

QLDC Council  
29 September 2016

Report for Agenda Item: 10

Department: Property & Infrastructure

New licence for Wanaka Farmer's and Gardener's Market

Purpose

The purpose of this report is to approve a new licence for Wanaka Farmer's and Gardener's Market on Pembroke Park, Wanaka.

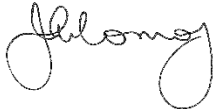
Recommendation

That Council:

1. **Note** the contents of this report;
2. **Approve** a new licence to the Wanaka Farmers and Gardeners Market Inc over part of the Recreation Reserve legally described as Section I Block L Town of Wanaka, certificate of title 130939 and known as Pembroke Park, subject to the following terms;
  - a. Term to be for a period of 3 years, with two further renewals of 3 years each by mutual agreement of both parties;
  - b. Rent pursuant to the Community Pricing Policy;
  - c. Rent reviewed upon renewal in accordance with the Community Pricing Policy;
  - d. Early termination with 1 year notice by Council if the land is required for core infrastructure purposes (but not in the first 3 year term);
  - 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. Operating day and hours to be limited to Sundays between 10am and 2pm;
  - i. Public access to be maintained at all times. Adequate safety measures to be put in place to ensure public safety is maintained;
  - j. Market to sell domestically sourced handcrafted goods, with exclusion placed on the sale of manufactured or imported goods;
  - k. Reinstatement of the area to be completed within 2 hours of closing;
  - l. Craft market permitted to operate from the same area, subject to the craft market holding a current licence or hire agreement.

3. **Agree** to exercise of the Minister's prior consent (under delegation from the Minister of Conservation) to the granting of a licence to the Wanaka Farmer's and Gardener's Market Inc. over part of Section I Blk L Town of Wanaka.
4. Delegate signing authority to the General Manager, Property and Infrastructure.

Prepared by:



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Property Advisor

11/08/2016

Reviewed and Authorised by:



Aaron Burt  
Planner: Parks and Reserves

12/09/2016

## Background

- 1 Council administers the recreation reserve known as Pembroke Park located on the corner of McDougall and Ardmore Street, legally described as Section I Block L Town of Wanaka, certificate of title 130939.
- 2 The Wanaka Farmers and Gardeners Markets Inc (the markets) have been operating since June 2011 under a licence on part of the reserve. The markets have been held every Sunday, between 10am and 2pm, and offer locally produced food, sold by the producers themselves such as baking, jams and chutneys, eggs, fruit and vegetables.
- 3 The markets would like to apply for a new licence as the previous licence expired in October 2015. There have been no complaints or reports of damage in relation to the markets held previously.
- 4 A Craft Market is also held on Pembroke Park on Sundays. They currently hold a hire agreement through the booking office for the summer of 2015/2016 although it should be noted that they do not hold a licence. The two markets work well with each other, and both parties acknowledge that running markets at the same time is beneficial for customers, tourists and vendors. A condition has been included to address this and ensure there is no conflict going forward.

## Comment

- 5 The market has between 5-20 stalls each Sunday morning, depending on the time of year. Stall owners commence set up at 9am, with the market opening at 10am. The markets finish at 2pm, with stall owners packing up immediately. There is no power to any of the stalls, nor does anyone bring a generator.

- 6 Parks directly beside Pembroke Park 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.
- 7 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.
- 8 The main consideration relates to the effects on the existing Commercial ratepayers neighbouring Pembroke Park. 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.
- 9 Under the current Community Pricing Policy (ref 1.5), this group will qualify for a zero rent rating under its licence.
- 10 The Wanaka Community Board considered this matter at the meeting on 13 July 2016 and passed the following resolution:

**On the motion of Mr McRobie and Mr O'Connor it was resolved 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 part (as shown in Attachment A) of Recreation Reserve legally described as Section I Block L Town of Wanaka, certificate of title 130939 known as Pembroke Park subject to the following terms;**
  - a. **Term to be for a period of 3 years, with two further renewals of 3 years each by mutual agreement of both parties;**
  - b. **Operating day and hours to be limited to Sundays between 10am and 2pm;**
  - c. **Rent pursuant to the Community Pricing Policy;**
  - d. **Rent reviewed every 3 years in accordance with the Community Pricing Policy;**
  - e. **Termination to be possible within 3 months' notice by Council;**
  - f. **Public Liability Insurance of \$2 million to be provided;**
  - g. **Operating health and safety plan to be received;**
  - h. **Applicant to ensure appropriate food and liquor licenses are held if required;**
  - i. **Public access to be maintained at all times, including the pathway. Adequate safety measures to be put in place to ensure public safety is maintained;**

- j. **Market to sell domestically sourced handcrafted goods, with exclusion placed on the sale of manufactured or imported goods;**
- k. **Reinstatement of the area to be completed within 2 hours of closing;**
- l. **Craft market permitted to operate from the same area, subject to the craft market holding a current licence or hire agreement.**

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

11 The recommended terms are slightly altered from this resolution because the new policy in relation to community lease and licence terms has since been adopted. The difference between the Wanaka Community Board resolution above, and the recommendation of this report relates to a different early termination ability. A one year termination notice is now recommended, as opposed to the three-month notice originally recommended by the Wanaka Community Board.

12 As this activity is contemplated in the Pembroke Park and Bridgeman Plan, there is no requirement for the new licence to be publically notified.

### **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 To approve a new licence to Wanaka Farmers and Gardeners Market over part of Section I Block L Town of Wanaka.

*Advantages:*

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

*Disadvantages:*

16 Other potential activities for the land may be restricted due to the use of the area.

17 Other commercial rate paying neighbours may be affected by the markets.

18 Option 2 To decline a new licence to Wanaka Farmers and Gardeners Market over Section I Block L Town of Wanaka.

*Advantages:*

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

*Disadvantages:*

- 20 A local community group would no longer have access to an area of Council land to run a market which supports local business and creates an attraction for the general public.
- 21 Option 3 To approve a new licence to Wanaka Farmers and Gardeners Market over part of Section I Block L Town of Wanaka with different conditions.
- 22 Advantages and Disadvantages for this option are similar to Option 1 however Council may wish to apply different or additional conditions.
- 23 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***

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

***Risk***

- 25 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 Farmers and Gardeners Market. 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.
- 26 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**

27 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**

28 The following Council policies, strategies and bylaws were considered:

- a. Community Facility Funding Policy.
- b. Pembroke Park & Bridgeman Green Reserve Management Plan.

29 The recommended option is consistent with the principles set out in the named policy/policies.

## **Financial Implications**

30 This matter is not included in the 10-Year Plan/Annual Plan and does not have any impact on it.

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

31 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 allowing an existing community group to continue to use Council land;
- 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**

32 The persons who are affected by or interested in this matter are residents/ratepayers of the Queenstown Lakes District community.

33 No consultation is envisaged or required by Council as the markets are specified in the Pembroke Park & Bridgeman Green Reserve Management Plan, which was notified before adoption.

## **Attachments**

A Wanaka Farmers and Gardeners Market – Licence Area



**Wanaka Farmers and Gardeners Market**  
*Appendix A - Licence Area*

