

Full Council

19 March 2026

Report for Agenda Item | Rīpoata moto e Rāraki take [2]

Department: Assurance, Finance & Risk

Title | Taitara: Queenstown Lakefront Trading

Purpose of the Report | Te Take mō te Pūroko

The purpose of this report is to seek a decision on the future of pop-up stall trading activities on the Queenstown lakefront, and more broadly, within the Queenstown Town Centre Zone following the conclusion of the one-year prohibition of pop-up stalls from the Queenstown lakefront. This report provides an overview of the Queenstown lakefront trading matter and relevant provisions of the Activities in Public Places Bylaw 2023.

The timing of the decision subject in this report is critical, as the current prohibition is due to expire on 17 April 2026.

Executive Summary | Whakarāpopototaka Matua

Since adopting the Activities in Public Places Bylaw 2023 (the Bylaw), Queenstown Lakes District Council (QLDC) has observed an increase in pop-up stall trading along the Queenstown lakefront (the Lakefront). During this period, numerous public complaints about congestion, obstructed access, visual amenity degradation, litter, food safety concerns, equity issues, and non-compliance with conditions in the Bylaw (e.g., 50 metre spacing and hourly relocation rules) have been received.

Monitoring by Council staff uncovered persistent breaches of the Bylaw, and despite efforts to educate the traders on their obligations, stall numbers often far exceeding acceptable levels, some without any permissions, and traders continue to monopolise high-demand public space creating a nuisance.

On 17 April 2025, Council imposed a one-year prohibition on pop-up stalls traders on the Lakefront using powers under the Bylaw at Clause 11.2 (the prohibition will expire on 17 April 2026).

The second part of the resolution ceased the issuing of new permits (and registrations) across the Queenstown Town Centre Zone (QTCZ) and allowed existing operators to continue until the expiry of their current registrations or permits.

Busking and charity collections were not affected by the Council resolution as they are a separate activity under the Bylaw and that activity was not a matter for review in the previous officer report.

The number of pop-up stall traders decreased slightly during the one-year prohibition period along the Lakefront. This was in contrast to the situation prior to the prohibition where the numbers of

pop-up stalls were continually increasing. However, unlawful trading persisted, alongside ongoing breaches by new operators who had no Council permission to trade on the Lakefront, and by existing authorised traders who were either still not complying with the Bylaw or took no notice of the prohibition under clause 11.2.

The prohibition was complicated by several challenges, including legal proceedings brought by traders to injunct Council's prohibition which was legally imposed under clause 11.2 of the Bylaw, through a full Council process. Ambiguities arose from the cascading resolutions of 17 April 2025, and this caused confusion among traders, particularly in respect of where they could legally continue to trade.

The limited duration of the prohibition has also constrained meaningful long-term enforcement which is designed to alter behaviour and address the concerns over non-compliance to give effect to the purpose of the Bylaw.

There has also been notable resistance from some traders—including instances of aggression requiring police assistance at times. Council has also continued to receive complaints from the public, and inquiries in respect of Council's enforcement of the Bylaw.

As the prohibition on the Lakefront expires on 17 April 2026, this report provides the justification for continued prohibition and the legal basis for the continued and expanded prohibition recommended in the report is by way of resolution under Clause 11.2 of the Bylaw.

Recommendation | Kā Tūtohuka

That the Council:

1. **Note** the contents of this report;
2. **Adopt** by resolution under Clause 11.2(a) of the Activities in Public Places Bylaw 2023 the following:
 - a. The continued prohibition of pop-up stalls on the Queenstown Lakefront from 17 April 2026; and
 - b. Prohibition of pop-up stalls in the Queenstown Town Centre Zone from 17 April 2026.
3. **Note** that the pop-up stalls that are registered under Clause 8.2 of the Bylaw or permitted under Clause 10.3 of the Bylaw will be permitted to continue to trade until the expiry of either registration or permit.
4. **Note** that the registration and permit scheme for busking and charity street collection will continue with no changes.

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26 February 2026

Context | Horopaki

Prior to the prohibition of trading on the lakefront

1. There was a lower presence of pop-up stall traders when the Bylaw was reviewed. As such, there was no need for large-scale monitoring and enforcement at that time.
2. However, after the Bylaw was adopted in September 2023, a significant increase of street traders along the Lakefront was observed. This occurred at a time when the tourism industry was recovering after COVID-19 lockdowns.
3. The Lakefront is a prized location with high visitor numbers, so there is high public interest in managing it in accordance with the purpose of the Bylaw, so that it is safe, accessible, clean, and free from nuisances, and particularly so the Public can use it unimpeded.
4. No fees have been set for these activities, so there is currently no cost to apply for or obtain an authorisation under the Bylaw. Because fees are set under the Local Government Act 2002, Council can only recover the reasonable costs of processing registrations or permit applications. Fees cannot be set under the Bylaw to align with or recover lease revenue.
5. QLDC has received a significant escalation in complaints about traders from the public between November 2023 and January 2024. These complaints referred to:
 - a. Congestion and accessibility of the lakefront – pedestrians being impeded by the presence of multiple stalls.
 - b. Equity – Inconsistency between rates for established commercial premises versus zero cost for a registration or permit to trade as a pop-up stall under the 2023 bylaw.
 - c. Concern that amenity values were not being maintained, particularly along the Lakefront where high levels of amenity are expected. Further, that there was an inequality in the use of the land at the Lakefront by traders themselves, due to its high demand. Jockeying for position is a daily concern in such a small, confined area.
 - d. Concern that registrations and permits continue to be issued as there is currently no cap on number of authorisations issued.
 - e. Poor quality of some traders' displays affecting the image of the Queenstown and the lakefront.
 - f. Traders storing their stalls overnight or when not in use, on Council land, or on lease areas of other commercial businesses.
 - g. Food safety standards and concerns for the health of the public from unregistered stalls, including basic food handling standards, storage of consumables.

