

**Wanaka Community Board  
16 December 2015**

**Report for Agenda Item: 4**

**Department: Operations**

**New Licence to Occupy for Wanaka Night Markets**

**Purpose**

The purpose of this report is to consider a New Licence for the Wanaka Farmers and Gardeners Markets to enable markets to be held at Bullock Creek every Thursday evening.

**Recommendation**

That the Wanaka Community Board:

1. **Note** the contents of this report;
2. **Recommend** to Queenstown Lakes District Council to grant a new licence to the Wanaka Farmers and Gardeners Market Inc over freehold land legally described as Lot 2 DP 25900 BLKS VIII XI-XII Wanaka Town, certificate of title OT17D/1199 known as Bullock Creek and legal road known as Ardmore Street subject to the following terms;
  - a. Term to be for a period of 3 years, with two further renewal terms of 3 years each by mutual agreement of both parties;
  - b. Rent pursuant to the Community Pricing Policy;
  - c. Rent reviewed every 3 years in accordance with the Community Pricing Policy;
  - d. Termination to be possible with 3 months' notice by Council;
  - e. Public Liability Insurance of \$2 million to be provided;
  - f. Operating health and safety plan to be received;
  - g. Applicant to ensure appropriate food and liquor licenses are held if required;
  - h. Public access to be maintained at all times. Adequate safety measures to be put in place to ensure public safety is maintained;
  - i. Market to sell domestically sourced handcrafted goods, with exclusion placed on the sale of manufactured or imported goods;
  - j. Reinstatement of the area to be completed within 2 hours of closing;
3. **Recommend** to Queenstown Lakes District Council grant Affected Party Approval under the Resource Management Act 1991 on behalf of QLDC for the proposed markets to Wanaka Farmers and Gardeners Market Inc over Lot 2 DP 25900 BLKS VIII XI-XII Wanaka Town;

4. **Delegate** authority to approve final terms and conditions and execution authority to the General Manager, Property and Infrastructure.

Prepared by:



Averil Kingsbury  
Property Manager  
APL Property

25/11/2015

Reviewed and Authorised by:



Stephen Quin  
Parks Planning Manager  
QLDC

27/11/2015

## Background

- 1 The Wanaka Night Markets have been operating since June 2015 under a temporary reserve permit, issued to them as part of Wanaka Fest. The night markets have been held every Thursday, between 3pm and 7pm, and offer food and crafts for sale. Stalls containing baking, vegetable and fruit farmers, jams and chutneys and craft stalls selling handmade stuffed toys, painting and pottery can be found on site.
- 2 The markets would like to apply for a licence to occupy the area permanently. Whilst the approval process is underway for a licence, a second temporary permit has been issued so they can continue to run the market without disruption. There have been no complaints or reports of damage in relation to the markets that have been onsite as part of the Wanaka Fest.

## Comment

- 3 The market can have between 10-20 stalls each Thursday evening. Stall owners commence set up at 2pm, with the market opening at 3pm. The markets finish at 7pm, with stall owners packing up immediately. There is no power to any of the stalls, nor does anyone bring a generator. Due to the close proximity of the Speights Ale House, no music is played.
- 4 Unloading bays directly outside the market on Ardmore Street are utilized for stall owners to drop off items whilst setting up. Stall holders will unload and then move to park in an area with the appropriate time restrictions. Most patrons of the markets come via foot traffic, so parking requirements are low.
- 5 The conditions proposed in this report are similar to those currently imposed on Creative Queenstown, who hold a licence for a similar activity over Earnslaw Park to operate Arts and Crafts Markets on Saturdays. This market has proved to be well run, and a popular attraction with both locals and tourists.
- 6 The main consideration may relate to the effects on the existing commercial ratepayers neighbouring the Bullock Creek area. It could be argued that the markets take customers away from their businesses. As a way to address this risk, a condition has been proposed that no manufactured or imported goods be

permitted to be sold at the market, instead creating a focus on hand crafted items on offer.

- 7 Under the current Community Pricing Policy (ref 1.5), this group will qualify for a zero rent rating under its licence.

### ***Options***

- 8 This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002:

- 9 Option 1 To approve the request for a new licence to Wanaka Night Markets over Lot 2 DP 25900 BLKS VIII XI-XII Wanaka Town.

Advantages:

- 10 Enables a community group to utilise an area of Council land to run an evening market which supports local business and creates an attraction for the general public.

Disadvantages:

- 11 Other potential activities for the land may be restricted due to the use of the licensee.
- 12 Other commercial rate paying neighbours may be affected by the markets.

- 13 Option 2 To decline the request for a new licence to Wanaka Night Markets over Lot 2 DP 25900 BLKS VIII XI-XII Wanaka Town.

Advantages:

- 14 Council can consider alternative uses for the land without the encumbrance of a licence to occupy.

15 Disadvantages:

- 16 A local community group would no longer have access to an area of Council land to run an evening market which supports local business and creates an attraction for the general public.

- 17 Option 3 To approve the request for a new licence to Wanaka Night Markets over Lot 2 DP 25900 BLKS VIII XI-XII Wanaka Town with different conditions.

- 18 Advantages and Disadvantages for this option are similar to Option 1 however Council may wish to apply different or additional conditions.

- 19 This report recommends Option 1 for addressing the matter as it supports local businesses and creates an additional activity for public benefit.

### ***Significance and Engagement***

- 20 This matter is of minor significance, as determined by reference to the Council's Significance and Engagement Policy as it does not involve Council's significant assets, is not of great importance to the Queenstown Lakes District community and does not impact on Council's capability and capacity.

