



AGENDA

Ordinary meeting of the

Works and Infrastructure Committee

**Tuesday 5 May 2015
Commencing at 9.00am
Council Chamber
Civic House
110 Trafalgar Street, Nelson**

Membership: Councillor Eric Davy (Chairperson), Her Worship the Mayor Rachel Reese, Councillors Luke Acland, Ian Barker, Ruth Copeland, Matt Lawrey (Deputy Chairperson), Gaile Noonan and Tim Skinner

Guidelines for councillors attending the meeting, who are not members of the Committee, as set out in Standing Orders:

- All councillors, whether or not they are members of the Committee, may attend Committee meetings (SO 2.12.2)
- At the discretion of the Chair, councillors who are not Committee members may speak, or ask questions about a matter.
- Only Committee members may vote on any matter before the Committee (SO 3.14.1)

It is good practice for both Committee members and non-Committee members to declare any interests in items on the agenda. They should withdraw from the table for discussion and voting on any of these items.

1. Apologies

Nil

2. Confirmation of Order of Business**3. Interests**

3.1 Updates to the Interests Register

3.2 Identify any conflicts of interest in the agenda

4. Public Forum

4.1 David Ayre, Friends of the Maitai

To allow David Ayre of Friends of the Maitai to address the meeting concerning Maitai Shared Path – Collingwood Street to Nile Street Redesign.

5. Confirmation of Minutes

5.1 26 March 2015

7 - 14

Document number M999

Recommendation

THAT the minutes of the meeting of the Works and Infrastructure Committee, held on 26 March 2015, be confirmed as a true and correct record.

6. Status Report - Works and Infrastructure - 5 May 2015**15 - 16**

Document number R4202

Recommendation

THAT the Status Report Works and Infrastructure Committee 5 May 2015 (R4202) and its attachment (A1150321) be received.

TRANSPORT AND ROADING

7. Beatson Road Trial Closure - Investigation Results 17 - 24

Document number R4112

Recommendation

THAT the report Beatson Road Trial Closure - Investigation Results (R4112) and its attachment (A1343631) be received;

Either

AND THAT Beatson Road remains open to through traffic.

Or

AND THAT Beatson Road be closed to through traffic, be investigated, consulted on and reported back to a future Works and Infrastructure Committee meeting.

8. Licences for Street Stalls and Outdoor Dining 25 - 33

Document number R4132

Recommendation

THAT the report Licences for Street Stalls and Outdoor Dining (R4132) and its attachment (A1341408) be received;

AND THAT an extension of the current street stall licences for six months be approved;

AND THAT a further report be made to the Committee after the adoption of the Urban Environments Bylaw to ensure appropriate linkages with that bylaw are made;

AND THAT a call for expressions of interest from the public for street stall occupations from 1 January 2016 to 30 June 2021 be approved;

AND THAT existing licence holders be offered first right of refusal to obtain a new footpath outdoor dining licence;

AND THAT the moratorium on using any additional parking spaces for outdoor dining be continued for one year;

AND THAT a formal review of the rents for both street stall occupations and outdoor dining be undertaken;

AND THAT the rents be increased by the CPI each year as from 1 July 2016;

AND THAT the Chief Executive be authorised to issue new licences for street stall and outdoor dining for a six year period from 1 July 2015 to 30 June 2021.

PUBLIC EXCLUDED BUSINESS

9. Exclusion of the Public

Recommendation

THAT the public be excluded from the following parts of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

| Item | General subject of each matter to be considered | Reason for passing this resolution in relation to each matter | Particular interests protected (where applicable) |
|-------------|--|---|---|
| 1 | Council Owned Earthquake Prone Building Earthquake Assessment Update #4 | Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7 | The withholding of the information is necessary: <ul style="list-style-type: none">• Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities |

10. Re-admittance of the public

Recommendation

THAT the public be re-admitted to the meeting.

Note:

- **Youth Councillors Evy Ngawhika-Elliott and Jordan Lankshear will be in attendance at this meeting.**

Minutes of a meeting of the Works and Infrastructure Committee

**Held in the Council Chamber, Civic House, 110 Trafalgar Street,
Nelson**

On Thursday, 26 March 2015, commencing at 9.02am

Present: Councillor E Davy (Chairperson), Councillors I Barker, R Copeland, M Lawrey, G Noonan, and T Skinner

In Attendance: Councillors P Matheson, and M Ward, Group Manager Infrastructure (A Louverdis), Manager Communications (P Shattock), Manager Administration (P Langley), and Administration Adviser (G Brown)

Apologies: Her Worship the Mayor R Reese and Councillor L Acland

1. Apologies

Resolved

***THAT apologies be received and accepted from
Her Worship the Mayor and Councillor Acland.***

Davy/Lawrey

Carried

2. Confirmation of Order of Business

Document number A1335154

The Chairperson advised the Committee that there was one late item which councillors needed to resolve to consider as part of the meeting.

Resolved

***THAT the item regarding Saxton Creek upgrade –
Procurement of construction services be
considered at this meeting as a major item not
on the agenda, pursuant to Section 46A(7)(a) of
the Local Government Official Information and
Meetings Act 1987, to enable procurement of
construction services in a timely manner.***

Davy/Lawrey

Carried

3. Interests

There were no updates to the Interests Register, and no interests with agenda items were declared.

4. Public Forum

4.1 Maitai Shared Path

Charmian Koed spoke about the Maitai Shared Path Collingwood Street to Nile Street redesign.

Ms Koed spoke to the tabled document A1334642.

In response to a question, Ms Koed said that there was no need to widen the path between Collingwood and Nile Street as people were happy to move over and bikes could utilise Domett Street.

In response to a further question, Ms Koed said that she was comfortable with the width of the shared path outside River Kitchen cafe, however, she would rather leave the shared path from Collingwood Street to Nile Street in its current state.

4.2 Shared Pathways

Angela Fitchett and Helen Webber spoke about the interactions of walkers and cyclists on shared paths.

Ms Fitchett informed the Committee that she found the general behaviour of cyclists on shared paths unacceptable and that cyclists approach pedestrians faster than cars. She added that in some overseas countries there was a walking side and a cycle side on paths.

Ms Fitchett said to the Committee that the shared path between Monaco and the Honest Lawyer was used by cyclists and at times pedestrians chose to walk on the road.

Helen Webber said that there was a large population of older people in Stoke, and she believed their needs were not being met in relation to shared paths. She said that there were many cyclists on the railway reserve and due to negative experiences she now walked at Isel Park.

In response to a question, Ms Webber said that increased public education in relation to shared paths could resolve these issues.

