

9. CENTRAL CITY PRODUCE MARKET

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The purpose of this report is to seek Council approval for Christchurch Market Limited (CML) to operate a produce market on part of the Tuam Street carpark, including the Checkers building, under a licence agreement with the Council as landlord. The report was considered by the Central City Streets Subcommittee at a meeting on Thursday 5 September 2002, as resolved at the 22 August 2002 meeting of the Council.

CONTEXT OF REPORT

For some months Council Officers have been working with CML to establish a produce market within the city. Over the last few months a series of reports have been presented to the Council, which in summary have provided resolutions to work unilaterally with CML to develop site options to be reported to a subcommittee.

At the April 2002 Council meeting, following a seminar and a report through the Sustainable Transport and Utilities Committee it was resolved:

1. *That given the circumstances of this particular proposal, the Council will not tender the opportunity to use public land for the purposes of a produce market within the eastern part of the central city (that area east of Colombo Street and bounded by Moorhouse, Fitzgerald and Bealey Avenues).*
2. *That a Councillor Subcommittee be established to:*
 - (a) *Further consider the most appropriate site for the produce market, with a recommendation to Council through the Sustainable Transport and Utilities Committee regarding the preferred site: and*
 - (b) *Provide staff with direction on appropriate negotiation for a licence agreement with Christchurch Market Limited for the preferred site (subject to all necessary legal steps), with a recommendation to Council through the Sustainable Transport and Utilities Committee regarding whether the licence should be entered into on terms negotiated.*
3. *That the Councillor Subcommittee be the Central City Street Subcommittee consisting of Councillors O'Rourke, Stonhill, Corbett, Wright and Megan Evans plus the Mayor.*
4. *That it be a recommendation jointly of the Sustainable Transport and Utilities Committee and the Central City Mayoral Forum to the Strategy and Finance Committee that following further investigation by staff, appropriate funding within current budgets is allocated to assist in the setting up and promotion of the market.*

During May 2002 the Councillor Subcommittee further considered possible sites for the Market, in particular High Street and Cambridge Terrace. It was agreed that the Subcommittee report direct to the May meeting of Council if possible recommending a preferred site, so that the necessary legal procedures could be commenced from that meeting. Cambridge Terrace was recommended together with a notice of motion for a Special Order to create a part time pedestrian mall.

The resolution of the Council was as follows:

1. *That the Council confirms that it will enter into negotiations with Christchurch Market Ltd for a licence to operate a central city market at weekends on that part of Cambridge Terrace situated between Colombo and Manchester Streets.*
2. *That the market be limited to produce and associated products, children and youth products and entertainment and similar activities.*
3. *That pursuant to section 336 of the Local Government Act 1974, the Christchurch City Council resolves by Special Order, that Cambridge Terrace, between Colombo Street and Manchester Street, as shown on the plan attached, be declared a pedestrian mall.*
4. *That the driving, riding or parking of any vehicle or the riding of any animal be prohibited between the hours of 3am Saturday to 2am Monday subject to the following exceptions and conditions:*

- (a) *Trade and other vehicles associated with the operation of a street market and associated activities may enter the mall at specified times if authorised by the licensee of the street market.*
- (b) *Street cleaning and rubbish collection vehicles operated by the Christchurch City Council or its nominated contractor may enter the mall at any time.*
- (c) *Any vehicle or specified class of vehicle that has entered the mall under any section of this special order must not be parked for a longer period than is necessary for its driver to carry out his or her business or for the period of any emergency.*

After the May meeting some opposition arose in relation to establishing the market in Cambridge Terrace. It was therefore decided by CML that further alternatives be investigated.

As a result a new proposal has been developed to utilise the Tuam Street carpark including the Checkers building. This report seeks approval in principle for this site and for Council Officers to further develop the proposal for consideration.

Time is of the essence as there is a desire to have the market operating by 1 November 2002. To achieve this timeframe it will be necessary for Council to provide some form of delegated authority to conclude the licence. Therefore, at the time of writing this report, without prejudice, discussions have been initiated with CML over details for the terms and conditions of the licence.

RELEVANT COUNCIL POLICY

Current Council policy states that in principle the Council should publicly tender properties for sale unless there is a clear reason for doing otherwise. The Property Unit has always interpreted disposal as meaning sale or lease. There is an exception to that policy which includes the area of the city where the Central City Board (sic.) is active in pursuit of Council revitalisation goals.

However, the Council in April has already resolved not to publicly tender the opportunity to use public land for the purposes of a produce market, although it was not necessarily envisaged at that time that the site would be on Council land other than public road.