6. In response to these complaints, QLDC's Monitoring, Enforcement and Environmental Team (M&E Team) undertook monitoring of the activities on the Queenstown lakefront. Officers identified significant levels of non-compliance including the following:
 - High number of stalls resulting in congestion, partially obstructing access to lawfully established businesses, and impeding the access of other users of the Lakefront.
 - In November 2023 – December 2024, officers recorded that, on average, there were 6-22 stalls within a 150-metre stretch along the lakefront. If traders had complied with the Bylaw, including to retain a 50-metre space between them, officers would have expected 3-4 traders within the area at one time.
 - While the Bylaw also requires pop-up stalls to move every hour, most stall holders remained in one location for the duration of the day.
7. Despite the M&E Team's attempt to educate and assist traders to understand their obligations, non-compliance has been ongoing, including a disregard of the requirements for 50 metre spacing and moving every hour. A failure to comply is a contravention of the Bylaw but importantly, the result is that traders have increasingly been monopolising the public space around the Lakefront. The conditions relating to relocating every hour and spacing are important because they ensure that there is no permanent occupation of the area and equity of public land is preserved, and also to ensure congestion and nuisance factors from the activity are minimised in accordance with the Purpose of the Bylaw.
8. Consequently, increasing numbers of traders negatively impacts the lakefront environment – particularly in terms of disposal of wastes and litter, and the congestion that makes it more difficult for the public to move safely through the area.
9. The complaints received confirm that members of the public consider that the amenity on the Lakefront is negatively impacted by traders particularly for recreation and tourism. Traders are causing nuisances including smells, litter, and clutter, and there is also an impact on the businesses operating legitimately in that area whose customers are impacted by the lack of amenity and nuisances when dining.

Scope of this report

10. The recommendations in this report relate to enforcement, how the M&E Team can legitimately enforce the Bylaw, and what tools are available. The M&E Team do not make decisions on policy, so alternative public spaces or areas for traders is not part of this report and is a matter for Council to consider as a separate matter, at another time.
11. Future management of the district is important, but not within the purview of the M&E Team.
12. Introducing content-based restrictions is not related to the purpose of the Bylaw and should not be a matter for the M&E Team.

13. There is a higher level of demand resulting in more stalls established as officers' have observed over the past five years, and no further capacity in the land to meet that demand. This is a matter for a separate workstream, and for elected members to discuss and guide in another forum. This process relates to current Bylaw conditions, and the tools that are available to enforce them.

Permissions regime

14. The Bylaw provides a regime for Council to approve the occupation of its land by pop-up stall traders. Registering a pop-up stall is mandatory under the Bylaw at Clause 8.2 and 12.1(a). Permits are another avenue for traders to seek permission to trade on public land, where they cannot comply with the conditions under 12.1, or where they wish to trade outside the Permitted areas. Both are considered "Permissions".

Registrations

15. Traders are only allowed to trade on public land in accordance with Clause 8.2, and particularly 8.2(2) which states:

[...] person may busk, operate a pop-up stall or undertake charity street collection in a permitted area approved by Council under clause 11 of this bylaw if they have registered in the Council online register and agreed to comply with the conditions in clause 12 of the bylaw.

16. Further to this, traders must agree to comply with the conditions under the Bylaw at clause 12.1 in order to trade legally. They are required to comply with all conditions under the Bylaw, of which registration is one, if they continue to comply with the Bylaw – including moving every hour, and remaining 50 metres from another stall holder, they may trade unimpeded under the terms of the Registration. Traders self-certify that they will comply in all respects with the requirements of the Bylaw.

Permits

17. In the event that traders cannot comply with the requirements of the Bylaw (for instance, in terms of conditions or trading outside the permitted areas) they are required to apply for and obtain a permit in accordance with clause 12.2 of the Bylaw, to trade or continue to trade legally.
18. Council received 30 new permit applications under clause 10.1 of the Bylaw from pop-up stalls between October and December 2025. The majority sought approval for semi-permanent occupation of the same location each day and otherwise cannot comply with the conditions under the Bylaw on this basis.

Background to Clause 11.2 resolution

19. Public safety is a primary concern for QLDC. The Public have an unfettered right to pass and repass over the Lakefront as they do on all public land in common law. The right to use public land by commercial traders is not unfettered, however, they must adhere to conditions of the Bylaw when using land for commercial purposes.

20. The trading activity creates the following concerns for Council:

- When pavements are cluttered, damaged, and passing is difficult, there is a concern that public safety is at risk.
- It also makes the land difficult to manage, and congestion decreases the ability for all the public to access and enjoy the land.
- The nuisance factor of activities in and of themselves that may reduce amenity and harm, obstruct or intrude on or restrict the right of the public to use the lakefront, and enjoy its beauty.
- The activity is incompatible with the Purpose of the Bylaw without intensive enforcement measures being taken.
- The activity uses public resources for private commercial gain.