5. Confirmation of Minutes - 12 February 2015

Document number A1312332, agenda pages 6-10 refer.

Resolved

THAT the minutes of a meeting of the Works and Infrastructure Committee, held on 12 February 2015, be confirmed as a true and correct record.

Davy/Barker

Carried

6. Status Report – Works and Infrastructure Committee 26 March 2015

Document number A1150321, agenda pages 11 refers.

In response to a question, Group Manager Infrastructure, Alec Louverdis said that the Highland Pipe Band had secured a temporary alternative location to replace the Highland Pipe Band Hall. However, negotiations were underway in relation to a long term solution. He added that it was still anticipated that the Highland Pipe Band Hall would be demolished by the end of June 2015.

Resolved

THAT the Status Report – Works and Infrastructure Committee 26 March 2015 (A1150321) be received.

Lawrey/Skinner

Carried

7. Chairperson's Report

The Chairperson spoke about shared paths and that they required a partnership between pedestrians and cyclists to be successful. He added that cyclists should only be using areas that were clearly marked 'shared path'.

There was general support for a delineation line of shared paths that clearly identified the cyclists and pedestrian areas along with taking an educational approach.

It was discussed that shared paths were predominantly aimed at non confident riders.

It was highlighted that when considering the Collingwood Street to Nile Street shared path, too much infrastructure could potentially remove the aesthetic appeal of the area.

It was noted that currently no work was being conducted on the Collingwood Street to Nile Street shared path as further data was being compiled.

BUILDINGS

8. Council Owned Earthquake Prone Buildings – Earthquake Assessment Update #3

Document number A1290584, agenda pages 12-24 refer.

Team Leader Engineer, Mel Large presented the report.

In response to a question, Group Manager Infrastructure, Alec Louverdis informed the Committee that the purchase of the Four Seasons and Reliance buildings was part of a strategic land purchase by the Council.

In response to a question, Mr Louverdis said that the officer's report dealt with only critical structural weaknesses which were needed for safety reasons.

In response to further questions, Mr Louverdis said that an overall assessment of all Council buildings was required and would be completed by June 2015, and then long term plans for all earthquake prone buildings could be established. He said that the approximate rough costs for demolishing the Hunting and Fishing, and Four Seasons buildings could be between \$80,000 and \$120,000. He added that there were other locations that could be used for Council storage.

In response to a question, Mr Louverdis said that once the critical structural weaknesses were addressed, the buildings could be used again and potentially leased out if Council decided to do so.

In response to a further question, Mr Louverdis said that now that the State Advances building was no longer deemed to be earthquake prone that there was the possibility of receiving a more positive response if expressions of interest were called for again.

Councillor Davy moved and Councillor Lawrey seconded the recommendation in the officer's report:

Recommendation

THAT the report Council Owned Earthquake Prone Buildings – Earthquake Assessment Update #3 (A1290584) and its attachments (A573820, A573853, A573921 and A1252682) be received;

AND THAT funding is brought forward from the 2015/16 financial year to address the critical structural weaknesses at the old Hunting and Fishing Building (81 Achilles Avenue) at an estimated cost of \$15,000 to mitigate the risk of the south wall collapsing;

AND THAT funding is brought forward from the 2015/16 financial year to address the critical structural weaknesses at the Four Seasons Building(250 Haven Road) at an estimated cost of \$10,000 to mitigate the risk of the southern end of the building collapsing;

AND THAT Council note that no work will be undertaken on the Woodturner Building at this stage as the building is not expected to collapse or cause serious injury during a moderate earthquake event.

A concern was raised in relation to the number of empty Council owned buildings and the related lack of revenue. It was suggested that some buildings should be demolished.

Attendance: The meeting adjourned from 10.08am until 10.12am.

The mover proposed the following changes:

Recommendation

THAT the report Council Owned Earthquake Prone Buildings – Earthquake Assessment Update #3 (A1290584) and its attachments (A573820, A573853, A573921 and A1252682) be received;

AND THAT Council note that no work will be undertaken on the Woodturner Building at this stage as the building is not expected to collapse or cause serious injury during a moderate earthquake event.

Recommendation to Council

THAT funding is brought forward from the 2015/16 financial year to demolish the old Hunting and Fishing Building (81 Achilles Avenue) in the current financial year;

AND THAT funding is brought forward from the 2015/16 financial year to demolish the Four Seasons Building (250 Haven Road) in the current financial year.

Attendance: The meeting adjourned from 10.20am until 10.23am.

In accordance with Standing Order 3.9.3, the seconder was not in support of the proposed motion, therefore the meeting returned to the original recommendation in the officer's report.

Resolved

THAT the report Council Owned Earthquake Prone Buildings – Earthquake Assessment Update #3 (A1290584) and its attachments (A573820, A573853, A573921 and A1252682) be received;

AND THAT funding is brought forward from the 2015/16 financial year to address the critical structural weaknesses at the old Hunting and Fishing Building (81 Achilles Avenue) at an estimated cost of \$15,000 to mitigate the risk of the south wall collapsing;

AND THAT funding is brought forward from the 2015/16 financial year to address the critical structural weaknesses at the Four Seasons Building(250 Haven Road) at an estimated cost of \$10,000 to mitigate the risk of the southern end of the building collapsing;

AND THAT Council note that no work will be undertaken on the Woodturner Building at this stage as the building is not expected to collapse or cause serious injury during a moderate earthquake event.

Davy/Lawrey

Carried

Attendance: The meeting adjourned for morning tea from 10.35am until 10.40am.

TRANSPORT AND ROADING

9. Bridge Street Upgrade – Alma Street and Fiddle Lane

Document number A1321138, agenda pages 25-36 refer.

Team Leader Engineer, Mel Large presented the report.

In response to a question, Ms Large said that installation of the additional lighting on Bridge Street would commence on 8 June 2015 when the poles are expected to be delivered.

In response to further questions, Ms Large indicated that she was aware of the wall leak where the mural was located, but this was the building owner's issue. She added that the overhead art installation would be high enough so that these could not be damaged.

In response to a question, Ms Large said that the gels located in the lighting already installed on Bridge Street were originally installed to provide visual effect, however concerns were raised by the local businesses and Police regarding the dark areas on Bridge Street. She added that retailers would be consulted in relation to the new lighting.

It was discussed that warm white lights should be used and that the historic frontage of buildings on Bridge Street should be illuminated at night.

There was general support for the recommendation although it was noted that building owners had a responsibility, and that this should be an ongoing partnership with Council and building owners to improve the environment on Bridge Street.

