service is uncertain.</p> <p>Short term, small-scale operation e.g. food vendor operating on a reserve / road reserve over a limited period (i.e. weekly and up to 12 months.</p> <p>It is an operation that is not building substantial structures or facilities or modifying the site.</p> <p>Has little impact on the site or beyond it.</p>	<p>A detailed outline of the proposal.</p> <p>An assessment of environmental and social effects and mitigation.</p> <p>An outline of the business model, including evidence of operator experience, qualifications and character references.</p> <p>A health and safety plan.</p>	<p>Licence to occupy</p> <p>Have a term of up to 12 months.</p> <p>Fixed fee.</p>	<p>Commercial activities on parks and reserve land Policy and Encroachments on Road Reserve Policy</p> <p>Reserve Management Plan (if one exists)</p> <p>District plan/resource consent requirements (where applicable)</p> <p>Trading in Public Places / Public Places Bylaw</p> <p>Licensing requirements</p>

## **APPENDIX TWO - APPLICATION FOR COMMERCIAL USE AGREEMENTS ON PUBLIC PLACES (including markets)**

### **General terms for application for a commercial trading agreement**

Proposals for commercial use of Council administered public places must be submitted to the Council in writing accompanied by the relevant application fee.

Applicants must provide all supporting information outlined in Appendix One and details of the proposed operation (type, location, proposed frequency, duration and impact on the surrounding environment).

### **Tendered application for a commercial trading agreement**

The Council may from time to time tender commercial trading opportunities on the Coastal Walkway and any other site it determines.

Terms and conditions of individual tenders will generally be included as part of the tender documentation.

Under normal circumstances, all sites will be tendered at the same time.

However, from time to time the Council may assign individual tender sites.

Tender allocation is generally based on a 3 year cycle. However vacant spots may be assigned or tendered outside of these time frames if suitable agreement holders are found.

The Council may grant a commercial use agreement for a trial period, prior to determining whether a longer term agreement is entered into.

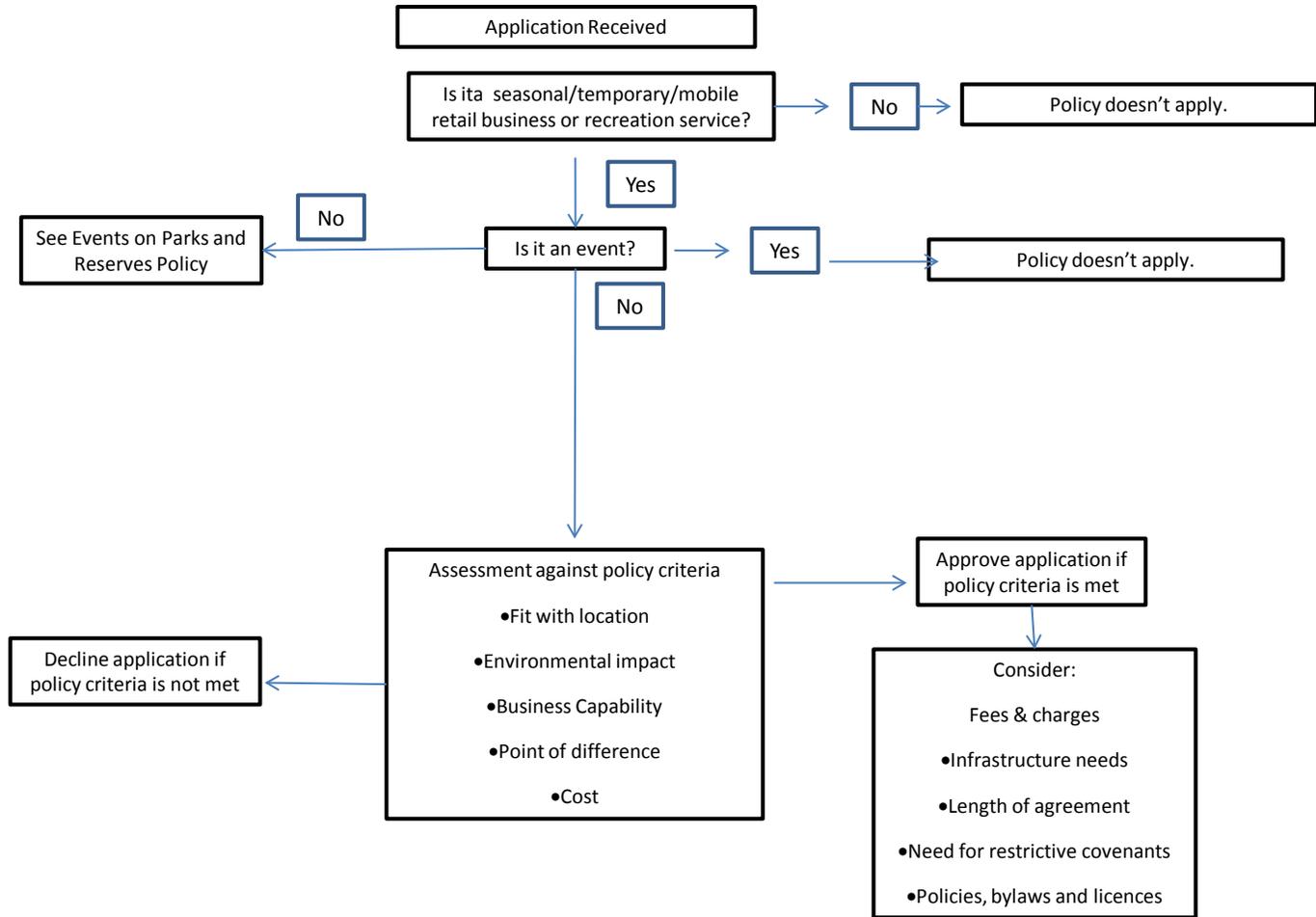
For sites not subject to a tender process, a first in first served basis applies to the assessment and allocation of agreements and the Council reserves the right to decline any application if it does not meet the criteria or conditions outlined in this policy.