21. The factors addressed throughout this report supports the M&E Teams' position that the pop-up stalls are not compatible with the purpose of the Bylaw, and enforcement tools need to be strengthened accordingly.

22. Regulating the activities of traders is key to the safe and equitable use of that land, and enforcement is a prerequisite for a safe environment. The M&E Team have not had the enforcement tools necessary to keep the public space free of impediments. The only tool available is to seize property on public land where it is an encroachment, and where it causes a nuisance. Prohibiting the use of the land will assist the M&E Team to ensure that the purpose of the Bylaw is given top priority, and the area remains safe for the public to use unimpeded. It will provide a robust justification for removal of non-compliant stalls under the Local Government Act 2002 (LGA 2002).

The Lakefront

23. The esplanade or Lakefront (pictured below) is comprised of both Council recreational reserve, and a special lease over Crown land, which the Council is obliged to control and manage.



Figure 1: Queenstown lakefront permitted activity area in the current bylaw.

24. The use of this public land for a private commercial purpose such as a pop-up stall is not a legal right or entitlement. Accordingly, the Bylaw provides a mandatory system for all traders under which permission can be obtained from QLDC, either by registration or permit, but only when they comply with conditions that give effect to the purpose of the Bylaw. These requirements are set out in the Bylaw at clauses 8.1, 8.2, 12.1 and 12.2 of the 2023 Bylaw, which are set out below.

Clause 8.1

No person may busk, operate a pop-up stall or undertake charity street collection except in accordance with this bylaw.

Clause 8.2

A person may busk, operate a pop-up stall or undertake charity street collection in a permitted area approved by Council under clause 11 of this bylaw if they have registered in the Council online register and agreed to comply with the conditions in clause 12 of the bylaw.

Clause 12.1

A person may busk, operate a pop-up stall or undertake charity street collection in a public place provided all of the following conditions are met:

- a. they have registered their details in the Council online register, are displaying proof of registration, and have agreed to comply with all conditions;*
- b. they agree to busk, operate a pop-up stall or undertake charity street collection in a permitted area;*

- c. they are at a distance of at least 50 metres from any other busker, pop-up stall holder or person undertaking charity street collection;*
- d. they are at a distance of at least 3 metres from any residential, retail or commercial premises unless they have the permission of the owner or occupier of the premises to be at a closer distance;*
- e. they do not perform within 200 metres of the area designated for an event authorised by Council;*
- f. they do not obstruct pedestrian flow;*
- g. they do not remain at the same location for longer than one hour, unless there is a 30 minute break;*
- h. they do not use an amplified sound system;*
- i. they do not act or perform in a manner that in the reasonable opinion of a Council officer causes or is likely to cause injury or nuisance to any person or damage to any property owned or controlled by Council;*
- j. they do not at any time argue, intimidate, insult or abuse the public, or engage in any anti-competitive behaviour with other buskers, pop-up stall holder or charity street collectors;*
- k. any other condition in the reasonable opinion of a Council officer is necessary to reduce the likelihood of causing an injury or nuisance to any person.*

Clause 12.2

Busking, pop-up stalls and charity street collection that cannot meet all the conditions in clause 12.1 of this bylaw must not occur except as authorised by:

- a. permission obtained prior to commencing busking, pop-up stall or charity street collection activity under clause 10 of this bylaw; or*
- b. a resource consent issued by Council.*

25. Historically, pop-up stalls were sparse and infrequent. Enforcement was low-key and generally educative and informal. During the period of the 2016 Bylaw, the impact of trading on the public accessway was limited because of the low numbers of stalls occupying the Lakefront.

26. Since 2023 there has been a dramatic increase in online registrations, and in some cases applications for Permits, to use public land for commercial trading purposes.

27. The increase in numbers has resulted in an increase in non-compliance on a larger scale, creating a strain on resources, and reducing the equitable use of the land which has become a detriment

to the public generally. For Council to control and manage its land, respond to public complaints, and comply with its lease, Council needed to implement a robust enforcement strategy.

28. In response to these tensions, Council considered invoking clause 11.2 of the Bylaw. Clause 11.2 states:

Council may “by resolution declare ... any public place or part of a public place to be an area where ... trading ... is permitted or prohibited”.

29. Invoking this clause, and with a resolution to prohibit the activity on the Lakefront, provides QLDC’s M & E Team with the tools to meaningfully enforce the Bylaw with reasonable ease, and without adding to resourcing pressures. It will also assist to change behaviours and enables Council (as a separate matter) the opportunity to properly consider the issues facing it, and more generally, the future of pop-up stalls in the CBD.

Council resolution from 17 April 2025 Council Meeting

30. The Council was appraised of the issues at the Lakefront but did not accept the officer’s recommendations to prohibit pop-up stalls across the QTCZ including the Lakefront. Instead, Council adopted a more limited prohibition relating only to the Lakefront, for a temporary period of 12 months.

