

Officer responsible City Streets Manager	Author Weng-Kei Chen, Asset Policy Engineer
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The purpose of this report is to request the Committee to formalise the application process of approving the use of legal road for the purpose of outdoor seating and tables; and displays of goods and to seek delegated power for the City Streets Manager to terminate a licence of to occupy legal road when the intent of the policy and/or condition of licence has been breached.

BACKGROUND

The Council at its meeting of 25 March 1998 has resolved:

1. That the Council adopt the view that in the central city maximum use of extensions of outdoor seating and tables onto the footpath/roadway be encouraged unless eating and tables onto the footpath/roadway be encouraged unless there are identifiable safety issues which cannot be resolved.
2. That the following criteria be used as guidelines in determining applications:
 - (i) The site not being on an arterial road.
 - (ii) That there be no stopping, taxi stands, or short-term parking restrictions at the site.
 - (iii) It should be directly related to the activity carried out in the adjacent business.
 - (iv) There is no conflict with the immediate neighbouring land uses or with the historical character of the building or area.
 - (v) That the site is suitable climatically (has a northerly or westerly orientation).
 - (vi) That there will be no interference with the safe and convenient movement of pedestrians.
 - (vii) The development is not one that would detract from the immediate streetscape of that section of road.
 - (viii) The building associated with the extension has appropriate facilities to cater for the extra customers, including sufficient accessible toilets, with prominent signage.
 - (ix) A bond be paid to allow for the future removal of the extension.
 - (x) The rental be based on a market value of each square metre and paid on a quarterly basis in advance.
 - (xi) The works associated with the extension be designed to meet the requirement of the City Streets Unit.
 - (xii) If a liquor licence is to be issued then the Council reserves the right to withdraw the licence to occupy road space on the basis on non-compliance with the conditions and that this power be delegated to either of the Environmental Services Manager or the City Streets Manager, severally.
 - (xiii) The conditions of the licence will vary according to the size, the sale of liquor and location.
 - (xiv) Construction costs to be met by the owner, unless incorporated as part of an approved Council project.

In recent weeks Council staff have had several consultations with stakeholders, namely building owners, bar operators (in Oxford Terrace) and police on various issues relating to street activities and the outcomes have been positive. The main outcomes of the consultations are:

(a) **Hours of Use of the Legal Road**

This will be determined on individual case and the hours of use will be agreed upon by operator, Council and the Police. This will form one of the conditions of the licence to occupy. Further, the hours of use will be reviewed as required.

(b) **Charges for the Use of the Area**

Valuations have been obtained by both Council and the stakeholders and the rentals as indicated below have been agreed by some bar operators in Oxford Terrace at the time this report was written.

Leased Area	Rental Calculation (Per Annum + GST)
0 m ² – 30 m ²	34% of Prime Rent Rate
30 m ² – 60 m ²	34% of Prime Rent to 30 m ² Plus: 32% of Prime Rent for area above 30 m ² and below 60 m ²
60 m ² – 100 m ²	34% of Prime Rent to 30 m ² Plus: 32% of Prime Rent for area above 30 m ² and below 60 m ² Plus: 30% of Prime Rent for area above 60 m ² and below 100 m ²
100 m ² – 200 m ²	34% of Prime Rent to 30 m ² Plus: 32% of Prime Rent for area above 30 m ² and below 60 m ² Plus: 30% of Prime Rent for area above 60 m ² and below 100 m ² Plus: 20% of Prime Rent for area above 100 m ² and below 200 m ²

APPLICATION PROCESS

The attached document (including a standard “Deed of Licence to Occupy Legal Road”) contains the Council’s objectives, issues and assessment matters adopted by Council in March. It is recommended that this document form the Council’s policy for street activities.

The management of the process is an administrative function and it is desirable that delegation be given to the Council’s Officer to terminate the licence to occupy legal street when the Council’s policy and/or conditions of the licence have been breached.

- Recommendation:**
1. That the attached document form the Council’s policy for street activities on legal road.
 2. That the City Streets Unit Manager be given the delegated power to terminate the licence to occupy legal street when Council policy and/or conditions of the licence have been breached.
 3. That the rental charges shown in this report be adopted.

Chairman’s Recommendation: For discussion.