Councillor Copeland moved and Councillor Noonan seconded the recommendation in the officer's report.

Recommendation

THAT the report Bridge Street Upgrade – Alma Street and Fiddle Lane (A1321138) and its attachments (A1323529, A1257824, A1323532) be received;

AND THAT approval is given to proceed with the upgrade of Fiddle Lane as per attachment 3

(A1323532) to enhance the aesthetic appearance of the lane.

Councillor Barker proposed an additional clause to the recommendation in the officer's report. In accordance with Standing Order 3.9.6 and with the agreement of the mover and seconder this clause was incorporated into the original motion.

Resolved

THAT the report Bridge Street Upgrade – Alma Street and Fiddle Lane (A1321138) and its attachments (A1323529, A1257824, A1323532) be received;

AND THAT approval is given to proceed with the upgrade of Fiddle Lane as per attachment 3 (A1323532) to enhance the aesthetic appearance of the lane.

AND THAT further discussions be held with building owners about enhancing street frontages on Bridge Street.

Copeland/Noonan

Carried

10. Saxton Creek upgrade – Procurement of construction services

Document number A1334898, late item A1335154 refers.

Group Manager Infrastructure, Alec Louverdis presented the report.

In response to a question, Mr Louverdis clarified that the landowners associated with the section of the Saxton Creek upgrade, as detailed in this report, were comfortable with this proposal.

In response to a further question, Mr Louverdis said that the \$1.5 million funding referred to under section 5.1 of the officer's report was funding for this financial year and that the upgrade was a multi year project over five to six years.

Resolved

THAT the report Saxton Creek Upgrade – Procurement of construction services (A1334898) and its attachment be received;

AND THAT approval be given to apply exceptional circumstances to Council's procurement policy allowing officers to enter into a contract with an already appointed contractor to include works on part of Saxton Creek within the Nelson City Council boundary;

AND THAT this be funded from existing 2014/15 budgets.

Barker/Davy

Carried

There being no further business the meeting ended at 11.06am.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

Status Report - Works and Infrastructure - 5 May 2015

1. Purpose of Report

- 1.1 To provide an update on the status of actions requested and pending.

2. Recommendation

THAT the Status Report Works and Infrastructure Committee 5 May 2015 (R4202) and its attachments (A1) be received.

Gayle Brown
Administration Adviser

Attachments

Attachment 1: Status Report - Works and Infrastructure Committee - May 2015

Status Report – Works and Infrastructure – 5 May 2015

| Date of meeting/Item | Action Resolution | Officer | Status |
|---|---|----------------|---|
| 28/11/13 W&I Committee The Brook Area Walking and Cycling Improvements Project | <u>AND THAT</u> the proposals shown in Attachment 1 (A580995) be approved for implementation in 2014/15. | Alec Louverdis | 05/05/15 NZTA's walk/cycle subsidised funding portion to be confirmed prior to commencing work. APPROVAL OF FUNDING PENDING |
| 16/10/14 W&I Committee Highland Pipe Band Hall – New Lease and the Demolition of the Existing Building | <u>AND THAT</u> the Highland Pipe Band be granted a temporary lease of 81 Achilles Street, provided the a Detailed Seismic Assessment if 81 Achilles Street does not show up any critical structural weaknesses | Alec Louverdis | 05/05/15 Officers continue to work with the Highland Pipe Band to find an alternative location. ONGOING |
| 27/11/14 W&I Committee 1. Walkway – Stanley Crescent to Haven Road | <u>AND THAT</u> signage and road calming measures to improve pedestrian safety in Beachville Crescent between Maori Road and Stanley Crescent be further investigated as a viable long-term solution; <u>AND THAT</u> this will be undertaken to guide Long Term Plan deliberations. | Alec Louverdis | 05/05/15 Officers will investigate a long-term solution (and timing thereof) in the new financial year. ONGOING |
| 26/3/14 W&I Committee Bridge Street Upgrade – Alma Street and Fiddle Lane | <u>AND THAT</u> further discussions be held with building owners about enhancing street frontages on Bridge Street. | Alec Louverdis | 05/05/15 ONGOING |

Beatson Road Trial Closure - Investigation Results

1. Purpose of Report

- 1.1 To report back the results of the trial closure of Beatson Road
- 1.2 To consider whether Beatson Road should be closed or remain open.

2. Delegations

- 2.1 Any decision to close Beatson Road falls within the delegated authority of the Works and Infrastructure Committee.

3. Recommendation

THAT the report Beatson Road Trial Closure - Investigation Results (R4112) and its attachment (A1) be received;

Either

AND THAT Beatson Road remains open to through traffic.

Or

AND THAT Beatson Road be closed to through traffic, be investigated, consulted on and reported back to a future Works and Infrastructure Committee meeting.

4. Background

- 4.1 The July 2014 Works and Infrastructure Committee meeting resolved that a trial closure of Beatson Road take place and that the results of the trial be reported back to a future committee meeting.
- 4.2 The trial closure (during school term time) took place between 27 October 2014 and 7 November 2014 (a total of two working weeks). The

length of time that the road was closed allowed users a chance to adjust their behaviour before the traffic patterns were measured.

- 4.3 Baseline survey data was collected prior to the closure and again in March 2015.

5. Discussion

- 5.1 In order to measure the effect of closing Beatson Road, vehicle travel time and volume measurements were taken (see attachment 1 for further detail).
- 5.2 The figures in attachment 1 show the measured peak Waimea Road traffic flows at 5 minute, 15 minute, 30 minute and 1 hour resolution. The blue bars show survey data for the days that Beatson Road was open and the green bars when it was closed.
- 5.3 The data shows that there is no clear relationship between the traffic flows on Waimea Road and the number of vehicles turning left out of Beatson Road.
- 5.4 The table below summarises the travel time data collected. The data shows that the median travel time over the length of Waimea Road surveyed reduced on the days that Beatson Road was closed.

| | Date | 23-Oct-14 | 4-Nov-14 | 6-Nov-14 | 3-Mar-15 |
|--|---------------------|-----------|----------|----------|----------|
| Median travel time on Waimea Road in peak hour (minutes) | Beatson Road Open | 01:55 | | | 03:56 |
| | Beatson Road Closed | | 01:23 | 01:12 | |

- 5.5 There are a number of elements in the surrounding road network that are likely to also contribute to the travel time variability shown in the table above such as:
- The rate at which vehicles are released from the Whakatu Drive/Beatson Road roundabout which is determined by the capacity of this intersection;
 - The capacity of the merge at The Ridgeway;
 - The number of vehicles in the southbound direction on Waimea Road and how they restrict or allow access from the Stoke leg of Waimea Road at the roundabout and in turn have an effect on delay for drivers on the Whakatu Drive approach.
- 5.6 These three factors are also likely to contribute to the variability in the travel time shown in the table above.

