

## 1. STRUCTURE ON STREET - JADE STADIUM, STEVENS STREET

<b>General Manager responsible:</b>	General Manager City Environment, DDI 941-8656
<b>Officer responsible:</b>	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 as part of the upgrade to Jade Stadium, on its Stevens Street frontage. An application has been made to occupy road air space by extending the proposed structure out such that it can be used as a balcony.

### EXECUTIVE SUMMARY

2. Staff have received a request from a consultant acting on behalf of Jade Stadium Ltd to occupy airspace by extending portions of the concourse area out over the Stevens Street pedestrian area as part of the proposed development of Jade Stadium.
3. The application is in conflict with Council policy.
4. Sufficient space is available on site to meet the owner's needs.
5. The height of the proposed concourse, four metres, and width of overhang, three metres, will not impact on cleaning vehicles or pedestrian movement along the footpath of Stevens Street.
6. The external walls of the balcony should be constructed in a material that prohibits the throwing of food and liquids on to pedestrians walking below the balcony.
7. The applicant has noted that:
  - (a) Extending the concourse out over Stevens Street will seek to 'frame' the protected War Memorial Gates.
  - (b) It allows for concession areas at both ends of the War Memorial Gates.
  - (c) It provides a congregation point for those waiting to move across the narrow concourse corridor that runs parallel with the War Memorial Gates.
8. If approved by the Council a Deed of Licence would be entered into for the ongoing lease of the airspace.
9. Approval for the structure does not remove the applicant from obtaining relevant building and resource consents.

### FINANCIAL AND LEGAL CONSIDERATIONS

10. A Deed of Licence would be entered into for the long term lease of the airspace with terms and rental acceptable to the Corporate Support Manager.
11. The application is in conflict with Council policy since 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"*.
12. There is sufficient space available on site to provide for the needs of the owner with out encroaching onto the road (plan P4.3) (**Attachment 2**).
13. One point made by the applicant to support the application was that the intrusion will "frame" the War Memorial Gates. This is a subjective point of view given that people will not see the intrusion when approaching Jade Stadium from Lancaster Street (see **attached** photos).

14. There is insufficient detail on the plans to identify what the external wall detail is. On plan P4.4 (**Attachment 2**) the walls in question are shown as a mesh. This raises a health and safety issue of patrons, using the balcony, throwing liquids and food through the mesh, on to the pedestrian traffic below.
15. Given the nature of the site staff require that the balcony walls are made of a material that will prohibit the throwing of liquids and food on to pedestrians walking under the balcony.

#### **OPTIONS**

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

#### **PREFERRED OPTION**

17. 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 Stevens Street to construct a balcony subject to the applicant obtaining relevant building and resource consents.
- (b) Require the walls of the balcony to be constructed from a material that prohibits the posting of food and liquids on to the footpath below.
- (c) 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 Stevens Street, at such rental and terms as shall be acceptable to him.

#### **BOARD'S RECOMMENDATION**

1. That the Council grant approval in principle for the use of airspace at Stevens Street for the construction of a balcony subject to the following conditions:
  - (a) The applicant obtaining the relevant building and resource consents.
  - (b) The applicant consulting with the Returned Services Association on this project.
2. That the applicant be required to obtain and submit to both the Community Board and the Council a report from an independent qualified conservation architect on the proposal.
3. That final approval or otherwise of the proposal be withheld pending receipt and consideration by both the Community Board and the Council of the independent report sought in (2) above.