Full Council

12 November 2026

Report for Agenda Item | Rīpoata moto e Rāraki take [1]

Department: Strategy & Policy

Title | Taitara: Short term approach for the management of pop-up stall trading in the Queenstown Town Centre

Purpose of the Report | Te Take mō te Pūroko

This report asks Council to decide whether to retain the current prohibition on pop-up stall trading in the Queenstown town centre and lakefront while a longer-term, district-wide approach is developed. The review was triggered by pressure on the former high-trust registration system, including increased trader demand, pedestrian access and amenity concerns, persistent non-compliance, and limited enforcement tools. The report compares retaining the prohibition with the strongest available short-term alternative: controlled trading at a limited part of the Queenstown lakefront (Site 3). It recommends retaining the prohibition because the available short-term pathways would not provide sufficient control over trader numbers, allocation, compliance, public access or cost recovery without considerable additional work and resourcing.

Table 1 summarises the viable near-term short-duration options available to Queenstown Lakes District Council (QLDC) and staff recommendations.

Table 1 - Viable near-term short-duration options and staff recommendations	
Topic	**Options and analysis findings**
Topic 1 – Sites considered for trading activities over the short-term	Site 1 (Corner Ballarat Street and Athol Street) – Assessed as not appropriate for trading over the short term.
	Site 2 (Corner Shotover Street and Stanley Street/SH6A) - Assessed as not appropriate for trading over the short term.
	Site 3 (Queenstown CBD lakefront) - This site could be made available (subject to suitable controls), should Council agree to a change to the current level of amenity in this location, additional pedestrian congestion, and further work with Land Information New Zealand (LINZ) on the underlying lease.
	Status quo – do not make any sites available – **(Recommended)** - Continue the current prohibition on trading in the Queenstown town centre area.

Table 1 - Viable near-term short-duration options and staff recommendations	
Topic	**Options and analysis findings**
Topic 2 - Options available to manage trading activities over the short-term (subject to Council's decision on Topic 1)	Activities in Public Places Bylaw 2023 (the Bylaw) – registration pathway. This option could remove the current prohibition and establish permitted trading areas (by Council resolution) on Site 3 (or any other location) that would enable traders to apply for registrations to operate in compliance with the Bylaw's conditions.
	Activities in Public Places Bylaw 2023 (the Bylaw) – permission pathway. This option could remove the current prohibition (by Council resolution) on Site 3 (or any other location) that would enable traders to apply for a permission to operate outside a permitted area.
	Activities in Public Places Bylaw 2023 (the Bylaw) – retain current prohibition (status quo approach) **(Recommended)**. This option would retain the existing trading prohibitions on the lakefront and in the Queenstown town centre. Council may also direct staff to initiate a district wide review of the Bylaw that would include an investigation of other long-term options to manage trading activities which takes into account those principles outlined in Table 3 of this report.
Topic 3 – Applying fees and charges (subject to Council's decision on Topic 1)	Develop and implement a fees and charges approach that aligns with the statutory framework for bylaws (recovery of reasonable costs for processing bylaw permissions).
	Do not develop fees and charges approach (status quo) (**Recommended**). This would not result in any fees and charges at this time. Subject to Council's decision on Topic 2, trading could take place over the short term (i.e. 12 – 18 months) without Council recovering reasonable costs for processing any Bylaw permissions.

Executive Summary | Whakarāpopototaka Matua

Council introduced the lakefront prohibition in April 2025 after growth in trading resulted in problems with the existing high-trust Bylaw based system, including pressure on pedestrian access and amenity, recurring non-compliance, and increasing monitoring and enforcement demands. The number of registered traders increased significantly since 2020 when 34 registrations were recorded. In 2024 this increased to 135 registrations. The majority of these sought to operate in the Queenstown CBD area and lakefront (i.e. the formerly permitted trading areas under the Bylaw). QLDC received a significant escalation in complaints about traders between November 2023 and January 2024. In response to these complaints, QLDC's regulatory team undertook monitoring of the activities which identified significant levels of non-compliance. In March 2026, Council agreed to continue the lakefront prohibition, extend it to the wider Queenstown Town Centre Zone, and requested staff to investigate alternative tools to manage trading.

