

## 5. PROPOSED CONCESSION LICENCE: QUADRICYCLE HIRE OPERATION AT SUMNER

<b>Officer responsible</b> Anne Greenup, Greenspace Manager	<b>Author</b> Tony Hallams, Policy and Leasing Officer, DDI 941-8320
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The purpose of this report is to enable the Committee to consider recommending to the Board that a quadricycle hire operation be based on recreation reserve at Sumner. Subject to the Board supporting the proposal, the business opportunity would be publicly advertised through the “request for proposal” process.

### EXECUTIVE SUMMARY

This report includes the background, description of proposal and issues that must be considered by the Committee before making a decision on whether or not to recommend to the Board that a small section of garden (20m<sup>2</sup>) fronting the Esplanade at Sumner be put out for a “request for proposal” for a licence to run a commercial quadricycle concession. (A “request for proposal” normally contains an attachment of the draft concession licence for the intended site.)

Because the Council is required to ensure impartiality and transparency with any commercial proposal on reserve land, the “request for proposal” process is considered appropriate for the Board’s consideration.

### BACKGROUND

The Greenspace Unit has received two enquiries to base a quadricycle hire business on Council reserve land at Sumner. Quadricycle hire is not a new concept in Christchurch, as until recently a hire business existed based at the Christchurch Arts Centre.

Following the two initial enquiries, the Greenspace Unit assessed three sites near Cave Rock. These sites are detailed in appendix 1 in order of consideration as 1 to 3. The final site chosen in consultation with Greenspace planning staff took into account:

1. the effect of reducing the existing garden area;
2. the prospective operator’s accessibility to the site and adjoining carriageway; and
3. the safety of pedestrians moving to and from the beach near the immediate site and Cave Rock.

The final site chosen is detailed in appendix 2.

### CONTEXT

The Board has delegated authority under section 74 of the Reserves Act 1977 to approve in principle the granting of a licence.

While no direct community consultation has been undertaken at this stage, if the Board supports the proposal the next stage of the process would be to advertise the site use opportunity using the “request for proposal to run a quadracycle business” process.

It is considered that consultation could be achieved through the advertising process, which would include contacting the Sumner Residents’ Association and other groups. During the public notification process details of the proposal would be circulated to all commercial operators and residents in close proximity to the intended site.

Submissions would be invited during the “request for proposals” process and objections (if any), would be heard by a reserves hearings panel.

In the event the Council decided to proceed, a successful proposer would be chosen by an internal Council Greenspace Unit constituted weighted attributes assessment panel, using a weighted attributes assessment criteria.

The weighted attributes assessment criteria could include the following:

- The identity of the proposer, whether they are operating as a registered company, and what guarantees are given to meet their obligations under the licence
- The experience of the proposer in delivering the activity proposed
- The financial position of the proposer
- What payment the proposer is offering to operate quadricycles from the proposed site
- The anticipated commencement date if the proposer is successful

(A similar process is used within the Greenspace Unit to choose a successful proposer when a “request for proposals” is called for conservation-based sheep grazing regimes on defined tracts of reserve land on the Port Hills.)

## CURRENT DEVELOPMENTS

The Transport and City Streets Unit is in the process of implementing a 40km/h speed restriction on the Esplanade and side streets leading up to the Esplanade. Barry Cook (Traffic Engineer) states:

*City Streets (Transport and City Streets Unit) supports the operation of quadricycles in the Sumner area providing safe practices and road rules are complied with. The fact that City Streets is in the process of implementing a proposed 40km/h speed restriction on the Esplanade and side streets leading up to it from Nayland Street will make this sort of operation quite appropriate for this area.*

Transport and City Streets Unit officers have indicated that the formed “lead-in” in the existing carriageway and the proposed activity should not give rise to any traffic hazard.

Advice has been sought from the Land Transport Safety Authority on quadricycles. In communications with the authority, a spokesperson for the authority has stated that:

***Pedal cycles do not have to meet specific standards, but must meet the General Safety Requirements of the Land Transport Rule, Tyres and Wheels 2001, and Land Transport Rule Light-Vehicle Brakes 2002.***

It is envisioned that if the Board supports the concept, then any licence would specify the above requirements as a condition.

Advice was also sought from the Hurunui District Council, which leased car parks to a quadricycle operator at Hanmer. That activity has now moved to a site where the bikes are not parked on the street. It is my understanding there have been no problems associated with the Hanmer quadricycle activities.