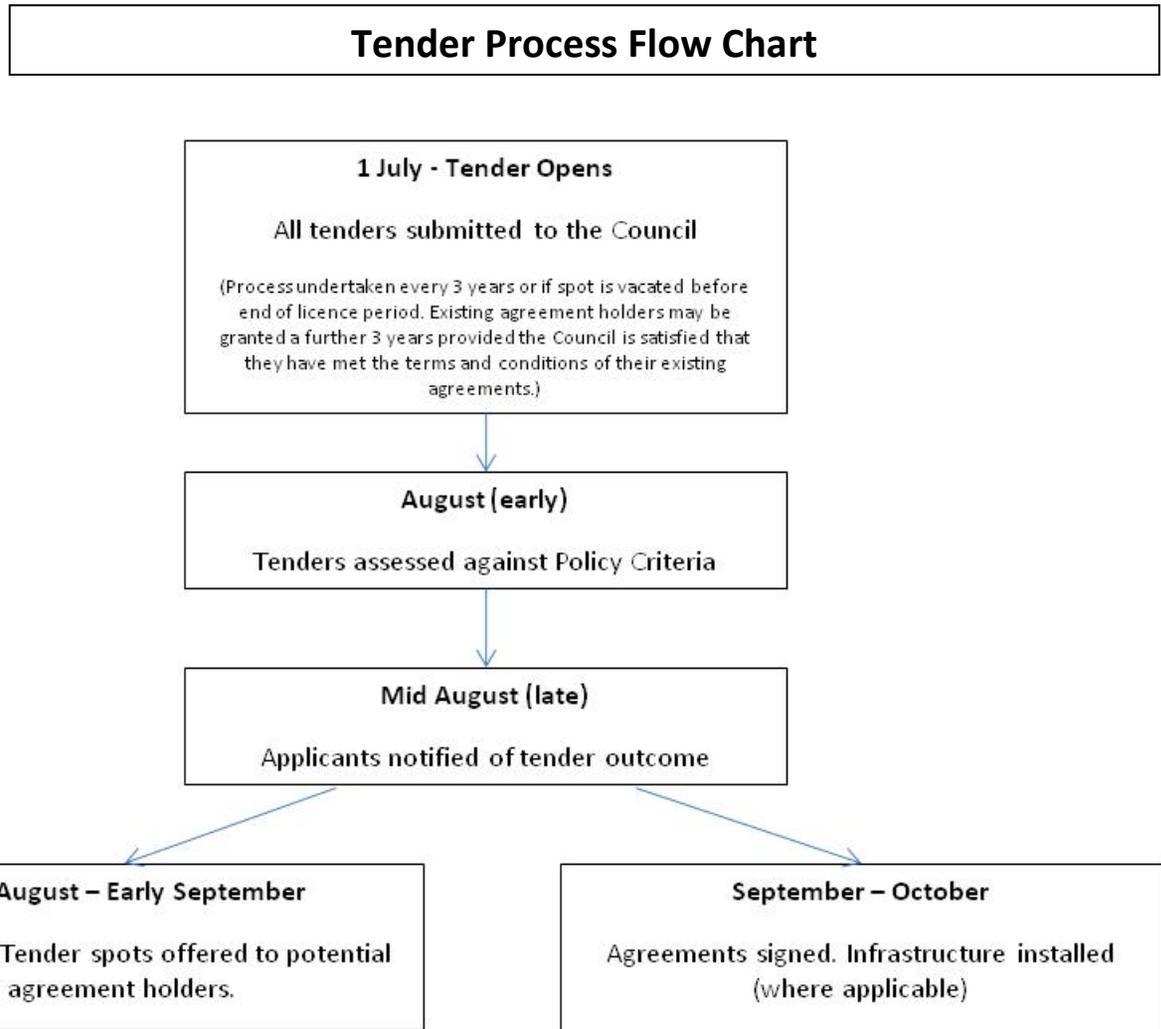
See Appendix 3b for tender process.