Three sites were assessed. Sites 1 and 2 would require physical works, further assessment and other approvals before trading could be considered. Site 3 on the lakefront is the strongest candidate because it would not require physical works, but trading would reduce pedestrian operating conditions, change the character of a prominent public space, require agreement with LINZ, and need new arrangements to allocate spaces and manage compliance.

The practical choice is between retaining the prohibition or enabling limited trading at Site 3 through the existing Bylaw. The Bylaw can provide a relatively simple registration process or require individual permissions. Neither pathway is well suited to a site where demand is expected to exceed capacity: registration does not cap trader numbers, while individual permissions would require a new and resource-intensive allocation process. Current enforcement tools would also remain limited. A licence model could provide stronger control and allow a commercial charge for use of public land, but it requires changes to the Bylaw and is therefore not available as a short-term option. Further detail is set out in Attachment D.

Retaining the prohibition is recommended as a time-limited holding position. It maintains public access and amenity and avoids introducing a short-lived system that does not adequately resolve allocation, charging, monitoring and enforcement. It does not rule out future trading. The district-wide review will consider locations, capacity, allocation, permissions or licensing, fees, monitoring and enforcement as one package, including the conditions that would need to be met before Site 3 or another site is reconsidered.

Recommendation | Kā Tūtohuka

That the Council:

1. **Note** the contents of this report;

2. **Agree** to retain the existing prohibitions for pop-up stall trading in the Queenstown town centre and lakefront;

3. **Direct** staff to initiate longer-term district-wide options for pop-up stall trading, including site selection, capacity, allocation, permissions or licensing, fees and charges, monitoring and enforcement, which include the review of the Activities in Public Places Bylaw 2023; and

4. **Direct** staff to report back by April 2027 with the proposed scope, resourcing, statutory process, engagement approach, milestones and target decision date.

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27 October 2026

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27 October 2026

Context | Horopaki

Increased trading activity has exposed limitations in the existing management framework and created pressures on public space

1. Significant growth in trading activities in recent years (Table 2) has placed pressure on the Queenstown lakefront and the town centre area. This growth has resulted in concerns relating to pedestrian congestion and access, public amenity, waste, food safety, effects on established businesses, and ongoing non-compliance with the Bylaw. In response to this situation, on 17 April 2025, Council prohibited trading on the Queenstown lakefront for one year, ceased issuing new approvals across the Queenstown town centre, while allowing existing operators to continue until their registrations or permissions expired. On 19 March 2026, Council resolved to continue the Queenstown lakefront prohibition and extend the prohibition to the wider Queenstown town centre. These decisions have removed all trading from the Queenstown lakefront. There are 37 current registrations for The Mall and Beach Street that will progressively expire by May 2027.

Table 2 - Trading registrations since 2020

Year	Total district wide	Multiple locations*	% of multiple location registrations that included Queenstown	Queenstown only	Arrowtown only	Wānaka only
2020	34	10	100%	23	0	1
2021	43	15	100%	26	0	2
2022	53	17	100%	34	0	2
2023	112	26	96%	76	9	1
2024	135	1	100%	77	53	4
2025	78	0	NA	34	36	8
2026	39	14	86%	15	4	6

2. While the prohibitions have addressed the immediate pressures, they have not resolved the longer-term question of whether, where and under what conditions trading should be enabled on Council-controlled public land. Key matters remain around site capacity, allocation of limited trading spaces, charging for commercial use of public land, and effective monitoring and enforcement. Council must now determine whether to retain the prohibition as an interim position while these matters are addressed through a longer-term district-wide approach or enable short-term trading through the existing Bylaw framework. This report responds to the Council directive to staff to initiate a high-level analysis of interventions, tools and approaches for managing pop-up stall trading.

3. The limited capacity for trading activities at each of the investigated sites means that demand for trading spaces is likely to exceed supply. Any short-term management approach would need to consider how a limited number of trading opportunities could be managed, reflecting Council's

preference for a public-first approach to public space. As such, any Council decision will need to balance competing interests for the use of public land.

4. The Bylaw regulates trading activities in Council-controlled public places. It was designed as a flexible, high-trust framework, allowing activities that meet specified conditions to operate through a simple online registration process, while trading activities that do not meet the specified conditions[1] require Council permission. The framework provides Council with limited control over the number, nature or scale of trading activities within permitted areas, while at the same time triggering significant monitoring resources.