Because the proposed site sits on recreational reserve, the report author has consulted with the Department of Conservation (DOC) on the proposed concept. In correspondence from a DOC Programme Manager dated 9 February 2004, the writer states:

*The Department’s Programme Manager, Statutory and I have given this proposal preliminary consideration and at this stage do not foresee any major issues from the Department’s perspective. Given that the only area of reserve land involved is a small area of land on which the bikes will be situated when not hired, I do not see any problems. Any issues of safety emerge outside of the reserve land itself, and on legal road, which is not something that the Department of Conservation will consider, but are obviously issues for the Christchurch City Council to satisfy itself on.”*

## DESCRIPTION OF THE PROPOSAL

It is proposed that a small section of the existing garden be paved to give an area of 20m<sup>2</sup> on which to display vehicles for hire.

The current garden area is relatively flat and contains “ice plants” No fixtures or buildings are proposed. It is envisioned that up to three quadricycles could be displayed for rental at the site, with the hours of operation for display and rental being daylight hours only, with quadricycles being moved off the site at the end of each day’s activities.

Photographs provided in appendix 3, courtesy of Mr Kim Preston, indicate two types of vehicle that could be operated: a two-seater model 1.9 metres in length, and a four-seater model 2.5 metres in length. Both models are one metre wide.

It is considered that these vehicles would only be suitable for traversing the adjoining streets, as access to the Esplanade sealed walkway is restricted at the Cave Rock end.

### **ISSUES FOR CONSIDERATION**

Because of the small portion of land required for the activity, it is considered that the activity would not adversely affect the amenity of the area but enhance it by providing an activity for visitors to enjoy.

The traffic engineers consulted have not indicated any additional road markings would be necessary for the carriageway adjacent to the site. Officers consider that public safety issues could arise if quadricycles were permitted to travel along the Esplanade walkway, and that a condition of any licence should preclude quadricycles from this area.

Whilst both enquirers have not raised the matter of preferential parking associated with the activity there is considerable public parking space along parts of the Esplanade.

The proposed site is situated within 10 metres of a notable tree, and therefore resource consent would be required to use the area for the activity. It is considered that if the pavers were placed (rather than permanently fixed to the sand substrate) the root systems of the adjoining trees should not be interfered with.

### **CONCLUSIONS**

Staff in the Council's Greenspace Unit support the proposal subject to the conditions outlined below:

1. The Council obtaining resource consent to undertake the proposed activity.
2. Public notification and the endorsement of the proposal after considering all objections received, prior to a suitable licensee being selected by the weighted attributes assessment system.
3. The area to be covered by the licence being available for public use at all times except when the concession is operating.
4. The licensee not having exclusive possession or rights over the said land.
5. All costs associated with the paving of the said land being met by the successful proposer. The improvements remaining the property of the Christchurch City Council on termination of the licence.
6. The quadricycle display and hire operation being subject to safe practices being followed and any road rules complied with, including compliance with Land Transport Safety Authority Rules and the implementation of an adequate Health and Safety Plan by the licensee.
7. The quadricycles not being operated on public reserve land, which includes the Esplanade walkway strip.
8. The licensee keeping the site free of rubbish and other unsightly material.
9. The licensee complying with all statutes relating to the use of the site.
10. The licensee not erecting any structures or signage on the site, other than a freestanding sandwich board that is removed daily.
11. The licensee maintaining a Public Liability Insurance Policy for not less than \$1,000,000 during the licence term.
12. The licensee acknowledging that they are occupying the said land at their own risk in all things and agreeing to absolutely indemnify and keep the Council indemnified from and against all costs, claims, expenses, damages, actions and proceedings however arising in respect of or in connection with the granting of any licence, or any other thing or circumstances relating to it.
13. The licensee not assigning or otherwise parting with or disposing of their interest under the Licence.
14. The term of the licence being a pilot period of one (1) year with a right of renewal for a further two (2) years.

15. The licensee paying in addition to the agreed rental the reasonable legal costs (on a solicitor/own client basis) incurred by the Council incidental to the preparation, variation, renewal, or surrender of the licence, and the enforcement or attempted enforcement by the Council of its remedies under any licence.

**Staff**

**Recommendation:** That the Committee recommend to the Board that the Board approve the granting of a concession licence to operate quadricycles from the defined area of Recreation Reserve RS 3549 subject to the conditions 1 to 15 outlined above.