31. On 17 April 2025, Full Council adopted an amended resolution as follows:

- a. [...]
- b. *Adopt by resolution under Clause 11.2(a) of the Activities in Public Places Bylaw 2023 the prohibition of pop-up stalls for one year in the Queenstown Lakefront, with existing pop-up stall permit holders able to continue to trade until their permit expiry date, noting that any existing permits will be extended to expire no sooner than 31 August 2025;*
- c. *Agree that the cessation of issuing further permits for pop-up stalls within the Queenstown Town Centre Zone commences with immediate effect; and*
- d. *Note that the permit scheme for busking and charity street collection will continue with no changes.*

32. The Council’s resolution was set out in two parts. First, the resolution approved a limited prohibition of traders along the Lakefront for 12 months. Secondly, an annex to the first resolution sought a ban on permits to be issued as a corollary to the prohibition – but across the QTCZ as well as the Lakefront. There was a lack of clarity in the report between the terms “registrations” and “permits” which led to a conflation of the terms in the consequential resolution, and it is this which has caused administrative confusion.

33. The officer's recommendations (in the 2025 Report) were based on adoption of a ban across the CBD which included both the QTCZ and the Lakefront. The corollary to the first resolution was not modified by Council to account for the more liberal and limited prohibition of 12 months at the *Lakefront only*.
34. This resulted in a ban on permits being issued across the QTCZ as well as the Lakefront, but this was not what was intended. The resolution should have been modified at the time the resolution was approved, and this artificially imposed a prohibition on pop-up stall trading across the entire QTCZ, including registrations in permitted areas, and the issuing of Permits as an alternative pathway to legal trading on public land.
35. There was never an intention to remove the pathway for legal trading in the QTCZ, given the more limited prohibition resolved by Council, and public communications were amended to confirm this and to remove any confusion.

Relevant bylaw provisions – purpose, registration vs. permit

36. The purpose of the Bylaw is to:

- a. *protect the public from nuisance, protect, promote and maintain public health and safety, and minimise the potential for offensive behaviour in public places;*
- b. *manage and protect Council-owned or controlled land, structures and other property and assets from misuse, damage or loss; and*
- c. *regulate trading in public places.*

37. A **pop-up stall** is defined under the Bylaw as the following:

Pop up stall or mobile shop means a stand, stall, structure, vehicle, awning, table or any temporary structure from which goods or services are offered for distribution or sale, and includes a temporary food outlet, or a temporary drinks outlet. It does not include any activity forming part of a market or a service delivery vehicle carrying goods which have been ordered.

38. Clause 12.1 of the Bylaw sets out the conditions traders must comply with to trade legally. If they comply with clause 12.1 conditions (including registering details with Council), then they may trade without a permit, and this is deemed to be Council's permission. Refer to paragraph 19.
39. Clause 10 of the Bylaw provides a further pathway for traders who cannot comply with conditions at clause 12.1, or who wish to get permission to trade outside of the published permitted areas.
40. This provides for a specific permit process ensuring that Council can assess the activity in accordance with the criteria at Clause 10.2. It is for the applicant to show that the activity for which permission is sought is in accordance with the purpose of the Bylaw.
41. Clause 10.2 sets out the matters for which Council will have regard to when assessing an application for permissions to trade, and states:

10.2 *When deciding whether to issue permission under this bylaw, Council may have regard to:*

- a. whether the proposed activity may result in an undue restriction on vehicle traffic or pedestrian flow;*
- b. whether the proposed activity may pose a risk to public health and safety;*
- c. whether the proposed activity may pose a risk to Council property;*
- d. whether the proposed location of the activity is appropriate given the nature and scale of the activity proposed;*
- e. whether the proposed activity may cause a nuisance; and*
- f. whether the proposed activity is consistent with all applicable Council policies and plans.*

42. Permits are at the discretion of QLDC; and it is not obliged to issue a Permit where it considers it inappropriate to do so, particularly where it has insufficient information to assess and approve the activity, or where the activity cannot comply with the purpose of the Bylaw, and could cause a nuisance which cannot be mitigated by conditions.

43. Council's assessment of Permits should include consideration of the proposed trading activity against its impact on the environment. Effects of a trading activity could include visual amenity, public safety, waste disposal, nuisance factor, mobility of the pop-up stall, impact on adjacent sites, or offensive smells - depending on the location or type of trading activity (Clause 9.2, 10.2, 11.1, 11.2).

44. The process for assessment is intensive and requires substantial work. Council needs to ensure that permits applications are approached with consistency, effects are properly considered, and decisions to either approve or decline are approached with care and justified. This is not a regime that sits comfortably with the M & E Team, and currently, there is no administrative support for this process.

Update on prohibition period

45. The prohibition of the Lakefront will expire on 17 April 2026. This means that traders will be legally able to register to trade on the Lakefront after that time, unless a further prohibition is approved by resolution.

46. If no prohibition is approved there will be no restrictions on trading activities on the Lakefront. The number of registrations cannot be restricted and if a trader complies with conditions at clause 12.1, then the activity will be permitted. This would return the Lakefront to the status quo, and M & E's enforcement capability would remain impeded with resources stretched. Considering

this, M & E would expect a poor outcome for the community - particularly in terms of behaviour of traders, inequitable use of the land, and nuisance factors from the activities that the area currently experiences.

