



Nelson City Council
Te Kaunihera o **Whakatū**

Commercial Occupation Policy 2024

(Footpath and car park dining, street stalls and markets)



1. Introduction

Outdoor dining, street stalls and markets are an important part of delivering on our priorities to transform our city and commercial centres to be thriving, accessible and people focused.

The purpose of the Commercial Occupation Policy (Policy) is to inform and advise businesses of the requirements and assessment matters when applying for a Commercial Occupation licence for:

- **Outdoor dining** (an extension of a café, bar, or restaurant which is set up on any footpath or other public place)
- **Street stalls** (any vehicle, table, or other construction or erection which, pursuant to a licence to occupy issued by the Council, is authorised to occupy a dedicated site within the City)
- **Ongoing market** (a market held on a regular basis, such as weekly, which requires a commercial occupation licence).

The guiding principals have been developed to ensure these activities are appropriately managed while balancing the needs of the community and economic vitality:

- **Equity** commercial occupation opportunities are available to both current and future holders of licences
- **Efficiency** the process for making licence applications and decisions is quick and easy to complete
- **Activation** outdoor dining, street stalls and market activities attract people to the city by creating thriving and engaging environments
- **Amenity** encouraging the establishment of outdoor dining, street stalls and market activities in areas where they enhance city centres
- **Accessibility** pedestrian access to a 1.8 metre width of unobstructed footpath area should be maintained wherever practical
- **Affordability** the conditions associated with using car parks as outdoor dining areas will consider the need to keep set-up costs to a minimum, so they are not a significant obstacle to commercial occupation.

The Policy is one of the ways we can help to implement Te Ara ō Whakatū – City Centre Spatial Plan. It also aligns with the Parking Strategy 2022, the provisions in the Urban Environments Bylaw and the Road Occupation Policy.

2. Application of the Policy

The Policy applies to commercial occupation of:

- All legal road controlled by Council (as defined under section 315 of the Local Government Act 1974)
- 1903 Square
- Cathedral Steps.

The policy does not apply to commercial occupation of:

- any other land controlled by Council
- the Saturday Market in Montgomery Square
- privately owned land.

3. Information about commercial occupation licence application process and conditions

All the information about the process to apply for a commercial occupation licence, along with the application forms, licence terms, conditions and fees are available to download at nelson.govt.nz/

4. Assessment matters for licence applications

Council will consider the following matters when assessing licence applications for outdoor dining, street stalls and market stalls:

- **Footpath width:** Whether a 1.8 metre footpath width is retained and accessible to pedestrians, so that the occupation is not creating a safety hazard for the public.
Council recognises some footpaths are narrower than 1.8 metres, in these situations, an exemption from this requirement may be made on a case-by-case basis, factoring in the total footpath width, pedestrian numbers, and the speed and number of vehicles using the adjacent road.
- **Safety:** Safety of the proposed area, ensuring it delivers a safe and sustainable transport network for all road users.
- **Appearance:** Whether the structure, street stall or other visual elements of the occupation is a good fit for the location.
- **Previous compliance:** for applicants who have previously held licences or permits for activities in Council's public places, the applicant's compliance history will be taken into account.
- **Strategic alignment:** Alignment with Council's Parking Strategy and Parking Management Plans, and any spatial plans related to the city.

Specific assessment matters for street stalls

- How the products to be sold are compatible with the surrounding shops and other activities in the location.

Specific assessment matters for markets

- The size and timing of the market
- The goods to be sold at the market
- The location of the market
- How this type of market will benefit the public and attract visitors to Nelson
- Implications of traffic safety and parking availability during the market, including delivery vehicles.

For both street stalls and markets, where there is more than one applicant for a particular site, Council may offer alternative sites to applicants.

5. Licencing cycle

To enable Council's appropriate management of commercial occupation of its public places that this policy relates to, and to ensure that it is clear that commercial occupation of these public places is temporary, Council will consider all commercial occupation licences every 3 years. The first commercial occupation licences to which this policy applies will be issued for a term of up to 3 years, ending 30 June. Near the end of that term, Council will consider whether all or any of these licences may be renewed for a further 3 year term, and whether it will consider new applications for the next 3 year cycle.

If a commercial occupation licence ends early, Council may consider accepting new applications for that location, either at the time the location becomes available or at the time a number of locations become available.

6. Licence fees

Licence fees will be reviewed at least once every three years to align with licence terms. Changes to fee amounts or structure will be subject to a public consultation and resolution of Council.

Licence fees are available to view at nelson.govt.nz/services/fees-and-charges/