

**Wanaka Community Board**  
**11 May 2017**

**Report for Agenda Item: 3**

**Department: Property & Infrastructure**

**Licence to Place Tables & Chairs in a Public Space – Boaboa Food Company**

**Purpose**

The purpose of this report is to consider granting a Licence to Place Tables and Chairs to Boaboa Food Company for an area of road reserve on Ardmore St, Wanaka.

**Recommendation**

That the Wanaka Community Board:

1. **Note** the contents of this report;
2. **Agree** to grant a Licence to Boaboa Food Company to enable them to place tables and chairs on Ardmore Street Road Reserve in accordance with the Tables and Chairs in Public Space Policy of 2006; and
3. **Delegate** signing authority for the licence to the Principal RM Engineer.

Prepared by:



Blake Hoger  
Property Advisor

7/04/2017

Reviewed and Authorised by:



David Wallace  
Manager – RM Engineering  
Queenstown Lakes District  
Council  
11/04/2017

**Background**

- 1 Boaboa Food Company (“the applicant”) has applied to the Queenstown Lakes District Council for a licence to place tables and chairs adjacent to their takeaway restaurant on Ardmore Street, Wanaka.
- 2 The applicant is seeking use of the footpath for the placement of tables and chairs to enable their customers to either wait for their orders or enjoy their meals.

- 3 The area requested is 27.17m<sup>2</sup> and is currently paved footpath which is otherwise unused aside for a lamp post and a set of bins. An Occupation Plan is attached.
- 4 The applicant is seeking to install 2 steel framed tables with timber tops. Affixed to the table are 2 bench seats either side. Images of the furniture are attached.
- 5 The proposed licence area is directly in front of the applicant's restaurant at 135 Ardmore Street, Wanaka.

### **Comment**

- 6 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.
- 7 Licences are granted and administered in accordance with QLDC's Tables and Chairs in Public Space Policy 2006 (herein called the "policy").
- 8 The proposed furniture meets the design guidelines of the policy.
- 9 Section 5.2 of the policy requires tables and chairs to "generally be sited in front of the adjoining food premises" which is the case in this application.
- 10 The layout does not completely comply with Section 5.4 of the policy which states a minimum pedestrian width of 1.5m will be maintained and no chair will back on to the road with less than 800mm clearance. While the pedestrian width will exceed the requirement at 2.7m, it is proposed that only a 500mm clearance be provided from the bench seat to the road.
- 11 As noted in the policy, the intention of the rule around an 800mm clearance is "to prevent diners from pushing their chairs into traffic when standing up." As the bench seats are affixed to the table, there is no risk of a diner pushing the seat into traffic and as such 500mm is deemed to be an appropriate gap.
- 12 The policy sets out an annual rental fee of \$50.00 plus GST per square metre for Wanaka Waterfront Pavements. The fee is reviewed periodically. This equates to an annual rental fee of \$1,358.50 plus GST for this licence should it be approved.

### **Options**

- 13 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.
- 14 Option 1 Agree to grant a licence to place tables and chairs in a public space.

#### *Advantages:*

- 15 A section of Wanaka's pavements is improved through increased vibrancy of the surrounding area.

16 Council will be consistent in its decision-making around table and chair licences.

17 Council will receive an income of \$1,358.50 plus GST per annum for the licence area.

*Disadvantages:*

18 Dining on the road reserve has the potential to affect the cleanliness of the site though all licences contain specific conditions to address this risk.

19 Option 2 Decline the granting of a licence to place tables and chairs in a public space.

*Advantages:*

20 There is no risk to the cleanliness of the site due to al fresco dining.

*Disadvantages:*

21 A section of Wanaka's pavements will miss the opportunity to enhance its attractiveness and vibrancy.

22 Council may be seen to be inconsistent around decision-making for table and chair licences.

23 Council would not earn a rental income for the licence area.

24 Option 3 Agree to grant a licence but for alternative furniture or an alternative location.

*Advantages:*

25 The advantages are similar to those for Option 1 however Council may see a benefit in recommending alternative furniture or a different location.

*Disadvantages:*

26 The disadvantages are similar to those for Option 1 however there is also a risk that the applicant may not agree and choose not to proceed.

27 This report recommends **Option 1** for addressing the matter as the application has been made largely in accordance with Council's policy for tables and chairs in public spaces and will increase the vibrancy of Ardmore Street without any impact to pedestrian flow.

## **Significance and Engagement**

28 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**

- 29 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 grant the licence requested. This report therefore recommends that risk OR11 is tolerated.

## **Financial Implications**

- 30 An annual rental fee calculated at \$1,358.50 plus GST will be charged. The fee will cover the administration of the licence in addition to any costs associated with the monitoring of the terms of the licence, regulatory compliance and health & safety risk.

