

## 9. APPLICATION TO EXTEND RESTAURANT – ON THE BEACH LTD

<b>General Manager responsible:</b>	City Environment General Manager, DDI 941-8608
<b>Officer responsible:</b>	Asset and Network Planning Unit Manager
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### PURPOSE OF REPORT

1. The purpose of this report is to seek the Hagley/Ferrymead Community Board's approval to a small extension to the restaurant effectively to improve circulation within the facility (refer **Attached**).

### EXECUTIVE SUMMARY

2. As a consequence of the September 2010 and subsequent earthquakes the above facility has suffered damage and has been inoperable pending approval of the insurance company to proceed with the necessary repairs. As the Board is aware the building was substantially altered and increased in area in 1999, based around a much older original building. There is evidence of ground movement in the surrounding surfaces of the building which have damaged the facility. Apart from damage to the deck, as a consequence of some piles settling and twisting, the principle damage to the building has occurred in the south west corner where the original concrete slab has settled significantly. There is no visible damage to the steel frames supporting the roof structure but most doors and windows do not open readily and most of the Gib lined walls have cracks/damage showing.
3. The damage to the building is fortunately repairable and once the scope of works has been prepared and approved by the Council's insurers the work will be costed and a contract let. It is evident that to effect the repairs there will be some deconstruction of the building. Given that this will occur the Company would like to take the opportunity to simultaneously extend the building through the addition of the area depicted on the attached plan at its cost. Currently the small bar area is congested making access to and from the restaurant difficult. The small extension will overcome this problem, improve the layout of the facility and is therefore supported.

### FINANCIAL IMPLICATIONS

4. As the costs will be met by the owner there are no financial implications apart from the loss of rent which has been abated.

### Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

5. Provision is included within the LTCCP for the revenue from the lease which will recommence once the business is opened for trade following the repairs. It will therefore result in the loss of approximately 15 months revenue.

### LEGAL CONSIDERATIONS

6. Community Boards have delegation from the Council for the granting of leases and licences on reserves pursuant to ss. 54, 56, 58A, 61, 73 and 74 of the Reserves Act. Further it has the power to make decisions as to alterations and/or additions to any building, fence or structure or construction of the same on any reserve land leased by the Council (administered by the Transport and Greenspace Unit) where the lease specifies the requirement of Council consent.

### Have you considered the legal implications of the issue under consideration?

7. Clause 23.1 of the lease prevents any alterations to the building without the prior consent of the Council (not to be unreasonably or arbitrarily withheld) and approval is being sought so that the alterations can be completed simultaneously with the repairs to the building. As the proposed alterations are within the existing leased area the consent of the Minister of Conservation will not be required.

#### **ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

8. Yes.

**Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?**

9. Not Applicable. The activity is not covered in the LTCCP.

#### **ALIGNMENT WITH STRATEGIES**

10. There are no Council strategies relevant to the transaction.

**Do the recommendations align with the Council's strategies?**

11. Yes, see above.

#### **CONSULTATION FULFILMENT**

12. There is no requirement to advertise the proposal as the alterations are within the existing leased area.

#### **STAFF RECOMMENDATION**

It is recommended that the Hagley/Ferrymead Community Board grants approval the tenant's application for additions and alterations as outlined in this report subject to the appropriate Resource and Building consents being obtained.

#### **CHAIRPERSON'S RECOMMENDATION**

That the staff recommendation be adopted.