



# **Mackenzie**

## **DISTRICT COUNCIL**

**Notice is given of a Hearing of Council to be held on:**

**Date: Wednesday, 10 November 2021**

**Time: 9.30am**

**Location: Council Chambers**

**Fairlie**

## **AGENDA**

**Bylaw Hearing – Mobile Shops and Traders**

**10 November 2021**

Note: This meeting may be digitally recorded by the minute-taker.

**Council Membership:**

Graham Smith (Chair)

James Leslie

Anne Munro

Stuart Barwood

Murray Cox

Emily Bradbury

Matt Murphy

\*\*\*\*\*

**The purpose of local government:**

(1) The purpose of local government is—

- (a) to enable democratic local decision-making and action by, and on behalf of, communities; and
- (b) to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.

(2) In this Act, good-quality, in relation to local infrastructure, local public services, and performance of regulatory functions, means infrastructure, services, and performance that are—

- (a) efficient; and
- (b) effective; and
- (c) appropriate to present and anticipated future circumstances.

(Local Government Act 2002)

**Order Of Business**

<b>1</b>	<b>Opening and Apologies .....</b>	<b>5</b>
<b>2</b>	<b>Declarations of Interest .....</b>	<b>5</b>
<b>3</b>	<b>Reports.....</b>	<b>6</b>
3.1	Mobile Shops and Traders Bylaw .....	6

Timeline for Hearing of Submissions (Timeline may change – draft only)

09.45 - 09.55	<i>Alan and Robyn Pauley</i> <i>The Shot Coffee</i>
09.55 - 10.00	Questions from panel (if any)
10.00 - 10.10	<i>Jainik Shah</i> <i>Hungry Birds</i>
10.10 – 10.15	Questions from panel (if any)
10.15 – 10.25	<i>TekapoSam</i>
10.25 – 10.30	Questions from panel (if any)
10.30 – 10.40	<i>Jane Staley</i>
10.40 – 10.45	Questions from panel (if any)
10.45 – 10.55	Close of Hearing



- 1 OPENING AND APOLOGIES**
- 2 DECLARATIONS OF INTEREST**






### 3 REPORTS

#### 3.1 MOBILE SHOPS AND TRADERS BYLAW

**Author:** Rachael Willox, Planning

**Authoriser:** Aaron Hakkaart, Manager - Planning

**Attachments:**

1. **Summary of Submissions** [↓](#) 
2. **Submission from The Shot NZ Ltd** [↓](#) 
3. **Submission from Jainik Shah, Hungry Birds** [↓](#) 
4. **Submission from Robin McCarthy** [↓](#) 
5. **Let's Talk Survey Responses** [↓](#) 

**Council Role:**

- ☐ **Advocacy** When Council or Committee advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- ☐ **Executive** The substantial direction setting and oversight role of the Council or Committee e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- ☒ **Legislative** Includes adopting District Plans and plan changes, bylaws and policies.
- ☐ **Review** When Council or Committee reviews decisions made by officers.
- ☐ **Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice, e.g. resource consent or planning applications or objections, consents or other permits/licenses (e.g. under Health Act, Dog Control Act) and other decisions that may be appealable to the Court including the Environment Court.
- ☐ **Not applicable** (Not applicable to Community Boards).

#### PURPOSE OF REPORT

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

##### STAFF RECOMMENDATIONS

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

## BACKGROUND

The Council at its meeting on 14 September 2021 formally adopted the Mobile Shops and Traders Bylaw 2021 – Statement of Proposal for formal consultation pursuant to section 83 of the Local Government Act 2002 (LGA).

The Statement of Proposal and Proposed Bylaw were released for formal consultation, in accordance with the Special Consultative Procedure set out in the LGA, on 20 September 2021. The submission period closed on Friday 22 October 2021.

## SUBMISSIONS

In total eight submissions were received on the Proposed Bylaw. One submission was received late. The submissions were received either by email or the Let's Talk Platform.

A summary of the submissions is provided in Appendix 1.

## HEARING OF SUBMISSIONS

Of the submissions received four submitters requested to be heard in support of their submission. The purpose of this meeting is for the Council to formally receive the eight submissions outlined in Appendix 1 and 2 and to hear from those parties who wish to be heard in support of their submission. A timeline for the hearing of submissions is provided in Table 1.