47. Set out below are challenges that officers have had to face during the prohibition period:

- Interim injunction proceedings brought against the Council by a group of traders, while successfully defended by Council and the injunction was refused by the High Court; this resulted in delays in M & E being able to implement enforcement measures in the short term.
- The 17 April 2025 Council resolution created uncertainty and confusion. Specifically, the amendments to the proposed resolutions resulted in inconsistencies artificially extending the prohibition to QTCZ. Inconsistent information was conveyed to the traders' while now resolved, this created delays in implementing enforcement.
- The limited duration of the prohibition has led to constraints in enforcing the Bylaw which has enabled unlawful trading on the Lakefront.
- Despite a reduction in pop-up stalls operating on the Lakefront since the prohibition, significant non-compliance remains, including traders breaching the 50-metre spacing and one-hour movement rules under existing permissions, as well as others operating with no Bylaw permission at all.

48. Complaints from members of the public are continuing. Some of these complaints are canvassed within this report under 'Key Stakeholder Feedback', and letters are attached.

Update on registrations and permit applications

49. Council received 31 permit applications under clause 10.1 of the Bylaw from pop-up stall traders between October 2025 and January 2026.

50. Most of these applications seek approval for semi-permanent occupation of Council-owned land, typically involving daily occupation of the same location between 10.00am and 6.00pm. This is not what the Bylaw intended, and the impact of this on the environment is not insignificant.

51. Council has not issued any permits authorising pop-up stalls Lakefront, as it is a prohibited area.

52. Table 1 below shows the status current registrations for the Lakefront, but these do not represent the number of pop-up stalls using the lakefront without permission.

Table 1: Monthly number of valid pop-up stall registrations authorised to operate on the Queenstown lakefront.

	Number of valid pop-up stall registrations for Queenstown lakefront
December 2025	56
January 2026	33
February 2026	24
March 2026	14
April 2026	9
May 2026	0

53. Table 2 below illustrates the number of permit applications lodged for pop-up stalls to trade outside of the permitted area QTCZ, and/or where they cannot comply with conditions.

Table 2: Monthly number of pop-up stall permit applications.

	Number of permit applications received for pop-up stalls.
October 2025	2
November 2025	12
December 2025	15
January 2026	2
February 2026 (as of 18 February 2026)	1

Key Stakeholder Feedback

54. A number of key stakeholders have provided feedback for consideration.

Hospitality New Zealand

55. QLDC received feedback from Hospitality New Zealand on this matter on 30 July 2025. This is attached as Attachment A.

56. A further letter was received on 5 February 2026 raising concerns that *‘there has been little visible change in practice. Food stalls continue to operate along the lakefront and within Earnslaw Park, creating the same challenges that prompted the prohibition’*.

57. Hospitality New Zealand raised concerns regarding the lack of enforcement of the Bylaw stating: *‘Without active enforcement, compliant businesses continue to feel disadvantaged, and the quality and character of the lakefront environment remain compromised’*.

CBD Business Leaders Group

58. QLDC received an email on 7 January 2026 from an informal collective of property owners, business operators, and stakeholders within the CBD. This is attached as Attachment B.
59. On 5 February 2026, officers received photographs from a representative of the CBD Business Leaders Group which allegedly captures fat residue arising from a pop-up stall operating in the area. It shows a stained pavement that abuts a commercial premises and requires cleaning.



Figure 2: Image received by Council reportedly capturing fat residue from pop-up stall operations. Queenstown Business Chamber of Commerce

60. Officers received a letter on 28 January 2026 from the Queenstown Chamber of Commerce expressing its position on this matter. This is attached as **Attachment C**.

Feedback From Traders

61. Feedback from traders remains consistent with the views expressed in the 17 April 2025 Full Council report (Attachment D).
62. The Queenstown Lakes District Street Food Vendors (QLDSFV) Society Incorporated is a group formed by several pop-up stall traders. They have provided a proposal for a managed trading framework approach. This has been circulated with elected members, however it is not a matter for M & E, or for this report, which is focussed on enforcement of the Bylaw. It is more suitably related to future reviews of the Bylaw which would need to be a separate workstream.

Internal Feedback

63. The following Council departments have also provided feedback.

Environmental Health

64. Environmental Health monitored pop-up stall food operators on the Lakefront in January 2025 (this was also reported in the 17 April 2025 Report). Further monitoring was undertaken in December 2025.

65. The December monitoring involved the investigation of pop-up stalls registered with QLDC under the Food Act 2014, and operating on the Lakefront.

66. It is imperative that QLDC enforces food safety standards and it is concerning when any food operators in Queenstown fail to comply as the implications to health and safety of residents and visitors is significant.

67. The following was recorded:

- Advice was provided to the operators on ensuring appropriate storage of chilled perishable foods.
- Four operators received further guidance on appropriate temperature control and hand washing.
- One operator was referred to Ministry of Primary Industries (MPI) about hand washing regimen.

Event Management

68. The Creative Queenstown Market continues to occur on Saturdays (and periodically on Fridays) on Earnslaw Park which is near the Queenstown lakefront. This market does not provide for food operators.

69. On 31 December 2025, Council hosts the New Years Eve event on the Lakefront which involves shutting down most of the CBD to ensure that the event is managed safely.

70. The Bylaw sets out the parameters for the management of events, and vendors are not permitted to operate within 200 metres of an area designated for an event without specific permission (clause 12.1(e)). This condition is reflected in both the permitting and registration requirements under the Bylaw.