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

- 31 The following Council policies, strategies and bylaws were considered:
- Tables and Chairs in Public Space Policy 2006.
- 32 The recommended option is consistent with the principles set out in the named policy other than Section 5.4 due to a reduced clearance between the chairs and the road.
- 33 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**

- 34 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 Street;
  - 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**

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

## **Attachments**

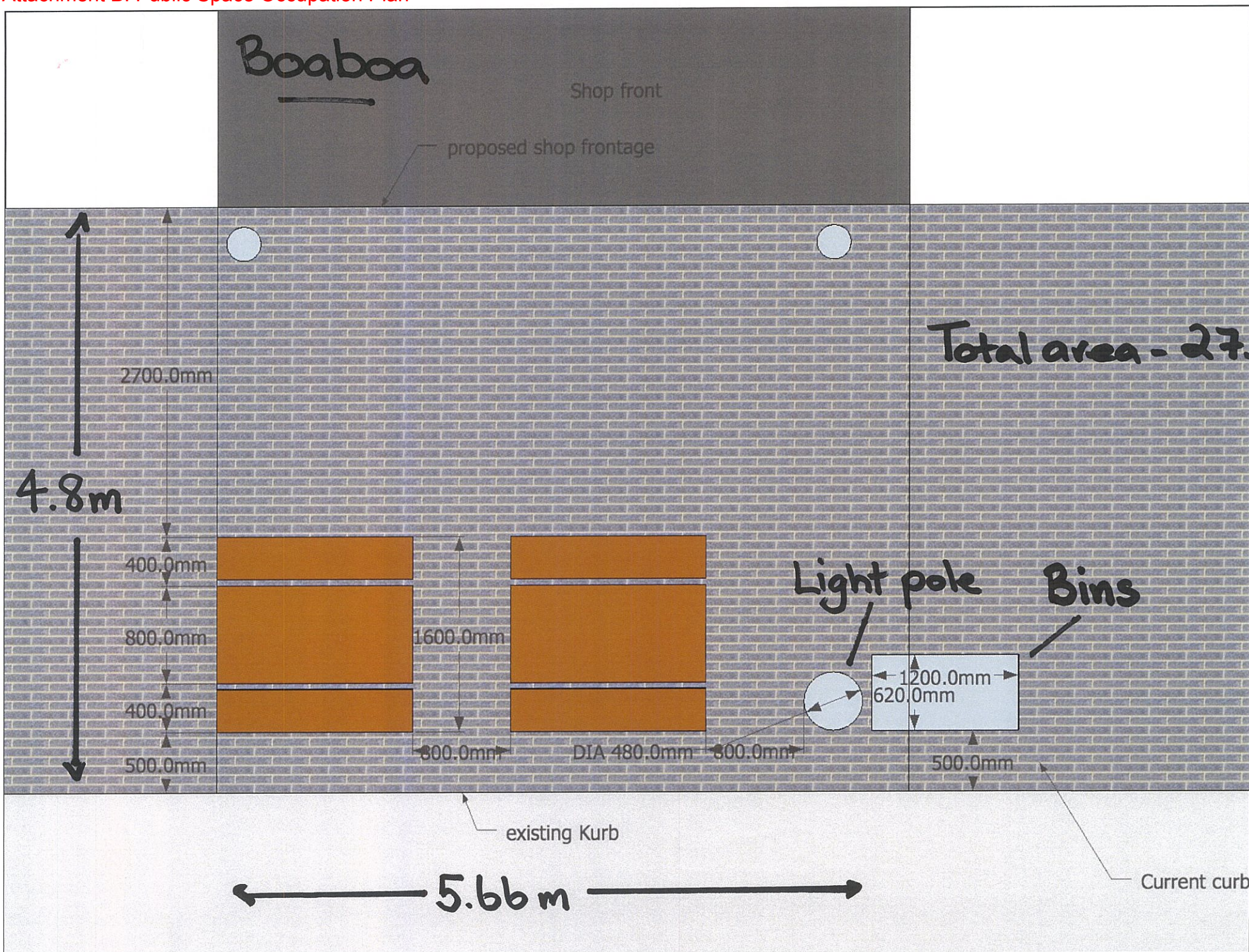
- A Site Plan
- B Public Space Occupation Plan
- C Images of Public Space
- D Images and details of furniture

Attachment A: Site Plan



The map is an approximate representation only and must not be used to determine the location or size of items shown, or to identify legal boundaries. To the extent permitted by law, the Queenstown Lakes District Council, their employees, agents and contractors will not be liable for any costs, damages or loss suffered as a result of the data or plan, and no warranty of any kind is given as to the accuracy or completeness of the information represented by the GIS data. While reasonable use is permitted and encouraged, all data is copyright reserved by Queenstown Lakes District Council. Cadastral information derived from Land Information New Zealand. CROWN COPYRIGHT RESERVED











Attachment D: Images and details of furniture