*Table 1: Timeline for Hearing of Submissions (Timeline may change – draft only)*

09.30 – 09.45	Opening and Overview of Hearing
09.45 - 09.55	<i>Alan and Robyn Pauley</i> <i>The Shot Coffee</i>
09.55 - 10.00	Questions from panel (if any)
10.00 - 10.10	<i>Jainik Shah</i> <i>Hungry Birds</i>
10.10 – 10.15	Questions from panel (if any)
10.15 – 10.25	<i>TekapoSam</i>
10.25 – 10.30	Questions from panel (if any)
10.30 – 10.40	<i>Jane Staley</i>
10.40 – 10.45	Questions from panel (if any)
10.45 – 10.55	Close of Hearing

Following the completion of the hearing, Council will need to consider and deliberate on the submissions received and make any necessary decisions on the Proposed Mobile Shops and Traders Bylaw 2021. These decisions will be published in a decision document which Council will be asked to adopt at a following meeting. Any required changes will also be made to the Proposed Bylaw with the final Bylaw to be formally adopted by Council at its meeting on 16 November 2021.

## POLICY STATUS

Section 83 of the LGA provides direction for consultation, requiring certain principles to be achieved, including:

- That the persons who are interested in or affected by the proposal be provided with access to relevant information on the proposal.
- That those persons are encouraged to present their views to the Council.
- That the Council receives those views with an open mind and all submissions be given due consideration.
- That persons who present their views are given access to a clear record of the decision making.

### **SIGNIFICANCE OF DECISION**

The Proposed Mobile Shops and Traders Bylaw 2021 is subject to the Special Consultative Procedure as directed by the LGA and triggers Mackenzie District Councils Significance and Engagement Policy.

### **OPTIONS**

- 1) That the Council formally receive the eight submissions to the Proposed Mobile Shops and Traders Bylaw and hears submissions from four submitters who wish to be heard in support of their submission.
- 2) That the Council receive those views with an open mind and give them due consideration.
- 3) That the Council consider and deliberate on the submissions received and make any necessary decisions on the Proposed Mobile Shops and Traders Bylaw.

### **CONSIDERATIONS**

#### **Legal**

Consultation on the Proposed Bylaw has been undertaken in accordance with the Special Consultative Procedure as set out in the LGA.

#### **Financial**

There are no financial implications. The drafting of the Bylaw has been resourced internally.

#### **Other**

The Mobile Shops and Traders Bylaw 2014 will be revoked if not reviewed.

### **CONCLUSION**

The Council is to formally receive and hear the submissions to the Proposed Mobile Shops and Traders Bylaw 2021 in accordance with the procedure set out in the LGA.



**Appendix 1 – Summary of Submissions**

*\* The Submitter wishes to be heard in support of their submission*

Number	Name	Submission
1	Alan and Robyn Pauley <i>The Shot Coffee Limited</i>	The Shot Coffee ask that the exemption applied to mobile ice cream vans such as Mr Whippy be expanded to include the Shot Coffee who operate a similar business. The submitter is concerned that preference has been given to one group despite the Shot Coffee operation being similar to mobile ice cream vendors.
2*	Jainik Shah <i>Hungry Birds</i>	Hungry Birds supports mobile trading and has addressed concerns with the regulations relating to signage, rubbish bins and maintenance of mobile trading sites as they could potentially cause financial strain and impact on their day-to-day operations.
3*	TekapoSam	The submitter would like to see the Council suspend all non-resident/ratepayer mobile trading in the community and believes the Council should aid ratepayers rather than creating more stress and unwanted competition. Mobile traders should not compete with existing business activities of local ratepayers and leaseholders. Hospitality has been hit hard by the Covid 19 Pandemic.
4*	Jane Staley	<i>Same as above</i>
5	Fancy Pants Richard Smith	The submitter seeks changes as follows: Section 5) Mobile traders with more than one mobile shop shall be required to hold a sperate license but if under the same name shall only attract one fee. Section 11) The break in service shall be extended from six to twelve months. Schedule 1) Hours of operation for Twizel shall be 6am and 9pm Monday to Sunday same as every other site in the district. Schedule 2) Maximum 1m height of sign is restrictive to normal flag style signs commonly manufactured and should be removed. Schedule 2) Noise needs to have a decibel reading. Generators need to be at a considerate level with a good definition.
6	Darren Watkins	Mr. Watkins is in favor of the site on Mackenize Drive but is against the amount of regulation required. Mr. Watkins supports letting traders trade how they deem fit in the designated areas.
7	Lousley	The submitter supports the site on Mackenzie Drive as it is handy, safe, and convenient.
8	Late Submission Received from Robin McCarthy	The submitter would like to see a specific area set aside for non-food related vendors and suggests the tarmac area opposite the machinery display on Wairepo Road in Twizel.