- 5.7 Therefore, while the travel time data shows that the level of service to Waimea Road users may be improved with the closure of Beatson Road, Council officers are not confident that all of the necessary variables have been accounted for as described in section 5.5.

6. Options

Two options exist:

- 6.1 The status quo is to keep Beatson Road open to through traffic.
- 6.2 The alternative option is to close Beatson Road so that the morning peak hour traffic are not able to use the road to short cut the slow moving Waimea Road traffic. In order to progress the closing of Beatson Road an investigation on the practical options and likely consequences, along with community consultation is required. The cost of this work is estimated at \$40,000. This is not currently identified in the draft Long Term Plan as a project.

7. Assessment of Significance against the Council's Significance Policy

- 7.1 This is not a significant decision in terms of the Council Significance and Engagement Policy.

8. Alignment with relevant Council policy

- 8.1 The Transport Asset Management Plan and draft Long Term Plan 2015-25 have no reference to the closure of Beatson Road.
- 8.2 This decision is not inconsistent with any previous Council decisions in this matter.
- 8.3 The recommended option is neutral in relation to its fit with Nelson 2060.

9. Consultation

- 9.1 As part of the investigation work during the trial closure, feedback was sought on the current and trial operation of Beatson Road at its intersections with Waimea Road via Councils Live Nelson newspaper insert. Residents within the Beatson Road/Waimea Road area that were expected to use the intersections at either end of Beatson Road received a letter containing the same information.
- 9.2 In total, eight submissions were received during the feedback period.
- 9.3 Six of the submissions were received from residents in the area who use the intersections at either end of Beatson Road. Two of these residents wanted further information regarding the operation of the trial closure but did not indicate any further issues or concerns. Five residents expressed concern that the connectivity that they currently enjoy would be removed, leaving them with a single roundabout for access to the area. Two of the residents identified that drivers 'rat-running' from the

roundabout create gaps in the traffic that allow them to exit the lower end of Beatson Road at busy times. This opportunity would not be available if Beatson Road were to close.

- 9.4 There were two submissions received from general ratepayers. One was asking for clarification of the operation of the trial, the other supported the change and felt that the operation of Waimea Road was improved.

10. Inclusion of Māori in the decision making process

- 10.1 Maori were not consulted in this matter.

11. Conclusion

- 11.1 The Committee requested a trial closure of Beatson Road to ascertain the effect on Waimea Road traffic flow.
- 11.2 This was undertaken in the two working weeks beginning 27 October 2014.
- 11.3 The data collected before and during the trial closure of Beatson Road shows closing Beatson Road to through vehicle would not be expected to result in any measurable increase in the capacity of Waimea Road.
- 11.4 The travel time data collected indicates closing Beatson Road to through traffic would give a Waimea Road a travel time saving.
- 11.5 The options available are to keep Beatson Road open or close it.
- 11.6 Should the decision be made to close Beatson Road, further work and consultation with residents will need to take place.

Rhys Palmer

Senior Asset Engineer - Transport and Roading

Attachments

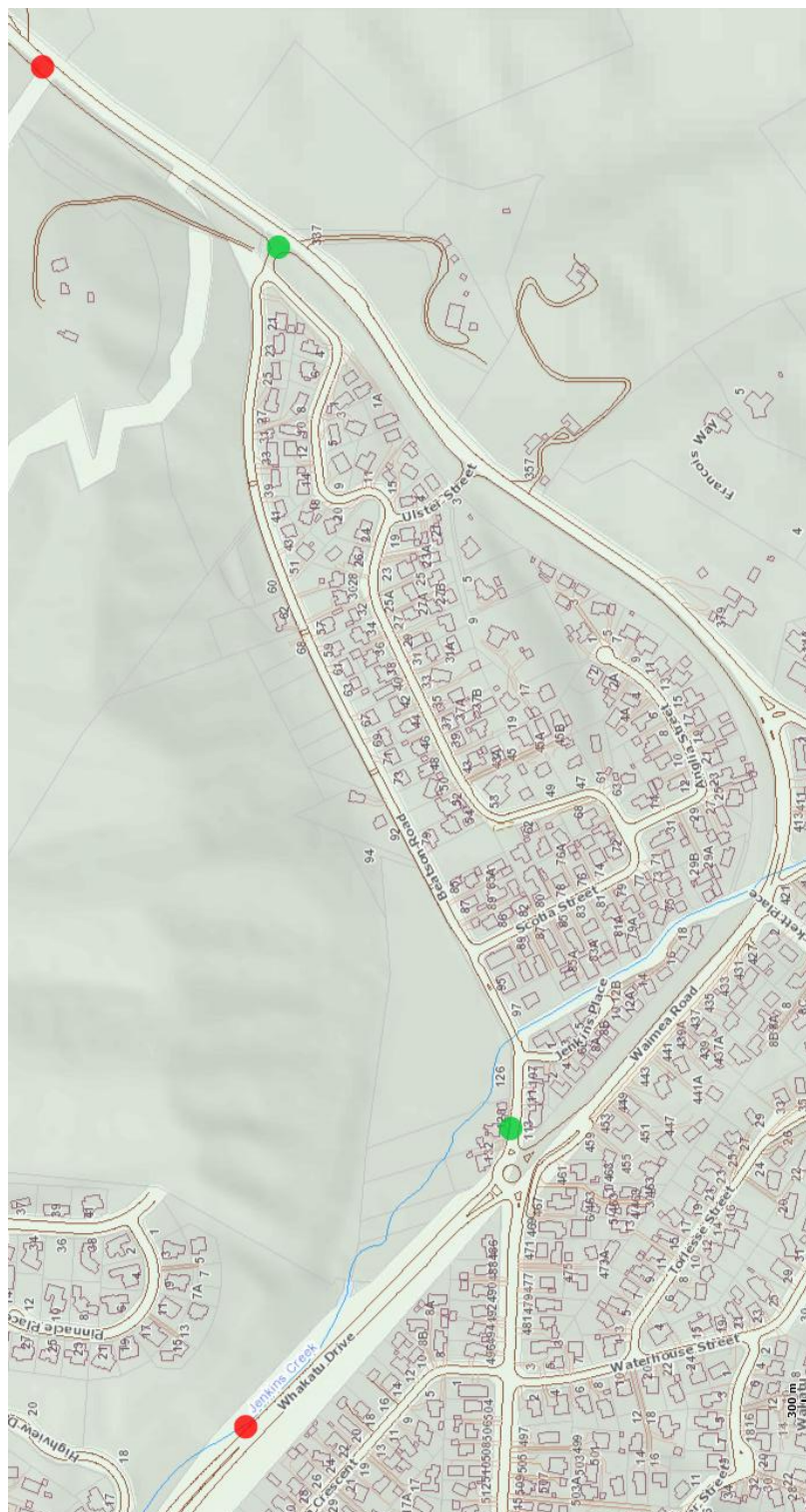
Attachment 1: A1343631 - Beatson Road Trial Closure - 5 May 2015

