

# Activities in Public Places Bylaw 2023 – Queenstown Lakefront Traders

Council Workshop  
3<sup>rd</sup> December 2024



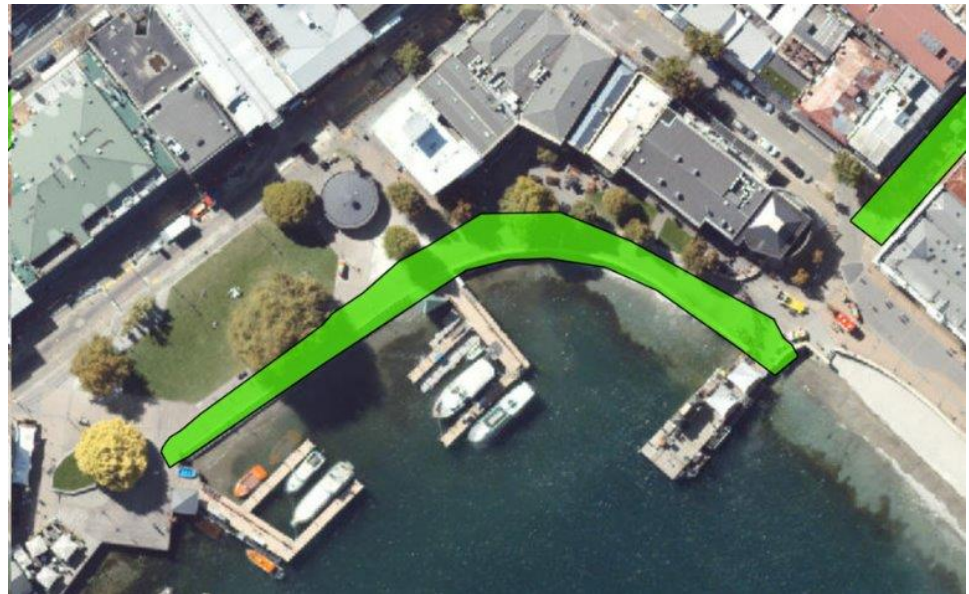
# Overview

- Background
- 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"><li>• Reduction in congestion.</li><li>• Complaints received may reduce.</li><li>• The purpose and objectives of the bylaw met / increased etc.</li></ul>	<ul style="list-style-type: none"><li>• Does not address a number of the challenges identified.</li><li>• Occupation of this area attracts traders to operate in this location. Ongoing resource will be required to enforce requirements.</li><li>• Possible resistance from traders. Seizure will require Police presence.</li><li>• Encourages competitive behaviour among traders.</li></ul>	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"><li>• Clears congestion and discourages new traders establishing.</li><li>• Enables clear prohibition for enforcement.</li><li>• Removes competitive behaviour.</li></ul>	<ul style="list-style-type: none"><li>• Impacts traders wishing to locate in high demand area.</li><li>• 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.</li></ul>	Minor

# Pathway 3

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