

**Wanaka Community Board
10 August 2016**

Report for Agenda Item: 2

Department: Property & Infrastructure

**Variation to existing Licence to Place Tables & Chairs in a Public Space –
Alchemy, Wanaka**

Purpose

The purpose of this report is to consider a variation to an existing Licence to Place Tables and Chairs in a Public Space currently held by Alchemy, Wanaka.

Recommendation

That the Wanaka Community Board:

1. **Note** the contents of this report;
2. **Agree** to vary the existing Licence to Place Tables & Chairs in a Public Space currently held by Alchemy, Wanaka by amending the permitted furniture and increasing the licence area to 32m².

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21/07/2016

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1/08/2016

Background

- 1 The Queenstown Lakes District Council oversees a number of *Licences to Place Tables and Chairs in a Public Space* (herein called the “Licence”) throughout the district. These licences are in place to encourage al fresco dining, and provide an active street frontage that is vibrant, dynamic, comfortable and attractive.
- 2 Licences are granted and administered in accordance with QLDC’s Tables and Chairs in Public Space Policy 2006 (herein referred to as “the policy”).
- 3 QLDC entered into a licence with Café Lago dated 25th February 2014. The licence was subsequently assigned to Alchemy (“the applicant”) in July 2015 when they purchased the Café Lago business.

- 4 The applicant has applied to QLDC for a variation to their existing licence to amend the permitted style of furniture and increase their current licence area.
- 5 The permitted furniture under the original licence was removed by the previous licensee. The proposed new furniture, shown in Attachment B, will consist of five raw concrete tapered outdoor dining tables with two teak benches per table.
- 6 The new licence area requested is 32m², as shown in Attachment C, and consists of pavement directly in front of the applicant's premises and a further area on the recently extended pavement at the corner of Ardmore Street and Dungarvon St, Wanaka.
- 7 The proposed layout of the furniture is also shown in Attachment C.
- 8 The applicant plans to extend their existing Alcohol Licence to incorporate the new licence area.
- 9 The applicant is seeking the variation to take place upon renewal of the current Licence on 1 September 2016.

Comment

- 10 It is considered that the proposed furniture meets the design guidelines required under Section 6 of the policy. As the original furniture is no longer available, it is necessary for the permitted furniture under the licence to be varied in order for the applicant to adhere to the policy.
- 11 Section 5 of the policy requires tables and chairs to "generally be sited in front of the adjoining food premises" however does allow for tables and chairs to be in other locations at Council's discretion.
- 12 The layout meets the requirements of Section 5.4 of the policy i.e. a minimum pedestrian width of 1.5m will be maintained and no chair will back on to the road with less than 800mm clearance.
- 13 Complaints have been received in respect to the licensee's activities. Council's Team Leader for Alcohol Licencing noted that they were serving alcohol outside of their licence area. Such practice is understood to have ceased and the licensee has since applied for a variation to their licence which would enable them to serve alcohol in that area. A QLDC staff member also raised concern with respect to the style of furniture being used and its positioning which allows chairs to back on to parked vehicles. Again, the applicant has applied for a variation to their existing licence for alternative furniture which would resolve this complaint.
- 14 The policy sets out an annual rental fee of \$50.00 plus GST per square metre for Wanaka Waterfront pavements. This equates to an annual rental income of \$1,600.00 plus GST which is an increase from the existing rental income generated of \$576.00 plus GST.

- 15 If the Wanaka Community Board did not wish to licence the additional pavement area, the revised increase in licence area would be limited to 20.86 m² which would generate an annual income of \$1,043.00 plus GST.

Options

- 16 This report identifies and assesses the following reasonably practicable options for assessing the matter as required by Section 77 of the Local Government Act 2002.

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

Advantages:

- 18 The applicant can operate in accordance with the terms of the licence and the policy.
- 19 The amenity of the area will be improved with new furniture.
- 20 Council will receive an increased income of \$1,600.00 plus GST per annum for the licence area.