Beatson Road Trial Closure: Data collection and summary

Introduction

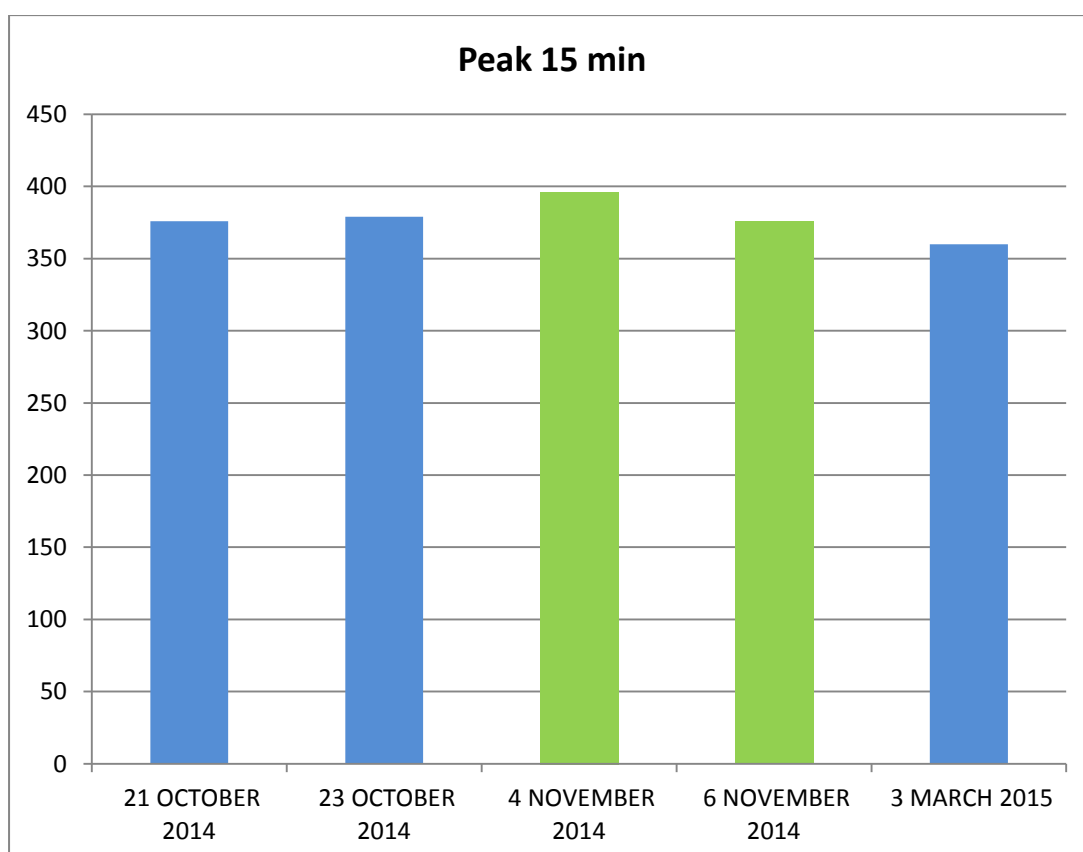
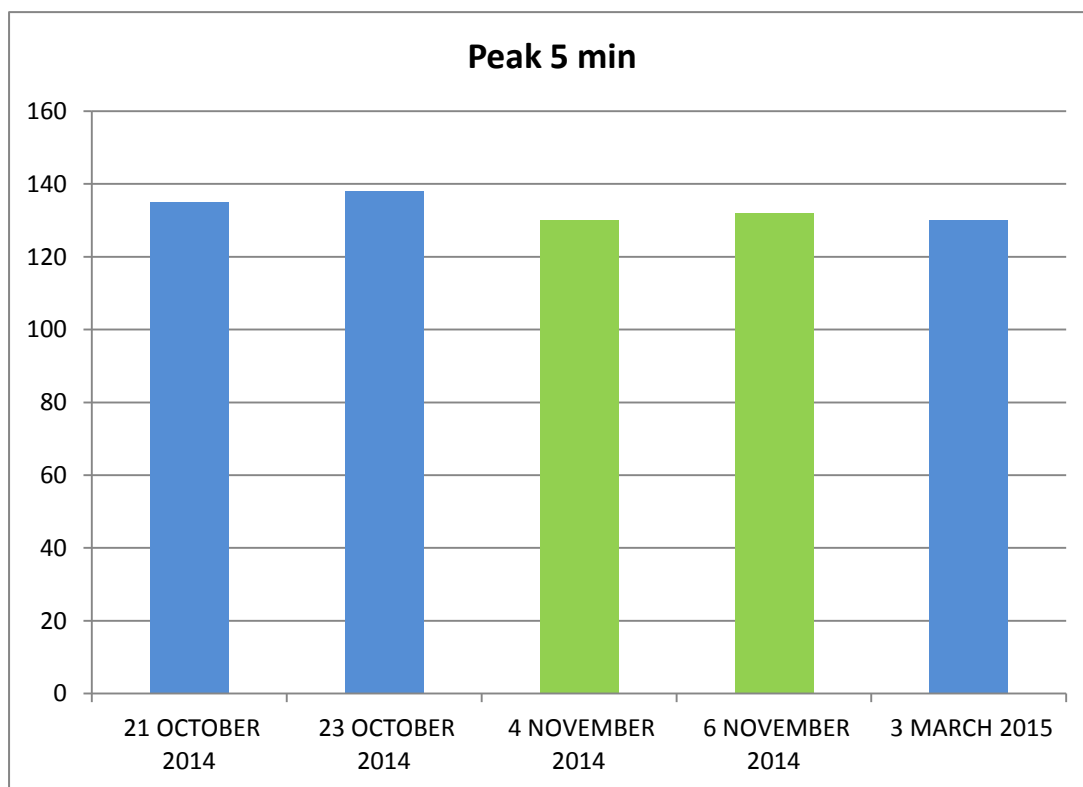
Data was collected in the following locations (see figure for map view):