5. On 30 April 2026, the High Court confirmed that QLDC has broad powers to manage trading activities but found that two Bylaw conditions relating to separation distances and operating times in clause 12.1 were not enforceable in relation to trading activities because of evidential and consultation deficiencies. The remainder of the Bylaw continues to apply.

Principles for managing trading activities

6. The 28 July 2026 workshop identified four outcomes to help guide this workstream. These are key principles that have been taken into account and will continue to be relevant for further work on this matter. These principles are outlined in Table 3.

Table 3 – Principles guiding the wider project	
Principle	**Description**
Fit for purpose regulation	Effective and proportionate regulation that is cost neutral and addresses complex local issues through comprehensive rules, elevated scrutiny of proposed activities, and equitable charging for the commercial use of public land.
Maintain high-quality public spaces	Public spaces are protected through a public-first approach that prioritises access (including for disabled people), amenity (high-quality vibrant town centre), prevents the commercialisation of public space, and ensures trading activities meet high health, safety and amenity standards.
Informed and balanced decision-making	Decision-making that considers a diverse range of perspectives, transparently evaluates competing interests, and recognises the opportunity costs and trade-offs inherent in the use of limited public space.
Solutions focused	Proactively identify and evaluate a range of short- and long-term options to provide for trading that aligns with Council's specified outcomes and QLDCs strategic direction.

Feedback from early targeted stakeholder engagement

7. To inform this work, early engagement was undertaken with traders, town-centre businesses, the events sector, the Queenstown Creative Market and Iwi representatives. While views differed on whether, where and at what scale trading should be enabled, there was broad support for a more

[1] As set out in clause 12.1 of the Bylaw

structured management approach. Common themes included requiring approval for trading activities, limiting trader numbers, establishing fair and transparent allocation processes, charging for applications and commercial use of public land, strengthening monitoring and enforcement, and improving controls relating to waste, safety and the presentation of trading activities. Traders generally supported retaining opportunities to trade, including on the lakefront, and highlighted potential benefits for town-centre vibrancy and opportunities to establish and grow small businesses.

8. Other stakeholders placed greater emphasis on protecting public access, lakefront amenity and cultural values, addressing health and safety and event-management concerns, and ensuring that commercial use of public land does not create inequities for established businesses. Iwi representatives highlighted the importance of maintaining visibility of Lake Whakatipu and carefully managing potential discharges, while also supporting a pragmatic approach to trader approvals and costs. The engagement therefore identified both potential benefits from well-managed trading and competing public-space interests that would need to be balanced in any future framework. Further detail is provided in Attachments A and B.

9. Staff have carefully considered the short duration options available to manage trading over the near term. The viable available options do not align well with the common themes and priorities identified from early targeted stakeholder engagement. The options would retain many of the challenges experienced under the former approach and would not appropriately balance the differing stakeholder views and competing interests identified through engagement.

Analysis and Advice | Tatāritaka me kā Tohutohu

10. As identified in the executive summary, this report is structured into three topics, with a Council decision sought for each:

    - Topic 1 – sites considered for trading activities over the short-term (approximately 12 – 18 months from the date of implementation);
    - Topic 2 – management options available over the short-term; and
    - Topic 3 – applying fees and charges over the short-term.

Topic 1 - Sites considered for trading activities

11. Staff considered a number of Council-controlled public places within the Queenstown town centre area to accommodate trading activities. The confined nature and geography of the Queenstown town centre means there are very few public places that would be suitable. A number of sites were not considered appropriate due to their interaction with roads, and the resulting health/safety and access effects. Reserve land within the town centre does not support long term/frequent occupation by commercial activities, and sites further from the town centre were not investigated further because they would not have supported the regular foot traffic sought by traders.

12. At the 28 July 2026 workshop[2], staff presented five sites for further consideration by Councillors. This included the three formerly permitted trading locations under the Bylaw (i.e. the Queenstown lakefront, The Mall and Beach Street), as well as sites at the corners of Ballarat Street and Athol Street and Shotover Street and Stanley Street/SH6A respectively. At the workshop Councillors ruled out The Mall and Beach Street due to physical and accessibility constraints, and amenity impacts in these locations. Accordingly, the three sites that were investigated include:

    - Site 1 – Corner Ballarat Street and Athol Street (paved road reserve);
    - Site 2 – Corner Shotover Street and Stanley Street/SH6A; and
    - Site 3 – Queenstown CBD lakefront (a portion of the former permitted trading area).