Disadvantages:

- 21 A greater area of public space will be occupied for commercial purposes.
- 22 Members of the public may not be in favour of additional furniture being placed out on the new pavement area.
- 23 Option 2 Agree to vary the Licence to Place Tables and Chairs in a Public Space by amending the permitted furniture but not extending the licence area.

Advantages:

- 24 The applicant can still operate in accordance with the terms of the licence and the policy.
- 25 The amenity of the area will be improved with new furniture.
- 26 The additional pavement area will not be occupied for commercial purposes.
- 27 Council will receive an increased income of \$1,043.00 plus GST per annum for the licence area.

Disadvantages:

- 28 Council will not receive income of \$557.00 plus GST per annum for this additional licence area.
- 29 Option 3 Agree to vary the Licence to Place Tables and Chairs in a Public Space but for alternative furniture or in an alternative location.

Advantages:

- 30 The advantages are similar to those for Options 1 and 2 however Council may see a benefit in recommending alternative furniture or a different location.

Disadvantages:

- 31 The disadvantages are similar to those for Option 1 and 2 however there is also a risk that the applicant may not agree to revised furniture/location.
- 32 Option 4 Decline to vary the Licence to Place Tables and Chairs in a Public Space.

Advantages:

- 33 There are no obvious advantages to Option 4.

Disadvantages:

- 34 The applicant would remain non-compliant with both the Licence and the Policy and as such, the annual renewal could not be approved on 1 September 2016.
- 35 A Licence to Place Tables and Chairs in a Public Space will be lost for Ardmore Street which could reduce the vibrancy of the area.
- 36 This report recommends Option 1 for addressing the matter as the application has been made in accordance with Council's policy and will increase the amenity and vibrancy of the area without any significant impact to pedestrian flow.

Significance and Engagement

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

Risk

- 38 This matter related to the operational risk OR11 decision making – working within legislation, as documented in the Council's risk register. The risk is classed as low. The matter relates to this risk because the options highlighted require the Council to follow a regulatory process in order to grant a licence. A variety of operational risks (such as meeting levels of service, regulatory compliance and the health and safety risks associated with parties using reserves land) are triggered when the Council considers whether or not to vary the licence. This report therefore recommends that risk OR11 is tolerated.

Financial Implications

- 39 Annual rent of either \$1,043.00 or \$1,600.00 will be generated.

Council Policies, Strategies and Bylaws

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

- Tables and Chairs in Public Space Policy 2006.

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

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

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

Local Government Act 2002 Purpose Provisions

43 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by improving the vibrancy and attractiveness of a section of the Ardmore St.
- Can be implemented through current funding under the 10-Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