71. Contractors engaged with 17 traders operating on the day of the event. While the numbers of traders reduced over the day, the contractor expressed that it experienced severe and unnecessary aggression from some of the traders who were refusing to vacate. Police assistance was required to maintain the peace.

72. One trader refused to vacate and remained within the event cordon, trading on the Lakefront for the duration of the night, in breach of the Bylaw.
73. This behaviour creates a significant problem for Council officers – health and safety predominantly, but also in respect of public perception. Having to call police means that the behaviour has gone well beyond what an enforcement officer should have to manage.

Extent of affected trading areas

74. There are three trading areas within the QTCZ, one of which is the Lakefront, which is currently prohibited.
75. The existing permitted trading areas in the QTCZ are Beach Street and The Mall. These areas are captured on the map below:



Figure 3: An image showing the prohibited Queenstown lakefront trading area and permitted areas– Beach Street and The Mall under the Bylaw within the Queenstown Town Centre Zone.

76. In accordance with Clause 11.2 of the bylaw, it is for Council to consider the recommendations in this report and decide the extent of future prohibition areas, if any, including prohibiting trading in the lakefront, or for the entire Queenstown Town Centre Zone.
77. The consequence of continued prohibition along the lakefront could include the migration of traders to other permitted areas in the QTCZ (Beach Street and The Mall), and continued contravention of the Bylaw in these areas. These concerns have also been raised by Council's Property & Infrastructure Team and key stakeholders.
78. Beach Street and The Mall have been designed with specific street furniture (raised gardens, seating, lampposts) positioned to ensure an unobstructed pathway for pedestrians and maintaining view corridors for the shopfronts of retail businesses. This was a Crown Infrastructure

Partners funded project to beautify and upgrade the CBD in accordance with the QLDC CBD design guidelines: [QLDC - Queenstown Town Centre Street Upgrades](#)

79. Traders that are prohibited on the Lakefront would likely transfer to the other permitted areas, and the issues being experienced on the Lakefront may be transferred to these streets.
80. Officers are concerned that the non-compliance will continue in the QTCZ, creating a negative opinion of the CBD by residents and visitors, friction between traders, visitors to the CBD, and established commercial businesses. Costs to Council might also escalate as more intensive and ongoing maintenance of the new streetscape would be likely. Maintenance would include intensive cleaning to ensure the streets are clean, and additional repairs to infrastructure because of unanticipated wear and tear. It is important that the refurbishment of the CBD is not compromised. A further responsibility and cost to Council.
81. Given that officers and businesses have already noticed and advised of an increase in fat, waste and oil residue on its streets and pavements because of cooking from stalls, permitting more stalls in this area would exacerbate poor cleanliness, degradation and disrepair of the CBD. This could also result in more complaints, and a less favourable view of Queenstown's CBD generally.
82. Officers note that extending this approach to the entire QTCZ would also need to be considered to prevent congestion in other areas (as outlined earlier in the report).

Timing

83. The one-year prohibition proved challenging, and officers recommend a more permanent solution, with a feasible timeframe that sits within the timing for the Bylaw review.
84. If a prohibition is resolved for the long-term, existing pop-up stall registrations or permit holders would be able to continue to trade under their respective expiry dates.

Proposed approach to monitoring and enforcement for a prohibition under the bylaw

85. Council's M&E team will implement a staggered enforcement approach through extensive education and signage over a period. Continued non-compliance will result in escalated enforcement action including the seizure of non-complying pop-up stalls or prosecution under the Local Government Act 1974/2002.
86. Enforcement against those that continued to trade in a prohibited area could be prosecuted, and if convicted, liable to pay a fine not exceeding \$20,000 (LGA s.242(4)).
87. Costs to Council in undertaking legal proceedings must be considered alongside the benefits that undertaking escalated enforcement yields, such as deterring further offending.
88. Pop-up stalls holding valid registrations or permits to operate within the QTCZ, issued within the past year, would not be subject to a prohibition until the expiry of their Permission. Compliance monitoring will be conducted to ensure adherence to applicable conditions.

89. In cases of non-compliance, authorisations can be revoked. Should non-compliance persist following authorisation revocation, further enforcement action can be taken including seizure of the stalls, and/or prosecution.

Analysis and Advice | Tatāritaka me kā Tohutohu

90. 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.

91. An option that Officers have considered following discussion and feedback from Councillors, is to prohibit pop-up stall registrations while providing for Permits for pop-up stall traders on the Lakefront and the QTCZ. An assessment of this suggested option is set out below; however, the Bylaw does not allow Council to remove a permitted area. The powers in Clause 11.2 only allow council to resolve to declare:

- An area to be permitted or prohibited – there is no halfway house; or
- Restrict an activity in a permitted location; or
- Prohibit an activity for any purpose.

A resolution to remove a permitted area would be contrary to the Bylaw.

Council's powers are restricted to permitting and prohibiting areas where Council has ongoing concerns that traders are not complying.

Removing an area is not prohibiting the area. Prohibition means that there is no pathway for registrations or permits.

It could resolve to restrict pop-up stall trading within a permitted area, but that is already the case, as pop-up stall traders are already restricted to operating within the conditions of the Bylaw, or to seek a Permit. Restricting an activity in a permitted area would provide no appreciable benefits to either traders or Council.

