

2. STRUCTURE ON STREET - 165 CASHEL STREET

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

1. The purpose of this report is to seek the approval of the Council to a structure on street application for 165 Cashel Street. An application has been made to occupy road air space by allowing an existing veranda to be modified and used as a balcony.

EXECUTIVE SUMMARY

2. Staff have received a request from the owners of 165 Cashel Street to occupy 6.2 square metres of airspace by modifying an existing veranda to function as a balcony.
3. The property at 165 Cashel Street was the site of Inland Revenue NZ. The current owners have now started work on converting the building from office space to a hotel. Relevant building and resource consents have been obtained. (See **attached** photographs and plans).
4. Most of the existing veranda will be retained therefore the clearance height of the balcony will not impact on cleaning vehicles.
5. The applicant has noted that:
 - (a) The balcony will not impact on the street scene in an adverse way.
 - (b) It will allow a smoking area for guests.
 - (c) It does not protrude when compared with the existing veranda.
6. If approved a Deed of Licence would be entered into for the ongoing lease of the airspace.
7. There is a conflict between the proposal and Council policies.

FINANCIAL AND LEGAL CONSIDERATIONS

8. A Deed of Licence would be entered into for the long term lease of the airspace and at a rental acceptable to the Corporate Support Manager if the application is approved.
9. Current Council policy does not support situations where it is proposed to use 'road' space for private activities. The Airspace Policy states that *"the Council will not generally grant rights to space above roads for the sole purpose of creating additional floorspace (ie for an overbuilding) unless there are exceptional circumstances, such as where there is a clearly demonstrated need for increased floorspace that cannot be met in any other way, ie by expansion upwards, sideways or backwards or by moving to another site"*.
10. It should be noted that the "Footpath Extensions to Expand Cafes Policy" states *"that the Council adopt the view that in the central city use of extension of outdoor seating and tables onto the footpath/roadway be encouraged"*.

OPTIONS

11. The only options are to approve or decline the applicant's request.

PREFERRED OPTION

12. For discussion.

STAFF RECOMMENDATIONS

Subject to the Board's decision in favour of the applicant, it is recommended that the Board recommend that the Council:

- (a) Approve the use of airspace at 165 Cashel Street to construct a balcony.
- (b) Subject to (a) above, delegate to the Corporate Support Manager the authority to enter into a Deed of Licence, in respect of the balcony over 165 Cashel Street, at such rental and terms as shall be acceptable to him.

BOARD'S RECOMMENDATION

That the Council approve the use of air space at 165 Cashel Street for the construction of a balcony subject to:

- (a) Any necessary building consents being obtained for the proposed structure (alcohol free) which is to be constructed in a manner that precludes the throwing of objects from an elevated area.
- (b) Delegate to the Corporate Support Manager the authority to enter into a Deed of Licence, in respect of the balcony over 165 Cashel Street, at such rental and terms as shall be acceptable to him.