**Submission:****Mobile traders and shops by law: 2021**

The Shot NZ Ltd requests consideration to carry our mobile trading within the Mackenzie District Council region

The activities that we are applying for approval to carry out are the supply of hot and cold beverage to the public on demand.

This activity requires the Shot Mobile van to be parked at the road way curb side and serve to the public who in all cases are standing on a grass verge/foot path or possible a driveway that crosses between the road way and property.

The activity is normally short term and to use an example much as similar to a mobile ice cream vendor who parks and serves to the public and then moves onto another location.

The duration of the park in most cases would not exceed 15 minutes and depended on how many hot beverage serves are to be completed.

All care is taken to park legally and safety of the public and the Shot operator is a 100% full consideration practiced.

In seeking this approval we must empathise that the Shot mobile operators do not park anywhere near a café or similar business selling take out drinks (Café, Service station, Restaurant, etc.).

Most our business activity is completed at the request of the owner of the property to supply services and conducted on private property. We are requested to supply refreshments at business houses, schools, rest homes, factories and manufacturing operations for example).

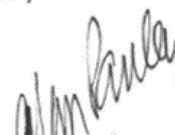
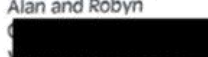


We also provide rubbish receptacles and remove any discarded packaging from the park area.

The requirements as laid out by the Council areas we are trading in are fully compliant with including holding a mobile trading licence and are compliant with all MPI requirements. The Shot NZ trades at NP1 level.

The Shot NZ mobile vans are fully compliant to NZ standards (Gas fitters and electrical WOF on hand for inspection at any time).

Thank you for your consideration of this submission from The Shot NZ Ltd.

22/10/2021

  
Best regards  
Alan and Robyn  
  
 Leaders in mobile concept design 

Good Afternoon Councillor(s)

**Please find my details as below for the submission and advise the time & Venue for the hearing on the consultation process as I wish to address the Councillors in person:**

Name: Jainik Manoj Shah

Organisation: Hungry Birds Limited

Address: [REDACTED]

E-mail: [REDACTED]

### **Outline for submission**

At the Outset, Hospitality has been the most challenged trade with the aftermath of COVID-19. Businesses have been affected with more than 50% drop in sales/ revenues and as a business owner I would expect flexibility from the local bodies / Council and its members that shape the futures of this industry in one of the worst affected regions of New Zealand.

My particular interest is addressing items that would potentially cause us financial strain or impact our day to day operations.

The rules outlined in the new proposal in Schedule 2 under the subtitle, Signage and Rubbish are of particular concern.

After working with the South Canterbury Chamber of Commerce by availing grants for Marketing & Business Continuity Planning, suggestions were made by Skylark Creative, Twizel and Sidekick CA, Timaru to upgrade **Signage** and get new flags, posters etc to increase visibility of our business. We spent NZD 250 per flag and ordered 6 new flags. If the new schedule were to be accepted we stand to lose money on all these when the total area of the flag is only 1.08 square metres (approximately). How would this new rule justify our spend when on one side the demand by government approved service providers is to reduce costs and overheads and the bylaw points at "reinventing the wheel".

Will the approval from the council for signage attract any fees?

As far as the **Rubbish bins** are concerned, the issue was brought up in the meeting of Board Members in Tekapo about 2 years ago. If mobile traders are classified as "Takeaway" outlets where people purchase food or other goods



and go away, isn't the matter of Rubbish Bins redundant and an extra cost center?

In a DELTA and plus COVID-19 environment, where people travelling could potentially be infected, isn't handling rubbish that comes back from a contaminated source an extra hassle we don't require as mobile traders? This would put families of Mobile Traders at risk of any future contamination and potential business closure / hibernation.

#### **Maintenance of Site**

This has been excluded from a list of items that could otherwise cause maintenance issues for Vehicles of the Mobile Operators. For Example, I have personally reported the waterlogging of Our trading site on Denmark Greens in Fairlie after days of bad weather including Rain, Frost & Snow. Under the circumstances, where the Council is worried about level playing field, would the Councillors consider taking the onus to solve an issue so basic?

#### **Permanent but Not Permanent licensing**

The tone of the email mentions that the licensing and bylaws aim at more of a permanent stature of Mobile traders but there still has to be yearly renewals. How is this permanent? We recently paid for a full 12 month renewal in August but I have been advised that the new bylaws will take effect in December 2021. Would the Council consider crediting the balance on to a new renewal term / license?

**Yes, I would like to address Councillors in person at a hearing. Please inform me as requested in the beginning of this email.**

I urge the Council to take an example from Dunedin, Wanaka, Queenstown, Christchurch and other places where Mobile traders can operate with more liberty and thrive, even during difficult times.