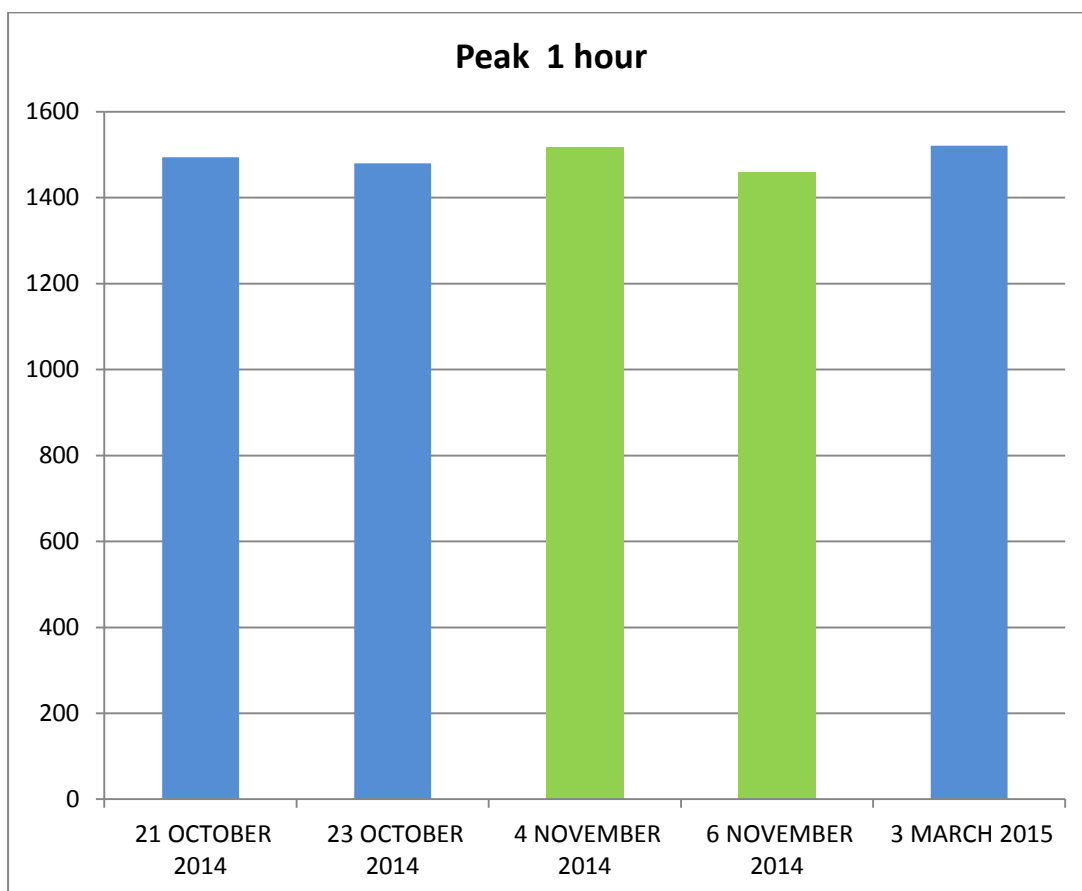
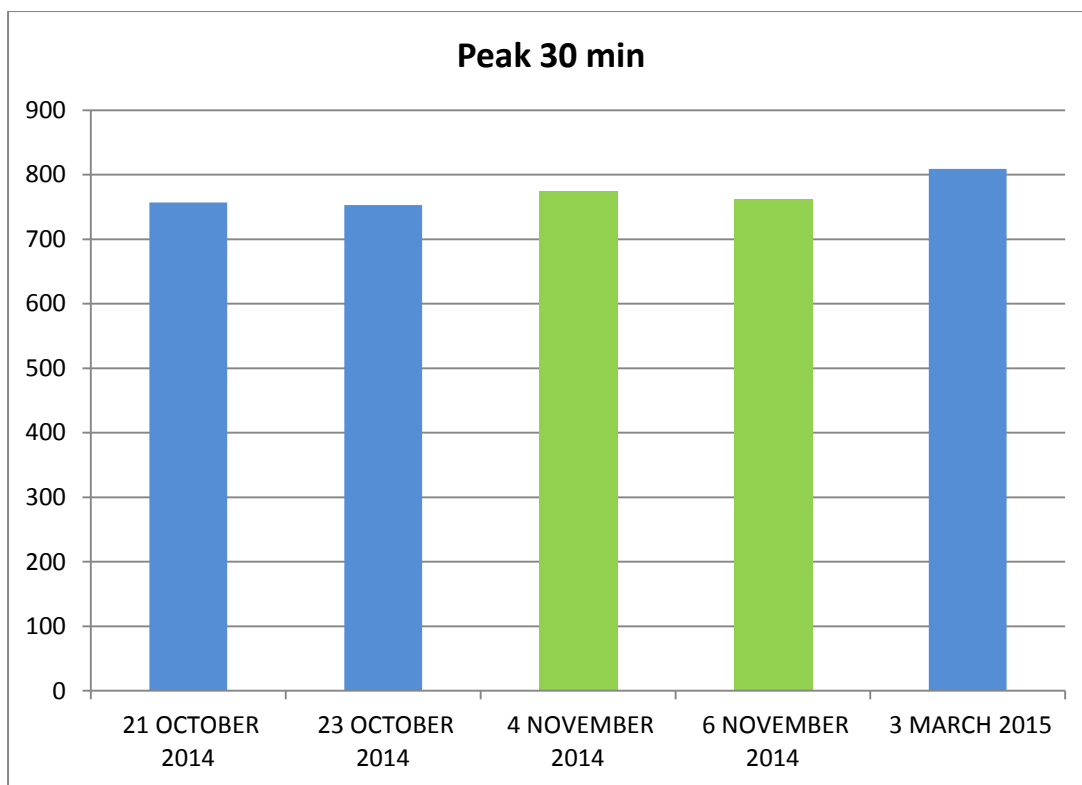
- Numberplate recordings to allow travel time calculations were collected at the locations shown in red
- The number of northbound vehicles was surveyed on the Waimea Road red dot
- Turning volumes were collected at the locations shown in green



Waimea Road Traffic volumes

The figures below show the number of vehicles on Waimea Road passing in the peak 5 minutes, 15 minutes, 30 minutes and one hour during each of the survey periods. The blue bars show the data collected when Beatson Road was open and the green bars when it was closed.





