

**HAGLEY/FERRYMEAD COMMUNITY BOARD  
AGENDA**

**WEDNESDAY 2 MAY 2012**

**AT 3PM**

**IN THE BOARD ROOM,  
CORNER BERESFORD AND UNION STREETS,  
NEW BRIGHTON**

**Community Board:** Bob Todd (Chairperson), Islay McLeod (Deputy Chairperson), Tim Carter, David Cox, Yani Johanson, Brenda Lowe-Johnson and Nathan Ryan.

**Community Board Adviser:**

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- PART A - MATTERS REQUIRING A COUNCIL DECISION**
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**1. APOLOGIES**

**2. CONFIRMATION OF MEETING MINUTES – 18 APRIL 2012**

The minutes of the Board's ordinary meeting of 18 April 2012 are **attached**.

**STAFF RECOMMENDATION**

That the minutes of the Board's ordinary meeting be confirmed.

**3. DEPUTATIONS BY APPOINTMENT**

**3.1 REBUILDING OF SUMNER COMMUNITY CENTRE**

Humphrey Archer, President of the Sumner Community Centre Committee will present to the Board regarding the rebuilding of a community centre in Sumner in the 2012/13 financial year.

**4. PRESENTATION OF PETITIONS**

**5. NOTICES OF MOTION**

**6. CORRESPONDENCE**

**6.1 RICHARD HUNTER**

Correspondence from Richard Hunter regarding the intersection of Major Hornbrook Road and Marama Crescent has been distributed to Board members under separate cover.

**7. BRIEFINGS**

**8. NICHOLSON PARK RADIO NETWORK COMMUNICATIONS SITE**

<b>General Manager responsible:</b>	General Manager City Environment Group, DDI 941 8608
<b>Officer responsible:</b>	Asset and Network Planning Manager City Environment Group
<b>Author:</b>	Stuart McLeod

**PURPOSE OF REPORT**

1. The purpose of this report is to seek a recommendation from the Hagley/Ferrymead Community Board that the Council grant a licence to The Radio Network Limited to formalise licensing arrangements in respect of an equipment cabinet for a radio translator that has been placed on site at Nicholson Park.

**EXECUTIVE SUMMARY**

2. This radio translator site has been in place and operating off an Orion pole for a significant number of years. A recent upgrade and enhancement of the site, in 2009, included the placement of a steel box (refer **Attachment 1**) on the ground to hold radio equipment. This did not exist in the past and now necessitates a licence with the Council.
3. The translator upgrade was necessary to improve reception in the immediate area and for The Radio Network to meet its Civil Defence obligations.
4. Licence terms and conditions have been agreed between Council staff and The Radio Network Limited, subject to the Council approving the licence.
5. The proposal is to grant a licence for a term of ten years (with a further right of renewal for ten years) at an annual rental of \$5,000 plus GST (adjusted for CPI changes every five years).

**FINANCIAL IMPLICATIONS**

6. An independent valuation was obtained and assessed a fair market rent to be \$5,000 plus GST per annum.

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

7. Not applicable.

**LEGAL CONSIDERATIONS**

8. The Radio Network Limited is a requiring authority under Section 167 of the Resource Management Act 1991, and is authorised to operate a network for the purposes of radio communication under the Radio Communications Act 1989.
9. Nicholson Park is held by the Council in fee simple and is not a reserve subject to the Reserves Act 1977. Accordingly the provisions of the Reserves Act do not apply to Nicholson Park or the licence application from The Radio Network Limited.
10. As the terms of the proposed licence fall outside the delegated authority of Council staff and the Community Board, a decision of the Council is required.

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

11. Yes, as above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

12. Not applicable.

8 Cont'd

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

13. Not applicable.

**ALIGNMENT WITH STRATEGIES**

14. Not applicable.

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

15. Not applicable.

**CONSULTATION FULFILMENT**

16. As stated above, Nicholson Park is not a reserve under the Reserves Act 1977, the consultation requirements of that Act do not apply.
17. Section 138 of the Local Government Act can apply to a non-reserve park and requires consultation before the grant of any lease or licence. However as the proposed licence will not have the effect of "interfering with the public's access to the park" that requirement does not apply in the current circumstances.
18. However, the general requirement under section 78 of the Local Government Act 2002 to give consideration to the views and preferences of persons likely to be affected by, or who have an interest in, the matter does apply.
19. For this reason the local Residents' Association were consulted over the proposal and provided with diagrams and plans for the proposed upgrade. The plans detail the height and appearance of the upgrade. The Residents' Association subsequently approved the proposal in October 2009 (refer **Attachment 2**).
20. Due to the elapse of time since 2009 the Sumner Residents' Association have been further advised that this matter will be put before the Board for consideration in 2012 and have been advised of the meeting date. At the time of writing this report no further comment from the Residents' Association has been received.
21. Installation work in respect of the upgrade commenced in November 2009 after consultation with the Residents' Association. The work was completed and one email complaint was received in May 2010. No further comments from members of the public have been received. *This matter was raised by the Board in June 2010, and a memo was provided by staff at the time to advise the Board of the situation and the next steps to be undertaken.*