### **Assessment of Commercial Use Application on Parks and Reserves**

Tendered and non-tendered applications will be assessed in accordance with the criteria set out in Appendix 4.

# Application Process Flow Chart





## **APPENDIX 4 – CRITERIA FOR THE ASSESSMENT OF APPLICATIONS**

When assessing applications and tenders the following criteria are proposed to be used in the assessment:

### **Fit with location and enhancement of recreation (weighting: 25 per cent) or use of a public place**

- a) The degree in which the activity is consistent and compatible with public places' primary purpose and the values and objectives as may be outlined in a Reserve Management Plan or other plan and the reserve classification (if applicable). Commercial trading must enable the public to obtain the benefit and enjoyment of public place or be for the convenience of persons using a reserve in accordance with the Reserves Act 1977.
- b) Public access during the commercial activity's operation.
- c) The degree to which the activity benefits the public's use or enjoyment of the public place.
- d) Fit with a recreation need identified in any local, regional or national plan or strategy.

### **Impact on the environment (weighting: 25 per cent)**

- a) The impact on the physical and social environment and steps proposed to mitigate the impacts.
- b) The impact of the film and photography project on the park or reserve, the extent of occupation and the intent of the film or photography project.

### **Business capability - (weighting: 20 per cent)**

The business plan and overall sustainability of the proposal, including:

- a) The applicant's and/or operator's suitability, experience, and where applicable proven track record of a good business relationship with the Council (if applicable).
- b) The applicant's financial management capability, including the history of any existing arrangements with the Council. A credit check will be mandatory. If the applicant has no prior financial relationship with the Council, testimonials may be required from previous or existing landlords.
- c) Any relevant qualifications (i.e. food handling, health and safety etc.).
- d) The health and safety plan and the risk mitigation process and procedures identified in the plan.
- e) The views of identified affected parties. In circumstances where an agreement is being renewed, this will include previous feedback to the Council from reserve users and evidence of customer satisfaction.