### ***Risk***

- 21 This matter relates to operational risk OR11 decision making – working within legislation. The risk is classed as low. The matter relates to this risk because the options highlighted require the Council to follow a regulatory process in order to grant a licence. A variety of operational risks (such as meeting levels of service, regulatory compliance and the health and safety risks associated with parties using reserves land) are triggered when the Council considers whether or not to grant the licence requested by the Wanaka Night Markets. This report recommends that risk OR11 is tolerated. Deferring consideration of operational risks will not affect Council's ability to manage those risks in this case.
- 22 This matter relates to the operational risk OR027, delivering levels of service as documented in the Council's risk register. The risk is classed as low. This matter relates to this risk because it promotes the use of an open space for a specific purpose, requiring a different level of ground service for the community. This report recommends that risk OR027 is tolerated and that the operational risks associated with granting the licence are considered at the time a decision on the application is made.

### **Financial Implications**

- 23 There are no financial implications anticipated. The cost of granting a licence would be borne by the applicant and the fee would be subject to the Community Facility Funding Policy.

### **Council Policies, Strategies and Bylaws**

- 24 The following Council policies, strategies and bylaws were considered:

- a. Community Facility Funding Policy.

### **Local Government Act 2002 Purpose Provisions**

- 25 The recommended option:

- a. Will help 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 by allowing an existing community group to continue to use Council land;
- b. Can be implemented through current funding under the 10-Year Plan and Annual Plan;

- c. Is consistent with the Council's plans and policies; and
- d. Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

### **Consultation: Community Views and Preferences**

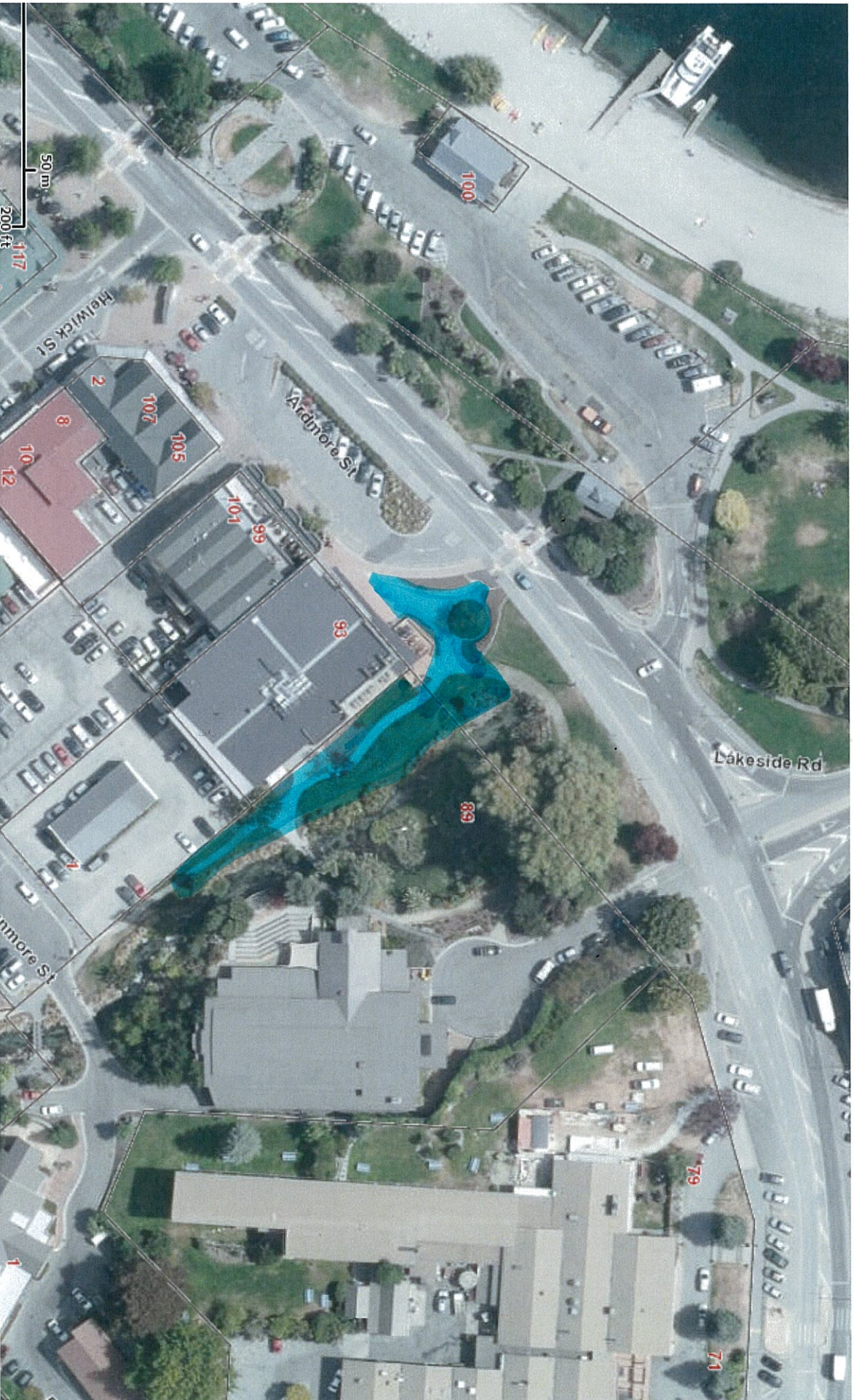
26 No consultation is envisaged or required by Council as the land is not classified as reserve, the matter has low significance with regard to the Significance & Engagement Policy 2014, is consistent with s10 of the Local Government Act and is not included in the 10-Year Plan/Annual Plan.

### **Attachments**

- A Licence Area
- B Photos of markets



Wanaka Night Markets  
Licence Area





## Wanaka Night Markets

Photos of Market

