

# STAFF REPORT

**TO:** Mayor and Councillors

**FROM:** Environmental Health Officer

**REFERENCE:** B951

**DATE:** 6 December 2005

**SUBJECT:** Trading in Streets and Public Places Bylaw –  
Dispensation Request, Phil Lyons

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Mr Phil Lyons, owner/operator of a mobile coffee shop (Coffee Pirates), has lodged an application for dispensation under Section 13 of the Council's Trading in Streets and Public Places Bylaw. The dispensation he requests is for Council to remove the siting restrictions under Chapter 6 to permit him to operate on the Te Waikoropupu Springs car park and the Totaranui Road reserve. In support of his application he cites a number of cases where his previous presence at the Springs car park aided visitor security and helped keep the area clean of rubbish, thus establishing a public benefit. Also, he maintains that by not being allowed in this area now has injuriously affected his business.

The above restricted areas were imposed during a review of this Bylaw following submissions made by the Department of Conservation. The main reason for their request was that the presence of such mobile retailers affected the "values" that the Department was trying to foster. This Department has been forwarded a copy of the application and their response will be tabled at the meeting.

Mr Lyons' "coffee shop" is a converted SUV that is registered by Council. In many respects it is unobtrusive and is not dissimilar to other vehicles that would use the car park. It is also believed that he is supplying a public service in this position that is appreciated by the visitors.

## RECOMMENDATION

Dependent upon the Department of Conservation's response, I would recommend that Mr P Lyons be granted a dispensation to operate his Coffee Pirates business at the Te Waikoropupu Springs car park only.

D R Lewis  
Environmental Health Officer