13. These sites were assessed based on accessibility, pedestrian movement, physical condition, amenity, operational requirements and other approvals. On balance, no site is recommended for short-term trading. This does not mean the sites are permanently unsuitable. The detailed site descriptions, transport findings, planning and land-status analysis, tree advice and what would need to change before each site could be reconsidered is set out in Attachment D. This analysis has been informed by an external expert transport assessment prepared by ViaStrada (Attachment C) and relevant subject matter expertise from across QLDC.

Site 1 – Corner Ballarat Street and Athol Street (paved road reserve) (see Figure 1)

14. Site 1 is located at the corner of Athol and Ballarat Streets. It is approximately 4 metres wide by 23 metres long. The site comprises a paved public space incorporating a sunken, terraced area, accessed by steps from the surrounding pavement. It is located within the Athol Street road reserve that is owned and managed by QLDC. However, this part of the road reserve is contained within what is presented as the 'footpath' area of Athol Street, and therefore functions as part of the adjoining non-vehicle environment.



Figure 1 - Site 1 shown in blue.

[2] Workshop materials - https://www.qldc.govt.nz/media/v0engkfe/2-pop-up-stall-trading-issues-and-options.pdf
Workshop minutes - https://www.qldc.govt.nz/media/kegkfxgj/draft-minutes-council-workshop-28-july-2026.pdf

15. The site adjoins the Village Green QLDC recreation reserve to the southwest which contains a terraced grassed area that is split in two by a small waterway. This is a small urban reserve that provides a rest and recreation space for those working in and visiting the Queenstown CBD. It primarily provides for passive recreation such as picnicking. The part of the reserve in the vicinity of Site 1 does not contain any tracks, trails or street furniture. Two large walnut trees are located at either end of the site as well as QLDC refuse/recycling bins and street lighting.

16. Commercial restaurants/bars are located across Athol Street (Brazz) and Ballarat Street (Walter's Tavern and The Courthouse 1876) at ground floor level. It is likely that upper floors of these buildings are used for office or residential activities. Brazz has outdoor dining on QLDCs footpath. A vehicle access (for the KFC drive through) is located immediately to the northwest. Both Athol and Ballart Streets provide two-way vehicle access in the vicinity of the site.

17. Site 1 is not workable under current conditions. Before it could be considered, Council would need to address step visibility, crossfall and surface defects; confirm an accessible layout and queue-management approach; determine whether a maximum of three stalls is operationally worthwhile; resolve road-reserve occupation and any district plan consent requirements; and identify funding for physical works and ongoing management. These prerequisites are not considered feasible to complete for the proposed short-term period.

Site 2 – Corner Shotover Street and Stanley Street/SH6A (see Figure 2)

18. Site 2 is located at the corner of Shotover Street and Stanley Street/SH6A. It is approximately 20 metres wide by 30 metres long. The site is QLDC freehold land, being a former school site that was acquired from the Crown.



19. The site is grassed and contains a number of mature trees. While not classified as a reserve, the site acts as a peri-CBD open space. It contains two street furniture seats. No other QLDC facilities or assets are provided on the site.

Figure 2 - Site 2 shown in blue.

20. The site immediately adjoins the recently developed QLDC owned Stanley Street/SH6A public car park to the southeast and a private paid carpark across Shotover Street to the northwest. To the northeast, the site is adjoined by Council owned land used as a commercial/retail and residential activity (The Bead Shop/Gilmore Lodge), and a supermarket (Four Square) is located across Stanley Street/SH6A to the southwest.

21. Site 2 is not workable under current conditions. Before it could be reconsidered, Council would need to assess and improve the adjoining pedestrian network and intersection effects with NZTA; level and surface a suitable trading area; provide waste facilities and loading arrangements; protect mature trees through a tree protection management plan; establish the site's usable capacity; and identify funding. These prerequisites are not considered feasible to complete for the proposed short-term period.

