

QLDC Council**24 July 2014****Report for Agenda Item: 5****Department:****Infrastructure and Assets****5. Fergburger – Proposed Shotover Street Footpath Upgrade****Purpose**

- 1 To consider a request for Council's approval to undertake works to widen the existing footpath outside the Fergburger premise on Shotover Street.

Recommendation

- 2 *That the Council:*
 - a. **Accept** an offer of funding from Fergburger up to the value of \$100,000 and to apply that gift for the purpose of meeting the costs of implementing option 1; and
 - b. **Accept** and implement street plan as per design (or minor variation of design) submitted to Urban Design Panel.

Prepared by:

Reviewed and Authorised by:



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7/07/2014



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7/07/2014

Background

- 3 Fergburger is a takeaway outlet on Shotover Street. Its popularity means that often the public footpath on Shotover Street outside the premises becomes blocked by people queuing and waiting for orders, as well as those who have simply come to have a look or take a photo. This can create frustrations and safety issues for locals and visitors. At peak time, Fergburger reports that people sit in the gutters or spill into the area between parked cars. Pedestrians often walk on the road to pass the area rather than using the footpath.

- 4 Fergburger has approached the Council with a proposal to upgrade the Council's footpath and alter the lay out of the kerb on Shotover Street.
- 5 It is proposed to widen the existing 2.4m wide footpath outside 40 – 44 Shotover Street by removing three existing on-street parking spaces. The new kerb line will be shifted to the outer edge of the existing parking bays, and will not require any changes to the traffic lanes or cycle lane on Shotover Street. Paving will be the same as existing (basalt).
- 6 The widened footpath space will be divided into an outer and inner 'lane'. Each lane will be 1.5m wide and will be separated by a central public seating area. This will give pedestrians a choice of access routes. Steel barrier screens will be placed along the kerb line to prevent people from stepping onto the road.
- 7 The central seating will be constructed from timber, with a schist base and end walls. Clipped hedges will be planted on the back side of the seating, protected by a low rail. Existing drainage will be upgraded as necessary, to the Council's requirements.
- 8 The proposed design takes into account the context of the wider streetscape and the character of Shotover Street. In general, the design elements, including the stone walls and pedestrian barrier screens, are intended to complement those in Brian Smith Park, on the corner of Brecon Street.

Comment

- 9 In its proposal, Fergburger has asked the Council to consider Fergburger as an iconic and key business associated with Queenstown:

"Fergburger has become an iconic Queenstown experience, with many people placing it in their top things to do on a trip to New Zealand. From its humble beginnings as a hole in the wall down Cow Lane, the presence and profile of Fergburger has become intertwined with Queenstown. Its main street location has become a key attraction point in the Queenstown CBD for visitors of all ages and nationalities. Fergburger has also remained a favourite with locals due to the consistent high quality of its unique product."

- 10 Fergburger has stated that it is well aware of the situation and has implemented remedies to address it such as the hiring of extra staff to organise queues on the footpath, hiring security staff and promoting the website for customers to place their orders. Fergburger is also in discussion with local bars about putting up order screens to show the status of orders. However, it considers the proposed footpath widening to be a more effective way of addressing safety issues as well as improving the visual appearance of a highly photographed and visited part of the town centre.
- 11 Fergburger has stated that it is committed to its current location and has plans to further extend its operations to create a permanent precinct over four

adjoining premises (at 40 – 44 Shotover Street). The owner has secured leases for a minimum of 15 – 20 years for these sites.

- 12 Fergburger also agrees to be responsible for the on-going daily maintenance of the area for as long as it holds the adjacent leases. This would include cleaning the footpath, clearing the rubbish bins, clipping the hedges and removing any rubbish from them.
- 13 The Infrastructure team has requested evidence of consultation with adjoining businesses and from the Chamber of Commerce. It has also requested a commitment from Fergburger to meet all costs associated with the proposal. It is our view that the Council should not be funding any of the proposed works. The Chamber of Commerce has been in contact with the Chief Engineer but has not either expressed an informal view, nor formally responded to the design proposal. Twenty-five written approvals were received from surrounding businesses and landlords.
- 14 The New Zealand Transport Agency has reviewed the preliminary proposal. Subject to QLDC approving the final design and on the proviso that NZTA would not be called upon to defend any criticism or precedent from the public or nearby businesses, NZTA is comfortable with the proposal.
- 15 The physical works would be carried out by Council contractors and to Council standards and this may mean the final design could differ from that proposed by Fergburger.
- 16 The assessment of the options needs to consider a number of guiding factors, as follows:
 - i Pedestrian road safety. At present the conflict between pedestrians and customers of Fergburger results in an overflow of people onto the road. For Council, pedestrian safety must be prioritised as a key consideration when looking into the future management of this area.
 - ii Carparking. On-street carparking is a finite resource within the Queenstown town centre. As a P30 parking space, this is a relatively high turnover location, heightening the high demand for parking in this area, and the potential road safety issues from vehicles regularly entering/exiting the spaces. Parking is important in making town centre destinations accessible. Loss of parking can affect the accessibility of nearby businesses and other destinations.

