



Activities in Public Places Bylaw 2023 – Queenstown Lakefront Traders

Council Workshop
3rd December 2024



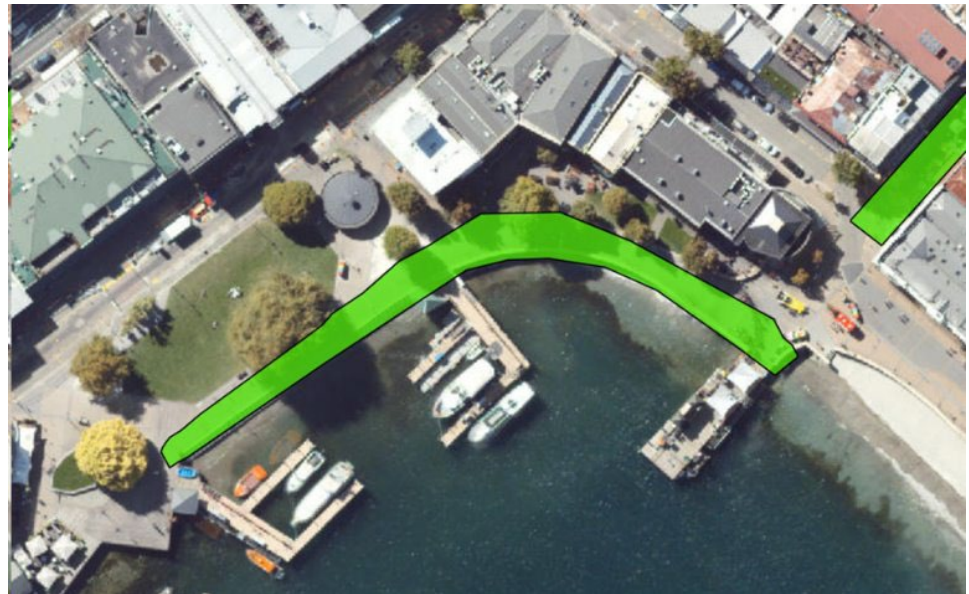
Overview

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- Summary of Enforcement Action to date
- Challenges
- Considerations
- Next steps
- Discussion/Questions

Background

The issue:

Complaints received regarding pop-up stalls operating on the Queenstown Lakefront in breach of the Activities in Public Places Bylaw 2023 ('the bylaw').



The bylaw provisions require that the 150 m stretch of trading area in question is limited to three or four buskers or pop-up stalls.

Background

Busking, Pop-Up Stalls, and Charity Street Collection



Background

Main rules identified to be in breach under the bylaw in this location:

12 Conditions for busking, pop-up stalls and charity street collection

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

- (c) they are at a distance of at least 50 metres from any other busker, pop-up stall holder or person undertaking charity street collection;*
- (g) they do not remain at the same location for longer than one hour, unless there is a 30 minute break;*

Summary of Enforcement Action to date

Pre-March 2024 Council Workshop

6-22 traders occupying 150 m stretch of trading area

Outcome of enforcement post-March 2024

Observed reduction in unlawful pop-up stalls through formal warnings (8-10 pop-up stalls remaining in breach of bylaw). Next steps initially intended were to revoke permits and seize stalls.

Current issue

Number of challenges identified to discuss. Continuation of agreed next steps may not be most effective route to address ongoing misuse of this land and remaining high levels of non-compliance.

Challenges

Feedback from pop-up stalls:

- Competition among traders for sought after location which is creating capacity issues.
- Majority of traders are operating in this nature as their main source of income and rely on trading as a full-time occupation. Operating in this nature does not align with the intent of the bylaw.
- Challenges in finding another location to lawfully trade including pushback from established surrounding commercial premises.
- Difficulties with maneuverability of stalls and H&S concerns.

Considerations

Property Considerations

- The land parcels available for traders to operate under the bylaw are managed by the Property & Infrastructure Team.
- Introduction of a leased or licence to occupy approach have been considered to enable management and identification of traders within this space.
- There are a number of implications of introducing this scheme including significant cost increase to both Council and stall holders. This approach would also require changes to the bylaw and include full consultation.

Considerations

Other trading opportunities (markets)

- There is currently an artesian homemade market that occurs on Saturdays (and periodically on Fridays) on Earnslaw Park.
- Concerns have been raised that there are no restrictions under the bylaw that determines the nature of what they are selling, provided they are not causing a nuisance.
- There are opportunities available to establish on private land in the manner in which some traders are wishing to operate.

Considerations

The bylaw

- Clause 11.2 of the bylaw prescribes that Council may by resolution prohibit trading from an area in perpetuity or for a specific period of time.
- Council may also consider to bring forward a bylaw review. This would involve all aspects of the bylaw being reviewed and significant resourcing and costs to Council.

Next Steps

Council officers have determined three pathways moving forward for elected member discussion and feedback;

Pathway 1: Status quo

Pathway 2: Exercise Clause 11.2 of the bylaw and prohibit trading from Queenstown Lakefront.

Pathway 3: Explore other opportunities available.

Pathway 1

Pathway 1 Breakdown	Advantages	Disadvantages	Costs
Status quo – proceed with escalation of enforcement tools as discussed at the March 2024 workshop including revocation of permits and seizure of stalls for continued noncompliance.	<ul style="list-style-type: none">• Reduction in congestion.• Complaints received may reduce.• The purpose and objectives of the bylaw met / increased etc.	<ul style="list-style-type: none">• Does not address a number of the challenges identified.• Occupation of this area attracts traders to operate in this location. Ongoing resource will be required to enforce requirements.• Possible resistance from traders. Seizure will require Police presence.• Encourages competitive behaviour among traders.	Moderate

Pathway 2

Pathway 2 Breakdown	Advantages	Disadvantages	Costs
Exercise Clause 11.2 of the bylaw and prohibit trading from Queenstown Lakefront and potentially other locations.	<ul style="list-style-type: none">• Clears congestion and discourages new traders establishing.• Enables clear prohibition for enforcement.• Removes competitive behaviour.	<ul style="list-style-type: none">• Impacts traders wishing to locate in high demand area.• May result in other permitted areas experiencing similar issues. Note – other areas may also need to be reviewed as outdoor licencing and pedestrian clearance requirements are likely to interfere.	Minor

Pathway 3

Pathway 3 Breakdown	Advantages	Disadvantage	Costs
Formally review bylaw to consider potential amendments	<ul style="list-style-type: none">• Full consideration of this matter	<ul style="list-style-type: none">• Complex and time consuming	Significant
Introduce licence regime/LTO/booking scheme (likely to require bylaw review)	<ul style="list-style-type: none">• More regulated	<ul style="list-style-type: none">• Very complex• Existing traders may not benefit• Commercialisation	Significant
Revoke Activities in Public Places Bylaw 2023	<ul style="list-style-type: none">• Compliance	<ul style="list-style-type: none">• Traders and other activities are not regulated	Minor
Do nothing	<ul style="list-style-type: none">• No further resource required	<ul style="list-style-type: none">• Lack of regulation• Loss of community confidence• Issues not resolved	No costs



Discussion/Questions