

Wanaka Community Board
14 September 2016

Report for Agenda Item: 1

Department: Property and Infrastructure

**Variation to existing Licence to Place Tables and Chairs in a Public Space –
Sonny's Kids Limited t/a Big Fig, Wanaka**

Purpose

The purpose of this report is to consider a variation to an existing Licence to Place Tables and Chairs in a Public Space currently held by Sonny's Kids Limited t/a Big Fig located at 105 Ardmore St, Wanaka.

Recommendation

That the Wanaka Community Board:

1. **Note** the contents of this report;
2. **Agree** to vary the existing Licence to Place Tables and Chairs in a Public Space currently held by Sonny's Kids Limited by amending the permitted furniture and increasing the licence area.

Prepared by:



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APL Property

29/08/2016

Reviewed and Authorised by:



David Wallace
Queenstown Lakes District
Council
Principal RM Engineer
6/09/2016

Background

- 1 The Queenstown Lakes District Council oversees a number of *Licences to Place Tables and Chairs in a Public Space* (herein called the "Licence") throughout the district. These licences are in place to encourage al fresco dining, and provide an active street frontage that is vibrant, dynamic, comfortable and attractive.
- 2 Licences are granted and administered in accordance with QLDC's Tables and Chairs in Public Space Policy 2006 (herein referred to as "the Policy").
- 3 QLDC entered into a Licence with Tangos Café dated 19 February 2007. The licence was subsequently assigned to Cherry May on 23 October 2014 and then,

more recently, assigned again to Sonny's Kids Limited t/a Big Fig ("the applicant") on 1 April 2016.

- 4 The applicant has applied to QLDC for a variation to their existing furniture and increase their current licence area.
- 5 The proposed new furniture, shown in Attachment B, consists of 4 tables with benches, 2 pot plants and a couch with coffee table and 2 stools. The proposed new furniture is designed to suit the décor of the new restaurant whereas the current approved furniture was designed for the previous operator whose café was styled as a 1950's American diner.
- 6 The new licence area requested is 25.95m², as shown in Attachment A, and consists of pavement directly in front of the applicant's premises.
- 7 The proposed layout of the furniture is also shown in Attachment A.
- 8 The applicant is seeking the variation to take place as soon as possible.

Comment

- 9 This report suggests that the proposed tables and benches meet the design guidelines required under Section 6 of the Policy. The couch with coffee table and stools is not contemplated in the policy however nor are such items restricted. There is concern that by approving the couch, the WCB may set a precedent for other Table and Chair Licences which may have an effect on the overall streetscape of Wanaka.
- 10 Option 3 noted below allows the WCB to recommend alternative furniture. If the couch was not supported, this report suggests a further table with bench chairs would be an appropriate replacement.
- 11 Section 5 of the Policy requires tables and chairs to "generally be sited in front of the adjoining food premises" which is this case in this application.
- 12 The licence area requested is slightly larger than currently provided for in the existing licence at 25.5m².
- 13 The layout meets the requirements of Section 5.4 of the Policy i.e. a minimum pedestrian width of 1.5m will be maintained and no chair will back on to the road with less than 800mm clearance.
- 14 No complaints have been received in respect to the licensee's activities.
- 15 The Policy sets out an annual rental fee of \$50.00 plus GST per square metre for Wanaka Waterfront pavements. This equates to an annual rental income of \$1,297.50 plus GST which is a small increase from the existing rental income generated of \$1,275.00 plus GST.

Options

16 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.

17 Option 1 Agree to vary the Licence to Place Tables and Chairs in a Public Space by amending the permitted furniture as requested and extending the licence area.

Advantages:

18 The tables and chairs can be amended to suit the style of the premises.

19 Council will receive an increased income of \$1,297.50 plus GST per annum for the licence area.

Disadvantages:

20 A greater area of public space will be occupied for commercial purposes.

21 Approving couches as acceptable table and chair furniture items under the Policy may set a precedent across the district which may result in an unwanted streetscape.

22 Option 2 Agree to vary the Licence to Place Tables and Chairs in a Public Space by extending the licence area and permitting the standard tables and benches only, not the couch and coffee table.

Advantages:

23 Similar to Option 1 however a precedent won't be set allowing couches as permissible furniture for public spaces.

Disadvantages:

24 Similar to Option 1.

25 Option 3 Agree to vary the Licence to Place Tables and Chairs in a Public Space but for alternative furniture or an alternative licence area.

Advantages:

26 The advantages are similar to those for Options 1 and 2 however Council may see a benefit in recommending alternative furniture or an alternative licence area.

Disadvantages:

27 The disadvantages are similar to those for Option 1 and 2 however there is also a risk that the applicant may not agree to revised furniture/area.