Site 3 – Queenstown CBD lakefront (see Figure 3)

22. Site 3 is located on the Lake Whakatipu waterfront between the two jetties in this location. It immediately adjoins Earnslaw Park to the northwest which is a popular QLDC recreation reserve. The Site is approximately 65 metres long by 5 metres wide. The Site is a portion of a wider area that was formally identified as a permitted area for trading in the Bylaw[3]. Trading activities are currently prohibited from taking place on the site under the Bylaw following earlier Council decisions on 17 April 2025 and 19 March 2026.

23. The site comprises a paved public space that forms part of the public accessway along the waterfront and to the jetties. A wide range of commercial water tourism activities are based at the nearby jetties. Formed steps to the southeast provide direct access to Lake Whakatipu.

24. The Site provides views of Lake Whakatipu, Queenstown gardens and Remarkables mountain range which are highly valued by Iwi, residents and visitors. It has high amenity values, and introducing commercial trading activities would change the use and character of the space compared with that which is provided for under the current Bylaw prohibition.

25. Conversely, this location could be considered a natural extension of the Queenstown CBD and surrounding retail/commercial environment. Some stakeholders noted that trading in this general area contributes to the vibrancy of the town centre, while others raised concerns with the commercialisation of the lakefront and an overall loss of amenity.

[3] Areas that are prohibited and permitted for trading under the Bylaw can be reviewed here https://experience.arcgis.com/experience/a3adc846fc884dfaad7f30afdc4db96c#data_s=id%3A7e177e4ff1274fb69b91c72ddace3827-Areas_Trading_Public_Places_1726%3A1



Figure 3 - Site 3 shown in blue, forming part of the area currently prohibited on the lakefront.

26. Site 3 is the strongest candidate for any future controlled-trading trial because it would not require physical works before limited trading could be contemplated. Consideration would require, at minimum: resolution of the LINZ lease position; an agreed capacity and layout; protection of a clear and accessible pedestrian route; exclusions for major events, peak vessel activity and Queenstown Creative Market operating times; controls for waste, presentation and amenity; a fair allocation method; and confirmed administration, monitoring and enforcement resources.

Topic 2 – Management options available to manage trading activities over the short term

27. If Council wishes to enable short-term trading, the existing Bylaw offers two pathways. Council could designate a permitted area and allow traders to register, or it could require each trader to obtain permission. Both would first require Council to remove the relevant prohibition.

28. Registration is simple for traders and Council, but it does not provide a reliable way to cap numbers or allocate scarce spaces. This risks recreating the congestion, competition and compliance problems that led to the prohibition.

29. A short-term individual permission model provides Council with more oversight. However, Council would still need to design and implement an advertised, transparent process for allocating spaces, the administration of applications, monitoring and responding to complaints. Possible approaches such as first-come-first-served or a ballot each raise fairness and administrative issues and would need to be determined before trading could begin.

30. Other regulatory requirements would still apply. District plan, food safety and other approvals may still be required, depending on the activity and location.

31. Monitoring and enforcement under either Bylaw approval pathway would be disproportionately challenging in relation to the achievement of those principles set out in Table 3. Without infringement regulations, the only way QLDC can definitively enforce the Bylaw is by prosecuting alleged offenders through the District Court. The costs involved in prosecution are disproportionate to the level of offending and can be a lengthy process. This was a significant challenge for QLDC prior to the prohibition resolution and would not be improved by either Bylaw based option.

32. A licence model was investigated, and could give Council stronger contractual control over access, site management and individual or collective responsibilities. However, it is not available under the current framework without a formal Bylaw amendment or review process. This is because a licence regime conflicts with the specific framework for this activity in the Bylaw, which does not contemplate a licencing regime of this type. It is therefore a longer-term option rather than a credible short-term solution.

33. For these reasons, retaining the prohibition is the only option that can be implemented without necessitating a new management system for a short operating period. The statutory framework and operational detail supporting this conclusion is provided in Attachment D.

34. Retaining the prohibition would not necessarily preclude all trading in the wider Queenstown town centre area. The current prohibition applies to the Queenstown lakefront and PDP Queenstown Town Centre Zone and does not specifically prevent trading in other locations outside of this area. The Bylaw, including the current prohibition, does not apply to private land. As such, traders could seek opportunities to operate on private land, subject to compliance with the applicable regulatory frameworks.

