

1. COLOMBO STREET KERB EXTENSION

General Manager responsible:	General Manager City Environment, DDI 941-8656
Officer responsible:	Transport and Greenspace Unit Manager
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PURPOSE OF REPORT

1. The purpose of this report is to seek the Council's approval to remove two parking spaces and to construct a kerb extension for the purposes of constructing an outdoor dining area on Colombo Street between Kilmore and Peterborough Streets.

EXECUTIVE SUMMARY

2. An application has been made by the Mulberry Café and Restaurant to extend the kerbline and enlarge the footpath adjacent to their premises on the eastern side of Colombo Street between Kilmore Street and Peterborough Street, to create an area for "al fresco" dining (**see Attachment One**). The construction of this kerb extension will remove two parking spaces and is in accordance with the Council's Public Streets Enclosures Policy and Guidelines. The applicant has obtained the written support of all the immediate affected neighbours. The area involved is in the Central City area which is outside the area delegated to the Hagley Ferrymead Community Board for roading. The report was referred to the Board for its recommendation.

FINANCIAL AND LEGAL CONSIDERATIONS

3. All costs associated with the works to extend the kerbline will be met by the applicant. The lease of the footpath space is expected to generate an income stream that will offset the loss of parking revenue from the two parking spaces.

STAFF RECOMMENDATIONS

That the Council grant approval to the removal of the two parking spaces, and the application, subject to:

- (a) The introduction of a 'no stopping' parking restriction on the eastern side of Colombo Street commencing at a point 29 metres measured in a southerly direction from a point opposite the southern kerbline of Peterborough Street and extending in a southerly direction for a distance of 13 metres.
- (b) All costs associated with the kerb extension being met by the applicant and any furniture placed on street complying with Council Policy.
- (c) The execution by the applicant of the normal form of licence to occupy.

BOARD RECOMMENDATION

This report was considered by the Hagley Ferrymead Community Board at its meeting on 11 October 2006. The Board expressed concern at the loss of two parking spaces and the possible precedent that approving the application would set in respect to other hospitality businesses in the area.

On being put to the meeting the staff recommendation was declared **lost** on the Chairperson's casting vote. This matter is therefore referred to the Council for a final decision.

BACKGROUND ON THE APPLICATION

5. The applicants, who are the proprietors of the Mulberry Café and Restaurant, wish to provide an outdoor seating area similar to that on the western side of Colombo Street at Café Valentinos. They have obtained written approval from all the immediate businesses adjacent to the site on both sides of the road and they are prepared to meet the costs of the works associated with the extension of the kerb. The works are to be done in accordance with the Council's standard specifications.
6. The application has met the initial requirements of the policy and now requires approval to progress to the proposed construction.

OPTIONS

7. There are two options: approval of the application or its refusal.

Preferred Option

8. The preferred option is to approve the application. The application meets Council policy and the applicants are prepared to meet all costs. The area where the kerb extensions are proposed is a small pocket in the central city which is establishing its own special character. The proposal provides the opportunity to add to the attractiveness of this entertainment and conference hub. The extension is considered to complement the locality and to provide a positive asset to the Central City.

Maintain the Status Quo

9. If the Council supports this option, it would be inconsistent with the Council's adopted policy view that in the Central City use of/extension of, outdoor seating and tables onto the footpath/roadway be encouraged. Clear reason would be needed to outline why the conforming application is refused. In addition, such a refusal could be considered to cause a lost opportunity for this area.