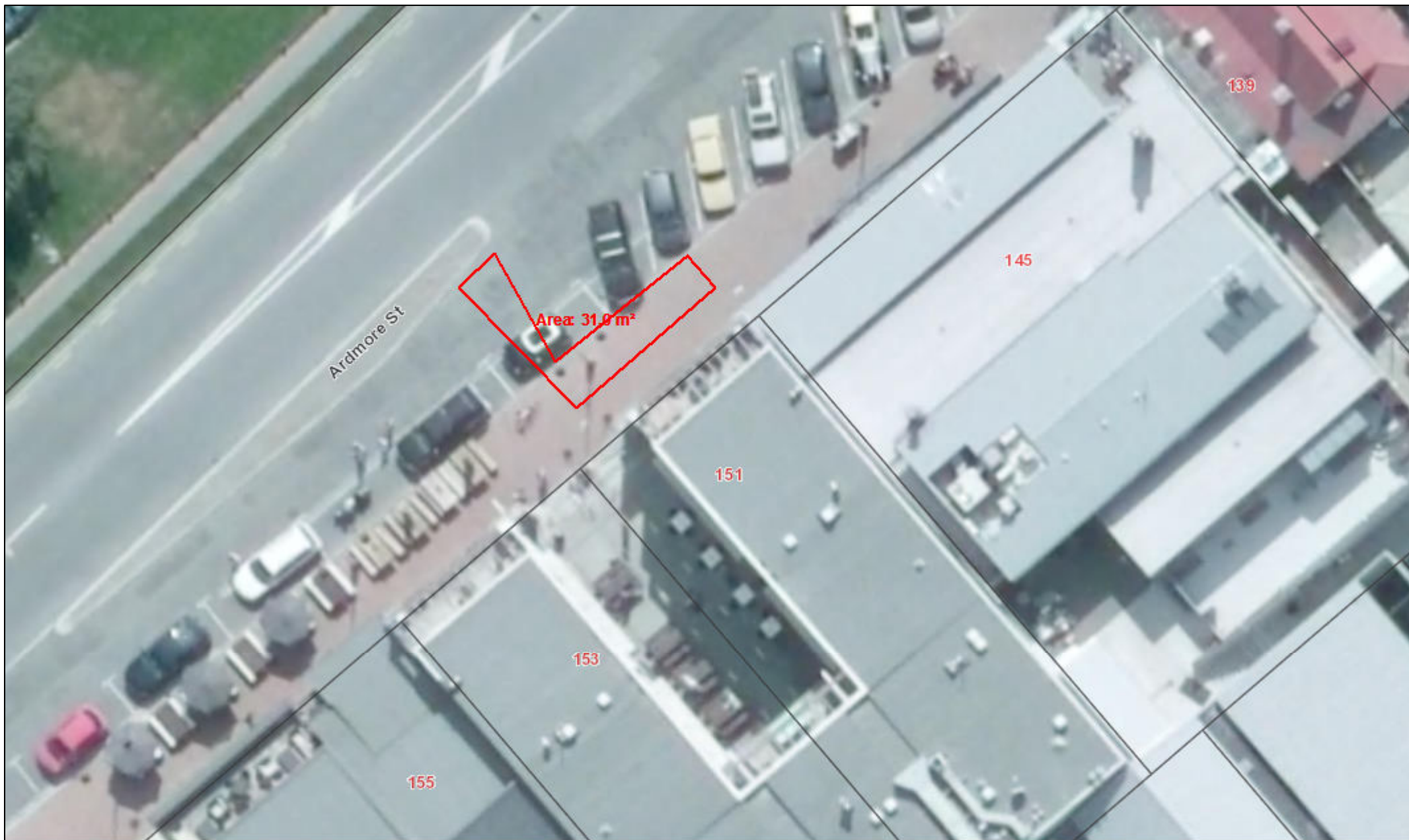
Consultation: Community Views and Preferences

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

Attachments

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

Attachment A: Site plan



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

Attachment B: Image of proposed furniture with dimensions

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RAW CONCRETE TAPERED OUTDOOR DINING TABLE

Available in 3 Sizes from Retail Price: ~~\$2,795.00~~ OUR PRICE: \$1,899.00

Bring this piece of modern style into your outdoor space. Its tapered legs add a geometric flair to this sturdy outdoor table. Mix and match this outdoor dining table with teak, wicker or concrete for your own unique outdoor dining room. Made of a concrete composite, mixed with fibreglass and resin, these tables are not as heavy as 100% concrete and are far more durable.



FULLY
ASSEMBLED



ALL IN
STOCK

Available in the following Sizes:
W100cm x L200cm x H76cm

RUSTIC 4 LEGGED RECLAIMED OUTDOOR TEAK BENCHES

Available in 2 Sizes from Retail Price: ~~\$895.00~~ OUR PRICE: \$545.00

The Rustic reclaimed teak bench is a perfect compliment to the Rustic Table. It provides a little bit of a country feel for any setting. Pair it with our concrete table for an earthy and modern look. The simple and utilitarian design highlights some truly spectacular pieces of reclaimed teak without losing the modesty one associates often enough with reclaimed pieces. The feel of this rustic bench is soft and inviting but strong and self aware. This bench is a perfect compliment to a wide range of other pieces.



FULLY
ASSEMBLED



ALL IN
STOCK

Available in the following Sizes:
W40cm x L155cm x H45cm
Retail: ~~\$895.00~~ OUR PRICE: \$545.00

W40cm x L190cm x H45cm
Retail: ~~\$999.00~~ OUR PRICE: \$645.00

Attachment C: Site plan of proposed table and chair layout