35. Retaining the prohibition would not impact the 37 trading activities currently registered to operate on The Mall and Beach Street. These registrations would expire as follows:

    - 9 expire in November 2026 – 8 of these are food related;
    - 7 expire in December 2026 – 3 are food related;
    - 8 expire in January 2027 – 3 are food related;
    - 4 expire in February 2027 – 0 are food related;
    - 2 expire in March 2027 – 1 is food related;
    - 7 expire in April 2027 – 1 is food related; and
    - By May 2027 no trading registrations would remain for The Mall and Beach Street.

36. Administration and ongoing management of the Bylaw's registration/permission regime requires staff resourcing to process registrations/permissions, maintain records, respond to enquiries, monitor compliance, and address non-compliance issues as they arise. The demand on resources will diminish slightly as approvals for the current trading activities on The Mall and Beach Street expire leading up to April 2027.

37. Should the current prohibition be retained, sufficient regulatory resourcing will need to be maintained to support proactive monitoring, respond to complaints, investigate potential breaches, and undertake appropriate enforcement action to ensure the prohibition remains effective in practice including the ongoing management of the remaining permitted trading locations in Arrowtown and Wānaka.

38. Table 4 below summarises the investigation of management options:

Table 4 - Summary of management options

Option	How it would work	Main benefits	Main limitations	Short-term conclusion
Registration under the Bylaw	Council removes the prohibition for a defined permitted area. Traders register and agree to comply with Bylaw conditions.	Simple and enabling; relatively light administration at the application stage.	No limit on registrations and no built-in method to allocate scarce spaces. Previous experience identified congestion, competition, non-compliance and increased monitoring demands and limited enforcement options.	Not recommended as a short-term option.
Individual permission under the Bylaw	Council removes the prohibition for a defined permitted area and requires each trader to obtain permission before operating.	Provides more case-by-case oversight than registration.	Council would need a fair allocation system for limited spaces, additional application and monitoring resources, and a practical response to breaches.	Not recommended as a short-term option.

Table 4 - Summary of management options				
Option	**How it would work**	**Main benefits**	**Main limitations**	**Short-term conclusion**
Single licence for a site	Council contracts with one entity to coordinate traders, allocate spaces and manage the site. Other regulatory approvals would still apply.	Places day-to-day coordination with one operator and could reduce Council administration.	Requires Bylaw change. Gives one operator substantial control over access and requires transparent selection, clear conditions and contractual enforcement.	Not recommended as a short-term option. Potential longer-term option for the district-wide review.
Separate licences for traders	Council contracts directly with each trader for occupation of a defined space. Other regulatory approvals would still apply.	Greater Council control and a direct relationship with each trader.	Requires Bylaw change. High administration and monitoring demands; shared site responsibilities may be fragmented.	Not recommended as a short-term option. Potential longer-term option for the district-wide review.
Retain prohibition	No new registrations or permissions are issued in prohibited areas. Existing approvals continue only until expiry.	Immediately workable; protects access and amenity; avoids establishing a temporary system.	Provides no new short-term trading opportunity on Council land in the prohibited areas.	Recommended as a time-limited holding position while the district-wide review is completed.

Topic 3 - Applying fees and charges

39. The amount Council can charge depends on the management model used. Under the current Bylaw, Council may recover reasonable costs associated with activities such as processing permissions and inspections. It cannot use that pathway to charge a market rent for occupying public land. As a result, a short-term Bylaw approach is unlikely to recover all establishment, administration, monitoring and enforcement costs.

40. Under a licence model, Council could charge both administration costs and a commercial amount for use of public land. This would be more consistent with Council's approach to outdoor dining and other commercial occupation of Council land, but a licence model requires changes to the Bylaw and cannot be implemented as the immediate option.

41. Accordingly, no new fee regime is recommended while the prohibition remains, or if Council elects to allow trading. The district-wide review should develop the preferred charging approach alongside the future management model, so that responsibilities, costs and charges are designed together. The statutory and policy detail, comparators and stakeholder feedback is provided in Attachment D.