**STAFF RECOMMENDATION**

That the Hagley/Ferrymead Community Board recommend to the Council that it adopt the following:

- (a) That approval be given to grant a new licence to The Radio Network Limited in respect of the equipment cabinet for its existing radio translator site at Nicholson Park, on the following terms and conditions:
- (i) term of licence ten years from 1 December 2007, with one right of renewal for ten years
  - (ii) annual rent to be \$5,000 plus GST
  - (iii) a rent review by way of CPI Increase to apply on every fifth anniversary of the licence commencement date.

**8 Cont'd**

- (b) That subject to the above, the Corporate Support Unit Manager be authorised to negotiate and conclude the terms and conditions of the licence on behalf of the Council.

**CHAIRPERSON'S RECOMMENDATION**

That the staff recommendation be adopted.

**BACKGROUND (THE ISSUES)**

22. This application arises as the result of an upgrade to an existing radio transmitter facility. The pole that the radio transmitter is attached to is owned by Orion New Zealand Limited and has been on the site for many years, dating back to at least the days of Southpower. It is understood that the radio transmitter has been in place since at least this time.
23. The pole equipment does not need a license from the Council as all the aerial apparatus is attached to an Orion pole. Orion as a utility network operator has statutory powers to erect and maintain its facilities. This particular matter came to the Council's attention when The Radio Network Limited requested permission to upgrade their transmitter including the installation of a small cabinet on the ground adjacent to the pole, thus giving rise to the need for a licence from the Council. To formalise this matter a licence is required for that cabinet.
24. The transmitter upgrade benefits the people in the immediate surrounds that have impaired reception from the Sugarloaf transmitter. Reliable and effective coverage is required to fulfil The Radio Network's obligations for Civil Defence communications.
25. The local Residents Association was consulted and provided with diagrams and plans for the proposed upgrade. The plans detail the height and appearance of the proposed upgrade. The Residents' Association subsequently approved the proposal in October 2009.
26. Due to the elapsing of time the Sumner Residents' Association have been advised that this matter will be put before the Board for consideration in 2012 and have been advised of the meeting date, no further comment from them has been received.
27. The Council's Transport and Greenspace Unit approved the application in September 2009 and installation work commenced in November 2009 after consultation with the Residents' Association. The work was completed and one email complaint was received in May 2010. No further complaints have been received. *This matter was raised by the Board in June 2010, and a memo was provided by staff at the time to advise the Board of the situation and the next steps to be undertaken.*
28. In January 2010 The Radio Network Limited agreed to an annual rental of \$5,000 plus GST per annum for a term of 10 years with one right of renewal. Rent reviews are to occur every five years with compounding CPI adjustments.

## 9. SUBMISSIONS ON DRAFT LINWOOD VILLAGE MASTER PLAN

<b>General Manager responsible:</b>	Strategy and Planning Group Manager, DDI 941 8281
<b>Officer responsible:</b>	Healthy Environment Programme Manager
<b>Author:</b>	Marcus Blayney, Planner

**PURPOSE OF REPORT**

1. The purpose of this report is to:
  - (a) inform the Hagley/Ferrymead Community Board and the Council of the community's response to the Draft Linwood Village Master Plan (the Plan)
  - (b) recommend whether or not submissions on the Plan should be heard (in accordance with the Council's resolution on 24 November 2011)
  - (c) provide an indication of the initial staff response to the submissions and proposed direction for finalising the Plan, in the event the Council decides not to hear the submissions.