Turning movements

The number of left turn movements from the top end of Beatson Road to Waimea Road is shown in Table 1 below.

| | Date | 21-Oct-14 | 23-Oct-14 | 4-Nov-14 | 6-Nov-14 | 3-Mar-15 |
|--|---------------------|-----------|-----------|----------|----------|----------|
| Number of right turn movements to Waimea Road in peak hour | Beatson Road Open | 78 | 38 | | | 176 |
| | Beatson Road Closed | | | 13 | 15 | |

Table 1: Waimea Road left turn movements

Travel time

The median travel times for the length surveyed for each survey period are shown in Table 2 below.

| | Date | 21-Oct-14 | 23-Oct-14 | 4-Nov-14 | 6-Nov-14 | 3-Mar-15 |
|--|---------------------|-----------|-----------|----------|----------|----------|
| Median travel time on Waimea Road in peak hour (minutes) | Beatson Road Open | | 01:55 | | | 03:56 |
| | Beatson Road Closed | | | 01:23 | 01:12 | |

Table 2: Travel time on Waimea Road

Variables

The following variables were observed, but not necessarily measured, to have an effect on the behaviour of drivers using the road network in the survey area:

- Reduced opposing vehicle flows
- Congestion at the Waimea/Beatson roundabout
- Drivers avoiding the area due to promotion of Beatson Road closure
- Drivers avoiding the area due to perception that road works were still underway

Licences for Street Stalls and Outdoor Dining

1. Purpose of Report

- 1.1 To decide whether to offer first right of refusal to the holders of existing street stall licences when these licences expire on 30 June 2015, or to publicly seek expressions of interest for these licences.
- 1.2 To decide whether to offer the holders of existing outdoor dining licences new licences when these licences expire on 30 June 2015.
- 1.3 To decide whether to continue the moratorium on the number of parking spaces available to be used for outdoor dining.

2. Delegations

- 2.1 The Works and Infrastructure Committee is responsible for the provision, operation and maintenance of roads (including footpaths). Clause 6.4.2 of the Delegations Register states that the Committee has the power to approve leases and licences relating to roads and footpaths.

3. Recommendation

THAT the report *Licences for Street Stalls and Outdoor Dining (R4132)* and its attachment (A1) be received;

AND THAT an extension of the current street stall licences for six months be approved;

AND THAT a further report be made to the Committee after the adoption of the Urban Environments Bylaw to ensure appropriate linkages with that bylaw are made;

AND THAT a call for expressions of interest from the public for street stall occupations from 1 January 2016 to 30 June 2021 be approved;

AND THAT existing licence holders be offered first right of refusal to obtain a new footpath outdoor dining licence;

AND THAT the moratorium on using any additional parking spaces for outdoor dining be continued for one year;

AND THAT a formal review of the rents for both street stall occupations and outdoor dining be undertaken;

AND THAT the rents be increased by the CPI each year as from 1 July 2016;

AND THAT the Chief Executive be authorised to issue new licences for street stall and outdoor dining for a six year period from 1 July 2015 to 30 June 2021.

4. Background

- 4.1 Nelson is well known for its 'on street activities' such as outdoor dining and street stalls. There are 28 dining occupations on the footpath and 14 in parking spaces. Ten businesses currently have licences to operate a street stall in the Central Business District (CBD). The location of both the street stalls and outdoor dining areas is shown in Attachment 1 to this report.
- 4.2 The main features of the licences for both outdoor dining and street stalls are:
- they are personal and non-transferable;
 - there is no right to sublet the sites;
 - there is no right of renewal;
 - the term is for six years only;
 - the rents are assessed by an independent valuer at the start of the six year term and increased annually by the Consumer Price Index (CPI);
 - the tenant is required to occupy their allocated street stall site for no less than five days per week for six months of the year, wet days excluded. Otherwise the site will be forfeited to the Council.

- 4.3 A moratorium on approving any new licences for outdoor dining in parking spaces was set by Council in 2004 in response to concerns about the loss of any further parking spaces in the CBD. In 2009 the Council confirmed that the moratorium would continue for an indefinite period.

5. Discussion

Street Stall Licences

- 5.1 In 2009 Council established 11 street stall sites that can be granted licences. Currently 10 sites are leased as one site has now become available.
- 5.2 The existing businesses with stall holder licences have consistently met the conditions of their licences, including payment for occupation of their sites. For some of these operators, this is their only or main business.
- 5.3 It is acknowledged that publicly seeking expressions of interest for occupation of these sites will create uncertainty for the existing stall holders. However, as noted in clause 4.2 of this report, there are no rights of renewal for street stall licences and the advertising of these sites will allow a transparent process around the reletting and selection process of who occupies these sites in to the future.
- 5.4 Past experience and performance of operating a street stall in Nelson will be considered at the time of selection as will a number of other criteria.
- 5.5 Officers have received only limited enquiries from persons wishing to operate street stalls, however that does not mean there might not be high interest if all of the existing sites were advertised on the open market and expressions of interest were sought.

Outdoor Dining Licences – Footpath and Carparks

- 5.6 Opportunities to lease footpath or parking spaces for the purpose of outdoor dining are limited to the adjacent business only. First right of refusal for existing licence holders of outdoor dining sites is therefore recommended.
- 5.7 Terms and conditions of licences granted for footpath dining will be amended to reflect the outcome of the Draft Urban Environments Bylaw which is currently before Council and which will be considered on 30 April 2015.
- 5.8 Since 2004 no further parking spaces have been leased, in accordance with the moratorium. Businesses are still able to apply to lease footpath space for the purpose of dining. Council has granted three new licences over the past three years.
- 5.9 At the time of preparing this report, the Urban Environments Bylaw is to be considered adopted by Council. This matter should be reviewed in light of the recommendations in that bylaw (e.g. a two metre clearway or on footpaths).

- 5.10 It is recommended to continue with the moratorium for a further 12 months to allow the completion of the Nelson Parking Strategy 2014-2024 which talks to the number of parking spaces to be made available for outdoor dining. This strategy has been received by Council but not yet adopted.
- 5.11 The continuation for 12 months of the current limit on parking spaces which are made available for outdoor dining will also allow more up to date data to be collected in the first week of December 2015 in relation to the 85% target of occupancy of carparks.
- 5.12 The upcoming expiry of the existing licences to occupy footpath and parking spaces for outdoor dining is an opportunity to consider whether the Council wishes to continue to provide the current level of outdoor dining opportunities, or to increase or reduce this commercial occupation of public space.