Queenstown town centre has approximately 588 on-street car parks. Recent surveys have pointed to the high usage of on-street spaces and the need to consider measures to increase parking turnover and availability. These need to be addressed at a system wide level.

The proposal amounts to a 0.5% reduction in on-street parking spaces in the town centre.

- iii Aesthetics. Considerable public investment has gone into the streetscape design on Shotover Street. It is important from an aesthetic viewpoint that any changes be consistent with existing design themes.
- iv Business vitality. At a very localised level, the queuing outside Fergburger is the symptom of a very successful business. It is consistent with Council's community outcomes to assist business vitality.
- v Cost to Council. The cause of the pedestrian conflicts can be tracked back to the success of the Fergburger operation. It follows that Fergburger should pay for the footpath improvements.

17 The following table presents an assessment of the options against the criteria listed in recommendation 2b.

	Points for:-	Points against:-
Option 1: Widen footpath and install furniture as per design submitted to Urban Design Panel	Moderate improvement to road safety through footpath widening. Consistent with surrounding design Funded by Fergburger.	Street furniture may hamper pedestrian movement past Fergburger Loss of 3 parking spaces
Option 2: Widen footpath and require Fergburger to use moveable bollards for queue control;	Good improvement to road safety through footpath widening – people seated do not hamper through movement of pedestrians. Lower cost and flexible to demand. Works elsewhere (NZSki at Duke Street)	Moveable bollard not consistent with surrounding street design. Requires active management of queues. Loss of 3 parking spaces Fergburger may not be prepared to fund – council may be called on to cost share or meet full cost. Loss of 3 parking spaces
Option 3: Widen footpath and place “leaners” on the kerb side;	Minor improvement to road safety through wider footpath. Provides extra footpath width to reduce the pedestrian conflicts. Encourages people wanting to mill around to gravitate to footpath edge Relatively easy to retain street design themes.	No management of queues. Fergburger may not be prepared to fund – council may be called on to cost share or meet the costs in full.
Option 4: Leave footpath as is. Use enforcement powers to control	No disruption to street design themes Retains carparking.	Low road safety improvements – council staff can't be there all the time.

	Points for:-	Points against:-
obstruction of street;		Requires active management of queuing by council – will come across as being officious

- 18 Option 1 is recommended as this will provide the best outcome to address the congestion issues around Fergburger. On the basis that pedestrian safety is of paramount importance, the loss of parking in this instance is justified in that it mitigates the pedestrian safety issues that are present outside Fergburger.
- 19 The recommendation requires Fergburger to fully disclose information about their cost estimates to the satisfaction of the Chief Engineer. It is important that Council staff are fully cognisant of the complete scope of the improvements, given the intention is that Council contractors are to undertake the work. Further, in the unlikely event that the costs in fact exceed \$100,000, Council needs to be aware of this as early as possible so that the design can be reconfigured to meet budget.

Financial Implications

- 20 If the recommended option is adopted, it is the view of Infrastructure staff, that the Council should not fund any of this work. It is anticipated that the implementation of the design would be undertaken as an extension to the Council capital works programme. All assets would vest in Council, but all costs would be met by private funding from Fergburger.
- 21 Fergburger offers to contribute to the capital costs of the proposed works, provided that they are completed prior to 1 December 2014. At this stage, a conservative estimate is that \$100,000 will be sufficient to complete the works as proposed. Approximately half of this figure relates to the footpath construction and associated drainage works, and the other half to the seating and landscaping elements. It is anticipated that a 1 December completion date is realistic.
- 22 Fergburger will contribute a maximum of \$100,000 towards the costs of completing these works to the design and specifications that have currently been submitted to the Council.
- 23 There is a risk that Council could inherit the cost of carrying out the capital works if the \$100,000 is exceeded. Based on the existing quotes received, this risk is estimated as low. Further, this risk can be managed by entering an agreement between Council and Fergburger.
- 24 Council may accept funding which is conditional. However, accepting such a gift can open Council to criticism that such gifts are offered for the purpose of

influencing Council's programme of work. This proposal cannot be considered as influencing Council's programme of work for the reasons set out below. Therefore such criticism would be unfounded.