Thank you  
Jainik Shah.

**From:** robin.mccarthy@xtra.co.nz <  
**Sent:** Tuesday, 26 October 2021 8:23 pm  
**To:** Mailbox - MDC Planning <planning@mackenzie.govt.nz>  
**Cc:** robin.mccarthy@xtra.co.nz  
**Subject:** Proposed Trading Byelaws

Dear Sir/Madam,

Despite the timeline expiring, I wish to make a further submission to the proposed Trading Byelaws in respect to Twizel.

The area currently set aside and being retained in the proposal is related to food vendors only.

There is however another sector that should have provision for an area to be set aside. And that is for non-food vendors. The original (and ongoing thinking) was for competing mobile food vendors to be separated from fixed premises trading.

At the moment there is not an area for non-food vendors such as pop-up trade stalls (such as one a few days ago by a tool retailer) or temporary activities.

I suggest the tarmac area opposite the machinery display on Wairepo Road in Twizel where there is plenty of room, parking included. I attach a photo of an activity mockup that I set up myself.

I trust that due consideration can be given to my proposal.

Yours sincerely,  
Robin McCarthy.



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Make a Submission-(copy) : Survey Report for 29 September 2021 to 28 October 2021

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**Q1 Please leave your submission on the proposed Mobile Shops & Traders Bylaw below.**

TekapoSam

10/02/2021 11:02 AM

In these difficult and uncertain times, and while Covid19 is affecting the fragile economy of our local businesses, I would like to see MDC suspend all non-resident/ratepayer mobile trading in our community. The MDC should be offering more assistance to ratepayers rather than creating more stress and unwanted competition for those that do contribute meaningfully to the local economy, than to itinerant traders who pay a 'peppercorn' licence fee. I have no objection to traders that "add to the character, vibrancy, and visitor experience in the the Mackenzie District"; however, they must not compete with the business activities of local ratepayers and leaseholders. Hospitality and tourism have been the hardest hit by the current pandemic. Many are struggling to remain viable and even solvent in the face of fixed costs and expensive leases and rates. To allow completion from itinerant traders, who come in to our village and compete with hospitality and tourism community businesses is wrong. If they are to be allowed anywhere, it should be outside of the village area.

Jane Staley

10/02/2021 12:19 PM

In these difficult and uncertain times, and while Covid19 is affecting the fragile economy of our local businesses, I would like to see MDC suspend all non-resident/ratepayer mobile trading in our community. The MDC should be offering more assistance to ratepayers rather than creating more stress and unwanted competition for those that do contribute meaningfully to the local economy, than to itinerant traders who pay a 'peppercorn' license fee. I have no objection to traders that "add to the character, vibrancy, and visitor experience in the Mackenzie District"; however, they must not compete with the business activities of local ratepayers and leaseholders. Hospitality and tourism have been the hardest hit by the current pandemic. Many are struggling to remain viable and even solvent in the face of fixed costs and expensive leases and rates. To allow completion from itinerant traders, who come into our village and compete with hospitality and tourism community businesses is wrong. If they are to be allowed anywhere, it should be outside of the village area.

FancyPants

10/06/2021 10:39 AM

Hello please note my submissions as follows- Section 5) Where A trader with more than one mobile shop is required to hold a separate license while under the same name shall only attract one fee. Section 11) increase the break in service from 6 weeks to twelve weeks. Some mobile traders sell summer products only.

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**Make a Submission-(copy) : Survey Report for 29 September 2021 to 28 October 2021**

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Schedule 1) Hours of operation for Twizel to be 6am to 9pm  
Monday to Sunday same as every other site in district. Schedule 2)  
Maximum 1m height of the sign is restrictive to normal flag style  
signs commonly manufactured and should be removed. Schedule 2)  
Noise- needs to have decibel reading as without actual  
objectionable is subjective. A lawnmower has a reading of 90+ Db  
and is objectionable to many. Generators need to be at a  
considerate level but need definition. Any questions or clarifications  
please call to discuss

Darren73

10/14/2021 03:29 PM

I am in favour of leaving the current mobile shop location where it  
is at the mackenzie drive car park. i am against the amount of  
regulation required, i.e. having to notify the council of opening  
times. once they are deemed reputable (food safety documents  
produced etc) let them trade how they seem fit in the designated  
area. also, why does the licence not cover the whole district  
trading areas? why is it made difficult for them to trade at any site  
in the mackenzie? Too much big brother.

Lousley

10/15/2021 10:17 AM

I do not wish to address anyone-The site should remain where it is  
-handy safe convenient.

**Mandatory Question** (5 response(s))

**Question type:** Essay Question