Table 5 - Charging options

Management model	What Council could charge	Practical implication	Current availability
Bylaw registration or permission	Reasonable costs connected with processing approvals, permissions or inspections.	Could offset some regulatory costs, but would not provide a market return for occupation of public land and is unlikely to make a short-term regime cost neutral.	Legally available if an enabling Bylaw pathway is used, but not recommended for the proposed short-term approach.
Commercial licence	Administration costs and a commercial charge for occupation of public land.	Better reflects private commercial benefit and aligns more closely with Council approaches to outdoor dining and other commercial use of public land.	Not available as the immediate option because the management framework requires Bylaw change.
Retain prohibition	No new trading fee or occupation charge is required.	Avoids designing a fee for a temporary regime. Future costs and charges can be developed with the district-wide management model.	Recommended for the interim period.

Assessment of reasonably practical options

42. 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.

43. Option 1: Status quo – Retain the current prohibition on trading within the Queenstown lakefront and Queenstown town centre, while a longer-term district-wide approach is developed.

Advantages

- Responds to the shortcomings of the alternative options that have been assessed.
- Avoids the additional resourcing and costs that would be required to establish, administer and monitor a complex trading regime that would be in effect for a relatively short duration.

- Maintains a simple established approach while the longer-term district-wide solutions are investigated and developed.

- Avoids the need for physical site improvements.

Disadvantages

- Does not provide trading opportunities in the short-term.

- Does not take advantage of the identified potential for limited trading at Site 3, subject to appropriate controls and improvements.

- Will not be supported by traders, who wish to have the opportunity to trade on public land in the short-term.

44. Option 2: Remove the current prohibition over all or part of Site 3 (Queenstown lakefront), or other locations, using the Bylaw to regulate trading by way of a Bylaw registration or permission process.

Advantages

- Provides a proactive near-term and short duration (i.e. 12 – 18 months approx.) trading opportunity at Site 3 (and/or other locations).

- Provides an opportunity to trial and evaluate a refined management approach.

- Supported by traders, who wish to have the opportunity to trade on public land.

Disadvantages

- Requires additional resourcing to establish, administer and monitor.

- Requires careful management of pedestrian movement, events and interaction with the adjoining Creative Market (at Site 3).

- Would increase the commercial occupation of a prominent lakefront public space with highly valued views and amenity.

- Requires QLDC to work with LINZ on any necessary lease arrangements before implementation.

- Other approvals may need to be obtained by traders that are not guaranteed by a Bylaw registration or permission.

45. **Option 1** is recommended because it is the only immediately implementable option that maintains public access and amenity without creating a new allocation, charging and enforcement system for a short operating period. Option 2 could create limited enterprise and vibrancy benefits at Site 3, but those benefits are not assured and would come with reduced pedestrian service, additional commercial occupation of a prominent public space, unresolved LINZ requirements, allocation fairness issues, and additional costs that could not be fully recovered through the present Bylaw pathway. The recommendation should therefore be understood as retaining the prohibition while completing a defined programme to test and design a durable district-wide solution.

Consultation Process | Hātepe Matapaki

Significance and Engagement | Te Whakamahi I kā Whakaaro Hiraka

46. This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy 2024 because, while trading in the Queenstown town centre is of high local community interest, this consideration alone does not increase the significance to medium or high. The assessment of the factors in the Significance and Engagement Policy 2024, is as follows:

- Community interest: covered above.
- Importance to the Queenstown Lakes District: The options presented in this report would not materially affect people in the District as a whole.
- Consistency with existing policy and strategy: The recommended option follows a previous Council resolution to prohibit trading, and a subsequent decision which directed staff to initiate a high-level analysis of interventions, tools and approaches for managing pop-up stall trading. The recommended option is not inconsistent with QLDCs strategic direction, and/or contrary to existing adopted Council policies.
- The impact on the Council's capability and capacity: The recommended option would not introduce additional resourcing requirements and responsibilities for staff as the existing prohibition would be retained.
- Climate change: The recommended option is not inconsistent with Council's Climate Action Plan.
- Mana whenua: Staff have engaged with Iwi in regard to this matter. Key concerns raised by Iwi relate to the visibility of Lake Whakatipu from the lakefront and other CBD locations, and any potential discharges from trading activities. The recommended option retains the current prohibition and would therefore maintain the current level of amenity and views of Lake Whakatipu from this area.