**Point of difference (weighting 10 per cent)**

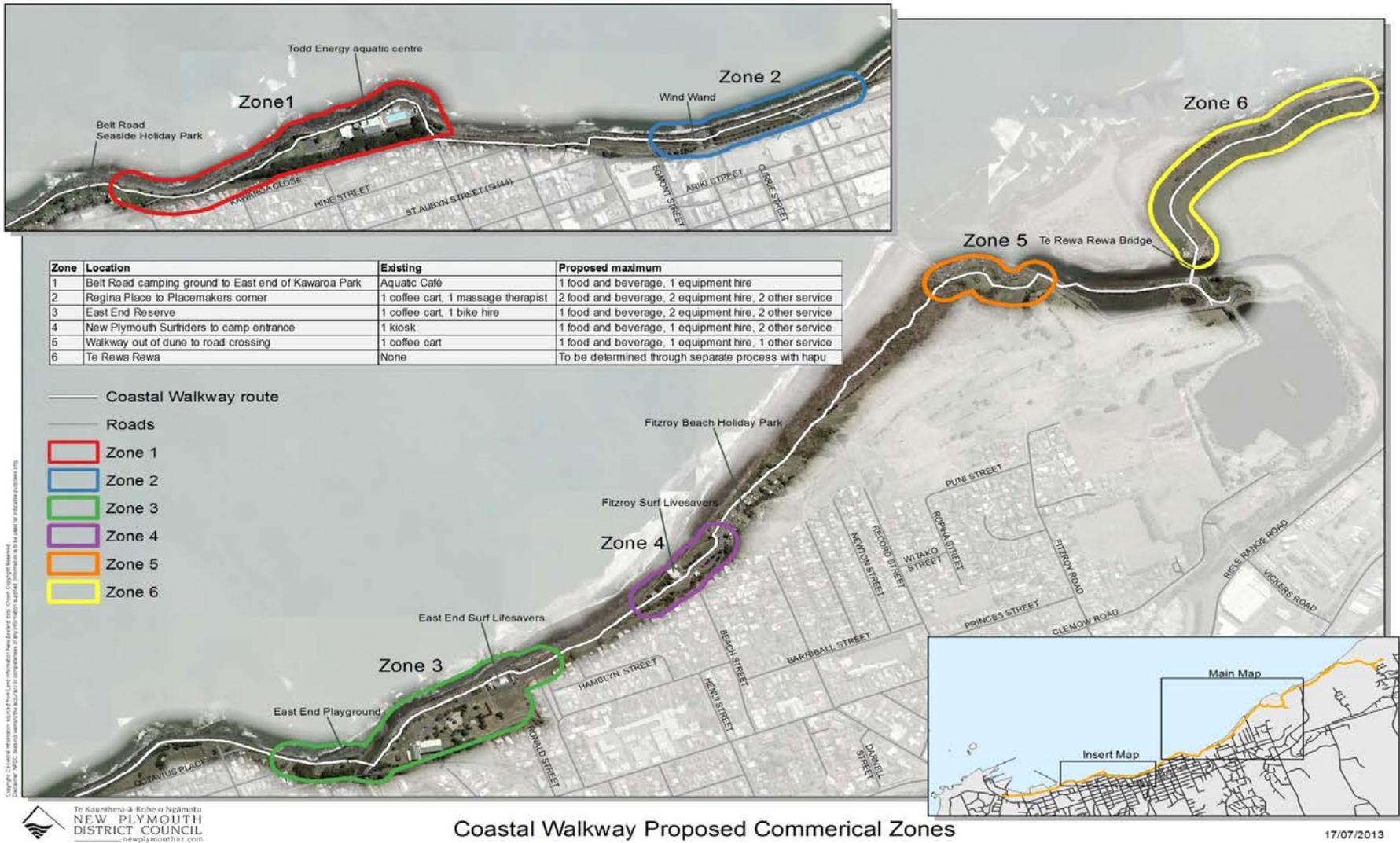
- a) The fit with existing businesses in the public place, so as not to duplicate an existing activity or commercial operation.
- b) The extent to which the point of difference contributes to the vibrancy and well-being of the area.

**Price – (weighting: tender allocation 20 per cent)**

- a) The likely revenue generated.

# APPENDIX 5 - COMMERCIAL USE ZONING

The maximum number of activities on the coastal walkway is as set out in the map below.



Coastal Walkway Proposed Commercial Zones

17/07/2013