6. Options

Issue 1 – Expiry of Street Stall Licences

- 6.1 Option A is to offer existing stall holders first right of refusal to sign a new lease to occupy their existing sites.
- 6.2 Option B is to call for expressions of interest from the public, with all sites being available. (Criteria would need to be advertised for the selection of stall holders where sites are over-subscribed, to ensure a transparent process is followed.)

| Options | Benefits | Impacts and Risks |
|---|--|---|
| Option A – offer sites to existing stall holders first. | Recognises existing stall holders have met the licence conditions. Avoids financial uncertainty for existing stall holders. | Ignores the lease condition that street stall licences cannot be renewed. Lost opportunity for new businesses to establish in prime locations. |
| Option B – call for expressions of interest | Provides the opportunity for new stall holders to establish in Nelson, or for existing stall holders to relocate. This approach recognises the licence condition that stall licences cannot be renewed. | New stall holders may not comply with lease conditions and may only be short term. Risk of losing existing stall holders who are valued by the public and who have provided this service for many years. |

| Options | Benefits | Impacts and Risks |
|---------|----------|---|
| | | <p>Creates a level of uncertainty for existing stall holders.</p> <p>Administrative costs.</p> <p>Creates a need to extend the existing Licences for six months to allow for an expressions of interest and selection process to occur.</p> |

- 6.3 Option B is recommended because it gives new businesses the opportunity to operate in the inner city, and it provides more flexibility regarding the commercial use and occupation of public land.
- 6.4 Option B is the fair and appropriate option because it is aligned with the licence condition that states that licence cannot be renewed. It also recognises that street stalls are temporary and mobile, by nature.
- 6.5 An extension of the existing street licences for six months will be required to allow for an expressions of interest process to be completed.

Issue 2 – Expiry of Outdoor Dining Licences

- 6.6 Option A is the status quo: to continue the moratorium on use of parking spaces for outdoor dining (limiting this to 14 operators occupying 24 spaces) for 12 months but allow further use of footpath space for outdoor dining.
- 6.7 Option B is to allow more parking spaces to be used for outdoor dining, and also continue to allow more use of footpath space for outdoor dining.
- 6.8 Option C is to not allow more use of footpath space or carparks for outdoor dining.

| Options | Benefits | Impacts and Risks |
|--|---|--|
| Option A – parking spaces used for dining limited to current levels for 12 months but footpath space not limited to existing levels. | <p>Enhances the vibrancy of the inner city.</p> <p>Retains the existing number of parking spaces in the CBD.</p> <p>Allows for the Nelson Parking Strategy to</p> | <p>Potential for increasing clutter/obstructions on the street impacting on pedestrian access.</p> |

| Options | Benefits | Impacts and Risks |
|--|---|--|
| | be adopted by Council. Will recognise the requirements of the Urban Environments Bylaw. | |
| Option B – both parking and footpath spaces not limited to existing levels | Potential for further enhancement of the vibrancy of the inner city. Fairer for new businesses – equal opportunity to apply for use of parking spaces for outdoor dining. Reflects that leases are not renewable. | As above. Potential significant loss of existing parking spaces. |
| Option C – both parking and footpath spaces limited to existing levels | Potential impacts on the growth in vibrancy of the inner city and economic development in the inner city. | No increase in the clutter/obstructions on the street caused by dining impacting on pedestrian access. |

- 6.9 Option A is the recommended option. It recognises both the economic value of both outdoor dining to inner city businesses, and the value of accessible parking spaces. Provision of adequate parking spaces is particularly important to ensure sufficient parking spaces are available even where the first hour of parking is free.
- 6.10 Allowing new applications for occupation of footpath spaces is important for economic reasons and for inner city vibrancy, to ensure there are opportunities for new businesses, not just for businesses which have already established their use of outdoor dining space. However, the impact on pedestrian use of the footpaths will need to be well managed to ensure safe pedestrian access is not compromised.

7. Assessment of Significance against the Council's Significance Policy

- 7.1 These are not significant decisions in terms of the Council's Significance and Engagement Policy because they relate to the temporary lease of land (rather than its sale).

8. Alignment with relevant Council policy

- 8.1 Commercial Occupation of Footpaths, Car Parks and Parking Squares Policy (2000). The outcome sought by this policy is: *"To permit controlled use of the footpaths, car parks and parking squares for commercial activities which enhance the vitality and vibrancy of the city, while maintaining pedestrian and road user safety and access, ensuring adequate parking, whilst minimising any negative impacts on other businesses or retailers in Nelson City."* The continuation of outdoor dining and street stall activities is consistent with this outcome.
- 8.2 The recommendations are also consistent with Section A15 (on page 74) of the Heart of Nelson Strategy, which includes the following guidance regarding outdoor dining and street stalls: *"The number of street vending sites is considered to be 'about right' as most suitable locations have been identified and let. A gradual increase in street-side dining can occur as demand dictates."*
- 8.3 The Council's trial of providing the first hour of parking free throughout the city has concluded. This is relevant to decisions about leasing car parks for outdoor dining activities, and the recommendation to maintain the moratorium for another 12 months to allow consideration of the Nelson Parking Strategy.
- 8.4 The existing Trading in Public Places Bylaw (No. 213) does not require operators of a Council approved street stall to also gain a permit for operating a mobile shop (refer clause 4.1). This avoids duplication of licensing and permitting processes.
- 8.5 The recommendations in this report are aligned with Goal Seven of Nelson 2060: *"Our economy thrives and contributes to a vibrant and sustainable Nelson."*
- 8.6 There are administrative costs of calling for expressions of interest for street stalls, but these can be absorbed within the existing administrative costs.

9. Consultation

- 9.1 The key affected or interested persons are existing licence holders as well as businesses with an interest in gaining a licence for either a street stall or outdoor dining. The general public are also key affected persons should the decision to increase the number of parking spaces used for dining is made.
- 9.2 If the Council decides to call for expressions of interest for street stall and/or outdoor dining licences, all existing licence holders will be directly advised. The call for expressions of interest (and selection criteria) will also be publicly advertised.

10. Inclusion of Māori in the decision making process

- 10.1 Maori have not been consulted on this issue.

11. Conclusion

- 11.1 This report considers the upcoming expiry of existing licences for street stalls and outdoor dining, and the options for issuing new licences. It weighs up the interests of existing license holders and the interests of more recently established or future businesses.

Michael Homan

Property and Facilities Asset Manager

Attachments

Attachment 1: A1341408 - Street Stalls Outdoor Dining Locations - 5 May 2015