28 Option 4 Decline to vary the Licence to Place Tables and Chairs in a Public Space.

Advantages:

29 There are no obvious advantages to Option 4.

Disadvantages:

- 30 The applicant would be left with the option of keeping furniture which does not suit the decor of the restaurant or remove them altogether.
- 31 A Licence to Place Tables and Chairs in a Public Space may be lost for Ardmore St which could reduce the vibrancy of the area.
- 32 This report recommends **Option 3** for addressing the matter and suggests that a further table with bench be permitted in place of the couch and coffee table. This will ensure that the furniture is in keeping with the theme of the restaurant while not setting a precedent for furniture which may not be suitable for the pavements across the District.

Significance and Engagement

- 33 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy as it relates to Council's roading network which is identified as a significant asset.

Risk

- 34 This matter related to the operational risk OR11 decision making – working within legislation, as documented in the Council's risk register. 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 vary the licence. This report therefore recommends that risk OR11 is tolerated.

Financial Implications

- 35 Annual rent of either \$1,275.00 plus GST or \$1,297.50 plus GST will be generated.

Council Policies, Strategies and Bylaws

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

- Tables and Chairs in Public Space Policy 2006.

- 37 The recommended option is consistent with the principles set out in the named policy.

- 38 This matter is not included in the 10-Year Plan/Annual Plan

- Rental income derived by this licence will contribute to existing property budget provisions.

Local Government Act 2002 Purpose Provisions

39 The recommended option:

- 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 improving the vibrancy and attractiveness of a section of Ardmore St which is consistent with the theme of the applicant's restaurant.
- Can be implemented through current funding under the 10-Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- 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

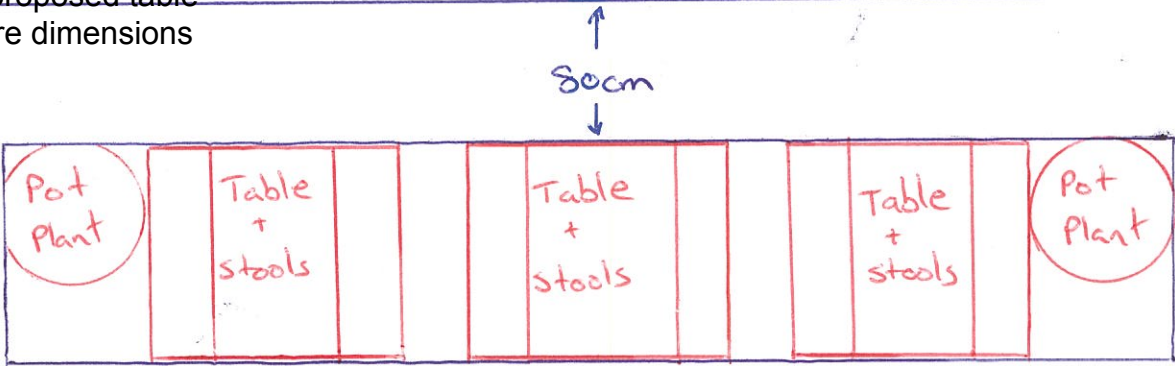
40 As the proposed licence area is not in front of any other premises, no consultation is envisaged

Attachments

- A Site Plan of proposed table and chair layout with furniture dimensions
- B Image of proposed furniture

ARDMORE ST CARPARK.

Big Fig



Scale 1:50

Tables 1400x800

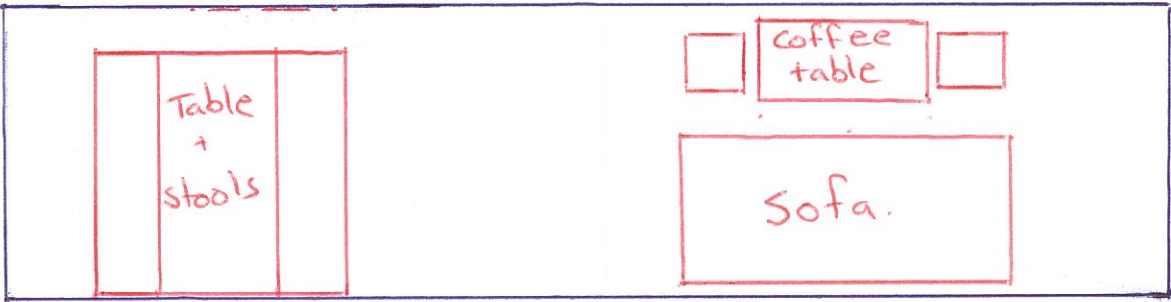
Stools 1400x390

Pot plants 750 D.

Sofa 2200x1000

Coffee table 1100x600

180 cm



Area.

10.85 sq
+ 15.10 sq.

25.95 sq. m.

Total.

Door.

107 Ardmore st
Wanaka.

Attachment B: Image of proposed furniture

