

6. PROPOSAL TO RUN INSTRUCTION COURSES ON SURFBOARD RIDING AT NEW BRIGHTON BEACH

Officer responsible
Greenspace Manager

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PROPOSAL/PURPOSE OF REPORT

The purpose of this report is to present to the Council an application by Alan Cockburn ('the applicant') on behalf of Outer Island Surf Shop for a licence to run instruction courses on surf board riding on a part of New Brighton beach for a period of five months over the summer.

EXECUTIVE SUMMARY

The applicant seeks approval from the Council to use a 20m² area of beach at New Brighton during the summer months, from November 2004 to March 2005, between the hours of 8.00 am and 6.00 pm, seven days per week, for the purpose of running a surf training school. The intended area (aerial plan 1 attached) will be made available for the right of a licence renewal for a period of three years, commencing 1 April 2005. As requested by the applicant, there will be an initial five month trial, to test the viability of the business, before deciding to renew the licence for the specified three year period.

It is proposed that each surfboard riding lesson will:

- last for no more than two hours;
- have a maximum of eight clients at any one time; and
- be open to all interested persons/groups seeking surfboard riding lessons.

The applicant states that he has an experienced, fully qualified surf instructor who holds the highest (Level One) Surfing New Zealand Coaching Accreditation. The instructor also has a current first aid certificate and will complete a health and safety plan to comply with all Occupational Health and Safety requirements.

It is intended that any payments by customers to attend the surf school will be handled within the surf shop itself.

RECOMMENDATION

It is recommended that the Council, pursuant to Section 61 of the Reserves Act 1977, grant a licence over approximately 20 m² of Esplanade Reserve for the purpose of establishing a surfboard riding school for a trial period of five months, with the right of renewal for a period of three years, subject to:

1. The area covered by the licence agreement being available for public use at all times.
2. The licence terms being negotiated by the Facility Assets Manager in consultation with the Parks and Waterways Policy and Leasing Administrator.
3. The Facility Assets Manager being authorised to administer the terms and conditions of the new licence.
4. The licensed area being maintained by the applicant in a safe and tidy condition at all times.
5. The applicant showing proof of having obtained \$1,000,000 public liability insurance before commencing any commercial activities from the site, which is to be kept current for the duration of the licence period.
6. The applicant showing proof of having a health and safety plan in place to cover the activities of the surf training school.
7. The licence agreement terminating with no compensation payable to the licensee should the licence be surrendered or terminated for any reason.

BACKGROUND/ISSUES

The proposal is not inconsistent with the classification of Esplanade Reserve, which allows for activities that interface between land and water provided that the public access by foot is not impeded. The Council is able to authorise the intended activity under the leasing provisions of section 61 of the Reserves Act 1977.

The proposed activity is not considered inappropriate given the fact that surf life saving clubs along the coastline run training activities at times of a similar scope. The Council has approved similar proposals at New Brighton beach in 2002 and 2003.

OBJECTIVES

- To provide a supervised recreational activity on the beach
- To preserve public access at all times
- To meet the need of beach users to learn safe and effective surfing techniques
- To encourage people to exercise
- To bring vitality to the foreshore at New Brighton
- To encourage a business opportunity/employment

OPTION IDENTIFICATION

There are two options to consider:

1. To grant a licence to operate a surfing school, with appropriate conditions attached.
2. To support the idea of the beach being free of this commercial activity.

OPTION ASSESSMENT

Option 1 (Grant the licence)

The proposal has the support in principle of the New Brighton Revitalisation Project Leader, Kevin Mara and the Area Head Coast Care Ranger, Rodney Chambers, who oversees the management of the New Brighton foreshore area. Two similar applications to run surfboard riding lessons at New Brighton Beach were approved by the Burwood/Pegasus Community Board in September 2002 and October 2003 under delegated authority.

The applicant has indicated that all monetary transactions for training courses will be directed through his shop address, with no advertising signage planned for the beach. The scale of the intended operation appears to be small and is likely to blend into the beach scene.

The 20 m² of beach on which this business would be located is shown on the attached plan.

The applicant accepts that if granted a licence over a section of the beach area for the activity, he would be bound by the Reserves Act, which reserves the free right of public access at all times. The conditions of the lease will protect the public's and the Council's interests.

In November 2001 the previous Council delegated to the Community Boards the power to grant licences over reserves land pursuant to Section 61 of the Reserves Act 1977. As the delegations to Community Boards for the 2004-07 term have not been approved by the Council this application is being referred to the Council for a decision.

Option 2 (Keep the beach free from this activity)

The Council may consider that the beach should be free of this commercial activity so members of the public have total right of access to this stretch of the beach for their own use. The area of beach is so small (20 square metres) that impact would be minimal. The success of the venture will be dependent on its finding support from the paying public so there is little risk in letting the market dictate whether this is a viable activity in this particular location.

IDENTIFICATION OF THE PREFERRED OPTION

It is considered that if permission were granted to the applicant to undertake these activities, this would not impede the right of the public to pass freely over the reserve on foot. As the intended activity will bring seasonal employment, and provide a business opportunity in an area that requires revitalisation, it is considered that the proposal could be approved as an initial five month pilot programme, with the right of renewal for a period of three years, subject to conditions.

PREFERRED OPTION

It is recommended that the granting of the licence to operate surfboard riding lessons over the area of the beach identified in the attached plan be approved.