92. Option 1 Prohibit pop-up stalls from all permitted areas in the QTCZ (including the Lakefront). Council would also cease to issue all registrations and permits in the Lakefront and QTCZ with immediate effect under Clause 11.1.

Pop-up stalls with current Permissions (either registrations or permits) would retain authorisation to trade in prohibited locations until the expiry of their Permissions.

Buskers and charity street collections would remain permitted to trade in the Queenstown Town Centre Zone in accordance with Permissions under the Bylaw, and in accordance with the conditions at clause 12.1 or 10.3.

Council may rely on the following powers under clauses 11.1 and 11.2 of the Bylaw to both prohibit and refuse permissions:

- a. The power to invoke a prohibition of these areas is under clause 11.2 of the Bylaw.
- b. The removal of the right to trade in the Lakefront and the QTCZ is a necessary action for Council to take to give meaningful effect to the purpose of the Bylaw.
- c. Nothing in this resolution prevents traders from applying for a Permit to trade under the Bylaw outside of these areas.

Advantages:

- Prohibition would give effect to the Purpose of the Bylaw by protecting the public from nuisance, protecting, maintaining and promoting public health and safety, minimising the potential for offensive behaviour in public places, manages and protects Council's land, structures and assets from damage and misuse, and provides an effective means of regulating trading in public places in a financially responsible way.
- Prohibition would alleviate congestion along the Lakefront and would discourage new traders from congregating in this area.
- Prohibiting trading in both Lakefront and QTCZ would prevent congestion, non-compliance and nuisance issues spreading to other areas in the CBD.
- A clear prohibition is more straightforward to enforce and there is more certainty for all parties. Consequences of non-compliance would be clear, and enforcement would be efficient.
- Complaints relating to nuisance and the inequity of occupation of public land by traders would be addressed.

Disadvantages:

- Traders consider it is their right to trade in these locations because the activity in these locations is currently permitted and may take further legal action to avoid the prohibition being implemented. Although the Court decision on the interim injunction understood the powers of clause 11 and accepted that it is a reasonable power for a Bylaw to contain.
- The removal of pop-up stalls would not be supported by traders whose source of income is from pop-up stalls.
- Some might consider pop-up stalls to be a source of vibrancy, and removal of the stalls would reduce character in the CBD.

93. Option 2 Prohibit pop-up stalls from the Queenstown lakefront.

Council would also cease issuing all registrations and permits in the Lakefront with immediate effect under Clause 11.1.

Pop-up stalls with current Permissions (either registrations or permits) would retain permission to trade in the prohibited areas until the expiry of their registration or permit.

Buskers, pop-up stall traders, and charity street collections would remain permitted to trade in the QTCZ in accordance with Permissions under the Bylaw either registrations or permits, and in accordance with the conditions at clause 12.1 and 10.3.

Council may rely on the following powers under clauses 11.1 and 11.2 of the Bylaw to both prohibit and refuse permissions:

The power to invoke a prohibition of these areas is under clause 11.2 of the Bylaw.

The removal of the right to trade in the Lakefront is a necessary action for Council to take to give meaningful effect to the purpose of the Bylaw.

- a. Nothing in this resolution prevents traders from registering to trade in another permitted area, or in applying for a Permit to trade under the Bylaw outside of the permitted areas.

Advantages:

- Prohibition of traders on the Lakefront would alleviate congestion, discourage new traders from congregating in this area, and address the health and safety concerns, address food safety concerns, and reduce anti-social and anti-competitive behaviour among traders in the public space.
- A clear prohibition is straightforward, easier to enforce and would be clear to communicate consequences with the public.
- Complaints received by members of the public would be more easily addressed because numbers would be few, and non-compliance more obvious.
- Provides opportunity for existing permit holders to trade in this prohibited location in accordance with their permit until their respective expiry dates.

Disadvantages:

- May result in other permitted areas such as Beach Street and The Mall (Queenstown) and Buckingham Street (Arrowtown) experiencing the same nuisances as the Lakefront – including crowding, anti-competitive behaviour, as traders move to other areas.
- May not alleviate Council's costs to enforce.

- Traders consider it is their right to trade in these locations because the activity in these locations is currently permitted and may take further legal action to avoid the prohibition being implemented. Although the Court decision on the interim injunction understood the powers of clause 11 and accepted that it is a reasonable power for a Bylaw to contain.
- The removal of pop-up stalls would not be supported by traders whose source of income is from pop-up stalls.
- Some might consider pop-up stalls to be a source of vibrancy, and removal of the stalls would reduce character in the CBD.

94. Option 3 – Status quo – return the Lakefront to a permitted area for pop-up stalls, do not extend the prohibition, and rely on more punitive enforcement tools to ensure compliance. Including the seizure of non-complying pop-up stalls, and prosecution for breaches of Bylaw under the LGA 2002.

Advantages:

- No appreciable advantages to M & E.
- Traders would be satisfied.