- 25 For the reasons set out below, the recommended option is not expected to have any impact on Council's planned expenditure.
- 26 Fergburger does not expect that this proposal will be subject to any on-going lease or licence payments to the Council, as the Tables and Chairs Policy only applies where street furniture is owned by the adjacent restaurant and placed on the footpath.

Local Government Act 2002 Purpose Provisions

- 27 Section 10 (2) of the Local Government Act 2002 has been considered in the submission of this report to the full Council.
- 28 Delivering improvements to the Council's roading network is a regulatory function of the Council and the recommendation noted in this report is the option considered to meet best the objectives of efficiency, effectiveness and appropriateness for present and anticipated future circumstances.
- 29 The recommended option is considered to achieve the purpose of the Local Government Act 2002 because it is consistent with the following Community Outcomes in the Long Term Plan 2012-2022:
 - a. "Effective and efficient infrastructure that meets the needs of growth" - in this case the adjustment to infrastructure will accommodate the growth in use of this area of the street;
 - b. "High quality urban environments respectful of the character of individual communities" - the Urban Design panel has advised on the characteristics of this proposal. The proposal is consistent with the style of adjacent streetscapes, and will provide for enhancing pedestrian and traffic safety.

Council Policies

- 30 The following Council Policies are relevant:
 - a. Council's Policy of Significance;
 - b. Council's Tables and Chairs Policy;
 - c. Council's Town Centre Strategy;

Significance policy:

- 31 The proposal is not significant under the Council's Policy of Significance as it does not involve ownership, control, construction, replacement or abandonment of a strategic asset. Specifically, it affects the Council's roading network with the improvements vesting in Council.

Town Centre Strategy:

- 32 Fergburger has identified the Town Centre Strategy as relevant, stating its proposal is consistent with the following excerpt of the strategy:

'Increasing pedestrian amenity through techniques such as widening footpaths, kerb extensions for seating, better street crossings (such as speed tables/level crossings), planting street trees or more comprehensive shared space approaches where appropriate.'

- 33 Infrastructure staff have made no specific assessment of the proposal against the Town Centre Strategy, however do note that the improvements have been considered by the Urban Design Panel.
- 34 The widened footpath and seating are intended to become a permanent Council asset and will be treated as a public area. Fergburger does not seek any exclusive use of the seating or inner footpath, although it is acknowledged that at busy times these will predominantly be used by Fergburger customers. The option of widening the footpath without adding seating was initially considered by Fergburger, but they considered that seating would enhance the area as a public space. Fergburger considers that the proposed works may be viewed as an opportunity to further implement the Town Centre Strategy, at no capital cost to the Council.
- 35 The proposal will have no impact on Council's existing planned projects. Carrying out this proposal will also not divert resources allocated for delivering community outcomes or other projects in the annual plan.
- 36 Fergburger considers that the proposal represents an improvement and enhancement in the amenity of this section of the streetscape.

Precedent

- 37 Fergburger notes that the Council has undertaken similar works involving kerb widening and public seating in other locations in the town centre, which has resulted in reduced on-street parking. Examples include outside Freiya's restaurant on Camp Street, outside Small Planet (previously the Bakery) on Shotover Street and outside the YHA on Shotover Street.
- 38 If the recommended option is accepted, there will be a 0.5% decrease in on-street parking spaces.
- 39 The conversion of car parks to a pedestrian area is for the purpose of solving an existing pedestrian safety problem, and is considered to be consistent with the wider CBD which favours pedestrian use. The recommended option is consistent with Council's intention to introduce policies that provide for the enhancement of streets to make them pedestrian friendly.
- 40 The change to convert 3 parking spaces to a pedestrian area is a safety improvement.
- 41 The proposal has been developed to solve an existing pedestrian and safety issue, without placing any additional burden on ratepayers. Additionally, this project will not result in any change the Council's existing capital works programme.

Implementing the recommended proposal is therefore not expected to set a strong precedent. It is also considered to be consistent with aspirations for providing for enhanced pedestrian features of the CBD.

Consultation

42 The proposal has been presented to the Queenstown Urban Design Panel.

43 Discussions have been undertaken with Council engineers, the New Zealand Transport Agency, with Councillors and consultation has been undertaken with surrounding businesses and landlords. A copy of the affected businesses consultation which has occurred to date can be viewed in Attachment C.

Publicity

44 No media statement or public communication is required in association with this request.

Attachments

- A Plans of Proposal
- B Urban Design Panel Report
- C Affected business approvals