It is considered that both the April Council resolution and the exceptions provided for in the policy give the Council the scope to deal unilaterally with CML. Both the Council and the Central City Mayoral Forum have previously endorsed the proposal for a central city produce market as a key means of assisting central city revitalisation.

A DESCRIPTION OF THE PROPOSAL

The proposal is to operate a produce market on Saturdays and Sundays in the Tuam Street carpark including the Checkers building but excluding part of the yard where some of the pool vehicles are stored to the south of the Checkers building (refer attached plan) The proponents are also seeking a future extension to include Friday nights, if the venture proves successful over time.

A detailed description of the produce market proposal was given in the April report, and while not specific to this site, the operational and functional issues are generic and therefore are still applicable. It is proposed that this market will involve stalls being established both within the Checkers building and in the carpark directly to the rear of the building, an area currently utilised to store the Council pool vehicles. Carparks within the public portion of the Tuam Street carpark will remain, however, if the market outgrows the currently proposed site, some of this area may also be utilised. Design of the market and stall layout will consider vehicle movement and pedestrian safety, as well as creating an appropriate 'street' effect, with the market running from Tuam Street through to St Asaph Street.

Of crucial importance to the proponents is secure tenure of a venue. Council officers have indicated that this site is being considered as an option for the Councils future office accommodation and that any licence agreement entered into would need to reflect this.

There are no significant resource consent issues in respect of operating the market on the Tuam Street carpark while removable stalls and tents are to be utilised as proposed. This may change if any permanent structures are developed but these would require building consent and landlord's approval and can be dealt with separately.

As this site is owned by the Council and does not include the road or resource consent matters there are no statutory or legal requirements to undertake consultation. However, tenants/building owners within the vicinity are being advised, by letter, about the proposal.

ISSUES FOR CONSIDERATION

Issues relating to the general concept of a central city market were considered in the April report and this section considers the issues that specifically relate to the Tuam Street proposal only.

A meeting of those Council Units that may be affected by the weekend use of the carpark, was called on 17 July 2002. Representatives from City Solutions, Corporate Services, Parking Unit, City Streets, Water and Waste Unit, the Mayors Office and Civil Defence were invited to attend.

The biggest issue in relation to this weekend market is the relocation of pool vehicles, which are currently stored both in the Checkers building and in the secure parking area to the rear of the building. CML's proposal would require 36 pool vehicles to be relocated and it is anticipated that these would be moved prior to the Saturday morning setting up of the market to another Council carpark, which is secured, and with vehicles returned prior to the Monday morning. Details of this manoeuvring of vehicles and associated costs is yet to be established and the rental level to be negotiated would reflect whether the site was made available on an encumbered or unencumbered basis.

The Councillors carpark area will probably provide the solution for the weekend storage of these vehicles because it is in close proximity to the pool vehicles. There are some options for a satisfactory resolution for Councillors who may wish to utilise their parks during the weekend period.

Council staff do utilise a small number of pool vehicles in the weekend and it is intended that access to these will still be available.

A licence agreement needs to be established between CML and the Council, which will detail the logistics of the market. Details are to include term, rental paid, moving of vehicles, rubbish removal, public liability insurance, and other relevant issues including allowing for potential future development of Council office accommodation or other redevelopment of the site. It is anticipated that the agreement will ensure that the operation of this site for a market will be at least cost neutral to Council (ie Units affected will not have to bear any relocation costs etc).

The market has become an issue of some public interest, and some negative feedback has been given on the proposals presented to date (High Street, Cambridge Terrace and Tuam Street) both from parties in the vicinity and other related interests (eg other market operators). Although there is no formal right of objection on this occasion (no street stopping or resource consent issues), there may well be concerns raised, including the lack of opportunity for others to utilise the carpark. There has already been concern raised by other interests involved in the selling of fresh produce, and discussions with those parties is taking place, involving Council officers and CML.

It needs to be remembered that the produce market is a longstanding objective of the City Council and the Mayoral Forum, and it is likely that no matter where a site is proposed there will be some who will not be in support of it.

- Recommendation:**
1. That the Council consent to the utilisation of the Tuam Street carpark, including the Checkers building and land to the rear, for the purposes of a fresh produce market and associated carparking at weekends.
 2. That the market be limited to produce and associated products, children and youth products and entertainment and similar activities.
 3. That Council Officers undertake detailed investigation work for the development of a licence agreement to be accepted by Council.
 4. That delegated authority be provided to the Central City Streets Subcommittee to finalise the licence agreement including fixing the rental and other charges.

(Councillors Helen Broughton and Carole Evans requested that their vote against the above recommendation be recorded.)