Disadvantages:

- There would be no improvement in behaviour, the Purpose of the Bylaw would not be given effect to, and enforcement would be difficult, and time and resource heavy.
- Does not address the challenges related to current non-compliance under the Bylaw.
- Occupation of this area would attract other traders leading to even greater congestion, and more nuisance issues. Ongoing resources would be required to ensure compliance.
- Would not dissuade traders from engaging in anti-competitive behaviour to secure their spots.
- Does not address the issues of equity in a public space.
- Encourages aggression towards Council staff from non-compliant traders and dissatisfied adjacent commercial businesses.
- Police would be required to undertake seizures – degrading the amenity on the lakefront.

95. This report recommends **Option 1** for resolving the matter. Options 1 and 2 may enable Council to address the concerns received, as well as enabling Council's M&E Team to enforce a clear prohibition.

96. Option 1 is recommended as it is clear and best addresses anticipated flow-on effects, gives effect to the Purpose of the Bylaw, reduces nuisances immediately and permanently, makes enforcement practical and simple, and addresses the complaints received that relate to pop-up stalls.
97. The M&E team does not expect the demand for pop-up stalls in the QTCZ, along with related issues, to be resolved without intervention. It recommends that the prohibition carries through until the next Bylaw review.
98. Ongoing breaches from the pop-up stall traders throughout the prohibition period suggest that non-compliance will continue if Option 3 is adopted.

Consultation Process | Hātepe Matapaki

Significance and Engagement | Te Whakamahi I kā Whakaaro Hiraka

99. This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy 2024 for the following reasons:
 - The matters have minimal to moderate impact on the community, and the community has a moderate level of interest in this issue;
 - When assessing the considerations of Council's Significance and Engagement Policy 2024 in its entirety, community interest is limited to a few and general interest is considered low significance.
 - The proposal will not change the level of services provided by Council, or Council's capacity, in fact it is likely to enhance the level of service provided;
 - There is a low level of financial consequence if Council adopts the recommended option;
 - The proposal affects pop-up stall traders, but while it removes certain rights to trade in currently permitted areas, the removal of these rights is a reasonable response to ensure that the Purpose of the Bylaw is given effect to; and
 - There is little to no anticipated impact on climate change or mana whenua.
100. Traders, residents, commercial businesses, ratepayers and visitors to the district are all considered to be affected by, or have some interest in, this matter. However, further consultation to get feedback is not required because the draft Bylaw and the Statement of Purpose went through a Special Consultative Procedure (SCP) which documented the Council's powers under the Bylaw, sought submissions on the Bylaw, and was validly adopted – the draft included the prohibition power under Clause 11.2.

101. The Bylaw has legitimate powers under clause 11.2 to regulate activities on its land, and Council needs no further information from affected parties to formulate and support a decision.
102. The purpose of consultation is to gather information as much as it is to receive feedback. This is not an amendment of the Bylaw, or a review, and on that basis, with the evidence officers have provided in support the recommendations, there is no further need for consultation.
103. Nevertheless, officers have also sought feedback from a range of stakeholders including traders and affected parties through interactions, monitoring and complaints received. This feedback has assisted officers to interrogate the options and provide recommendations.

Māori Consultation | Iwi Rūnaka

104. No iwi consultation has been undertaken.

Risk and Mitigations | Kā Raru Tūpono me kā Whakamaurutaka

105. This matter relates to the Regulatory/Legal/Compliance risk category. It is associated with RISK10026 Ineffective enforcement within the QLDC Risk Register. This risk has been assessed as having a moderate residual risk rating as this matter is considered high profile, and the use of the Lakefront and CBD by commercial traders is of international interest.
106. The approval of the recommended option will allow Council to implement additional controls for this risk. Approval will ensure M & E have clear directions for enforcement by bolstering current powers under the Bylaw to address non-compliance and reduce nuisance in accordance with the Purpose of the Bylaw.

Financial Implications | Kā Riteka ā-Pūtea

107. The recommended option 1 (alongside option 2) would not have significant financial implications.
108. Option 3, status quo, would have significant financial implications including increase of officer resourcing, and operation costs for maintenance of the areas, cleaning, and repair of council assets.

Council Effects and Views | Kā Whakaaweawe me kā Tirohaka a te Kaunihera

109. The following Council policies, strategies and bylaws were considered:
 - [Travel to a Thriving Future, Queenstown Lakes' Regenerative Tourism Plan](#)
 - QLDC's Enforcement Strategy and Prosecution Policy
 - Activities in Public Places Bylaw 2023

110. The recommended option is consistent with the principles set out in the named policy and bylaw.

111. This matter is included in the Long Term Plan/Annual Plan but it is not anticipated to carry significant financial implications further to standard resourcing.

Legal Considerations and Statutory Responsibilities | Ka Ture Whaiwhakaaro me kā Takohaka Waeture

112. Queenstown Lakes District Council has authority to administer and regulate the use of public places within the District.

Local Government Act 2002 Purpose Provisions | Te Whakatureture 2002 o te Kāwanataka ā-Kiaka

113. Section 10 of the Local Government Act 2002 states the purpose of local government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. The recommendation in this report is appropriate and within the ambit of Section 10 of the Act.

114. The recommended option:

- Can be implemented through current funding under the Long-Term Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not significantly alter 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.

Attachments | Kā Tāpirihaka

A	Hospitality New Zealand Feedback
B	CBD Business Leaders Group Feedback
C	Queenstown Business Chamber of Commerce Feedback January 2026
D	17 April 2025 Council Report: Click here and here .