- Strategic assets: This matter does not relate to the sale or transfer or sale of shareholding of any strategic assets. The recommended option would not relate to any of those actions or strategic assets outlined Part B (Strategic Assets) of the Policy.

47. The persons who are affected by or interested in this matter are Iwi, traders, business owners and operators in the Queenstown town centre area, the Queenstown Creative Market, Destination Queenstown and event management operators.

48. The Council has undertaken targeted engagement with identified stakeholders. A summary of this engagement is in Attachments A and B.

Māori Consultation | Iwi Rūnaka

49. Council have engaged with iwi (Aukaha) who described how visibility of Lake Whakatipu from the lakefront and other town centre areas is important. The lake is identified as a Wāhi Tūpuna under the PDP and is a statutory acknowledgement area under the Ngāi Tahu Claims Settlement Act 1998. Trading activity density and congestion along the lakefront was described as compromising this visibility. Furthermore, any potential discharges from trading activities were highlighted as needing careful management. However, Aukaha also emphasised the need to achieve a pragmatic solution for traders in terms of approval processes and associated costs. The recommended option retains the current prohibition and would not therefore result in any discharges to water or impact the visibility of Lake Whakatipu. A pragmatic solution can be considered at a district wide scale in association with any long term options analysis.

Risk and Mitigations | Kā Raru Tūpono me kā Whakamaurutaka

50. This matter relates to the Regulatory/Legal/Compliance risk category. It is associated with RISK10026 Ineffective enforcement and RISK10048 Health, safety, or wellbeing incident affecting member of the public within the QLDC Risk Register. These risks have been assessed as having a moderate residual risk rating.

51. The approval of the recommended option will allow Council to implement additional controls for these risks. This will be achieved by maintaining the current prohibition on trading activities.

Financial Implications | Kā Riteka ā-Pūtea

52. Financial implications hinge on Council's decision as to whether it elects to make a site/sites available for trading, the management approach and whether fees and charges are developed. Retaining the current prohibition would avoid the additional establishment and operating costs associated with a new short-term trading regime.

53. Should Council wish to enable trading, this would require additional resourcing to establish allocation and application processes, administer permissions, monitor compliance and respond to complaints. This may require the reallocation of existing resources or an alternative delivery approach, such as outsourcing.

54. Site 3 is not expected to require physical works to accommodate trading. Should Council wish to make Sites 1 or 2 available, further assessment and physical improvements would be required, with associated costs needing to be established.

55. Should Council direct staff to develop fees and charges, the Bylaw approach is limited to the recovery of reasonable regulatory costs. Any cost recovery would assist in offsetting additional expenditure, but full cost recovery or a cost-neutral short-term regime is unlikely. Further work would be required to quantify costs, potential revenue and any funding requirements before implementation.

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

56. The following Council policies, strategies and bylaws were considered:

- Strategic Framework - Vision Beyond 2050: Our Strategic Framework | Queenstown Lakes District Council
- Disability Policy
- Tree Policy 2024
- Activities in Public Places Bylaw 2023
- Queenstown Lakes Proposed District Plan
- Community Facility Funding Policy 2019
- Outdoor Dining Policy 2024
- Enforcement Strategy and Prosecution Policy 2021
- Revenue and Financing Policy

57. The recommended option is consistent with the principles set out in the abovementioned policies and strategies.

58. Overall management of Council administered land and compliance is included in the Long Term Plan/Annual Plan.

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

59. The applicable statutory and regulatory framework and corresponding considerations in relation to the decisions sought from Council are set out in the body of this report.

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

60. 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; (b) to meet the current and future needs of communities for good-quality, cost-effective, and local — (i) infrastructure; (ii) public services; (iii) performance of regulatory functions; and (c) to support local economic growth and development by fulfilling the purpose set out in paragraph (b). It is considered that the options presented in this report are appropriate and within the ambit of Section 10 of the Local Government Act 2002. The proposals fall within Council's performance of regulatory functions arising from the management of trading activities on Council owned and managed land.

61. 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	Summary of early stakeholder engagement
B	Early stakeholder engagement findings
C	ViaStrada Transport Assessment
D	Site assessments and charging options – supporting detail