**EXECUTIVE SUMMARY**

2. In June 2011, the Council approved the commencement of a master plan for Linwood Village (corner of Worcester Street and Stanmore Road). The centre was badly damaged in the Canterbury earthquakes and the master plan provides a vision, framework and implementation plan to support the recovery and rebuild of this suburban centre.
3. Focus groups and public workshops were undertaken in late August 2011 to determine the centre's specific needs for a master plan and the actions needed to help rebuild the centre. The resulting concepts were presented to the local property/business owners in November, prior to the draft plan being presented to the Community Board and Council. The draft plan was approved by Council for public notification in November. An eight week consultation period on the Plan followed from November 2011 to February 2012. The draft plan received 36 submissions from individuals and organisations within the community.
4. A Summary of Submissions on the Plan is provided as **Attachment 1**. This includes concise summaries of the public feedback to the eight actions/projects set out in the master plan as well as other matters and suggestions raised in submissions. The document also includes officer comments as to how the Plan could be amended in relation to certain actions.
5. The submission form asked whether respondents would like to present their comments at a hearing. This resulted in 12 submitters indicating that they would take this opportunity if available. Regardless of whether or not submitters indicated that they would like to be heard, all comments (both positive and negative) have been assessed. Where it is considered that suggested changes would work within the wider framework of proposals and improve the Plan these have been recognised for inclusion.
6. With the exception of one project, S1 Street Scene, there were no submitters seeking to be heard that dislike or have negative views on a project. It is therefore proposed that, rather than hold hearings, a further workshop be held on this matter to which all submitters would be invited. This would enable those individuals with a particular interest in this project to have further input into the detailed road/street scene layout.

**FINANCIAL IMPLICATIONS**

7. Preparation of the Plan within the Strategy and Planning Group's budget was confirmed through the 2011/12 Annual Plan process. Any hearings would fall within this plan preparation budget. Preparatory implementation work is proposed in the coming financial year, with the majority of funding for implementation of the Plan to be considered through the Long Term Plan process in 2013.

9 Cont'd

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

8. Yes, funding for preparation of the Plan has been provided within the Strategy and Planning Group's 2011/12 budget.

**LEGAL CONSIDERATIONS**

9. There are no immediate legal considerations, other than having undertaken consultation in accordance with *S.82 Principles of consultation* of the Local Government Act 2002 (LGA). In summary, these require that, in relation to any decision or other matter:
- (a) affected persons should have reasonable access to relevant information in a manner and format appropriate to their preferences and needs
  - (b) affected persons should be encouraged to present their views
  - (c) affected persons should be given clear information concerning the purpose of the consultation and the scope of the decisions to be made following consideration of the views presented
  - (d) affected persons who wish to have their views considered should be provided with a reasonable opportunity to do so in a manner and format appropriate to their preferences and needs
  - (e) the views presented should be received with an open mind and given due consideration
  - (f) affected persons who present their views should be provided with information concerning the decision/s and reasons for the decision/s.
10. Staff have met with officials from CERA and will continue to do so to ensure the work undertaken on the master plan is consistent with the Recovery Strategy and Recovery Plans. There is no requirement under *s.19 Development of Recovery Plans* of the Canterbury Earthquake Recovery Act 2011 for recovery plans for areas outside the central city to be subject to public hearings.

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

11. Yes, as above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

12. Yes, completion of the Plan is provided for within Activity Management Plan 1.0 *City and Community Long-Term Policy and Planning* updated as at 1 July 2011.

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

13. Yes, as above.

**ALIGNMENT WITH STRATEGIES**

14. The Plan is consistent with relevant strategies, including Urban Development Strategy.

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

15. Yes.

9 Cont'd

**CONSULTATION FULFILMENT**

16. The Council has endeavoured to ensure the Plan encapsulates the community's vision for the rebuild and recovery of Linwood Village, by undertaking consultation throughout the process as described in **Attachment 2**.
17. The official submission form asked submitters to state which actions they liked, disliked and why; which actions they considered the most important; of those, which actions they considered the most urgent; any other comments they had regarding any aspects of the Plan or process; if submissions are heard, whether they wish to be heard; and, if they wish to assist with the implementation of any actions, which ones. Written submissions were also accepted via the Council's Have Your Say website and free-form emails or letters.
18. The Plan received 36 submissions from both individuals and organisations within the community.

**STAFF RECOMMENDATION**

It is recommended that the Hagley/Ferrymead Community Board:

- (a) note the overall summary of findings in the Summary of Submissions on the Draft Linwood Village Master Plan and the staff comments in relation to each action
- (b) recommend to the Council that hearings are not held for the 36 submissions received on the Draft Linwood Village Master Plan
- (c) endorse the holding of a further workshop to investigate opportunities for a new road/street scene layout (Project S1), and
- (d) endorse amendment of the Draft Linwood Village Master Plan in accordance with staff comments in relation to each action, and taking into account feedback from the proposed workshop, before it is considered by Council for adoption at a later date.

**CHAIRPERSON'S RECOMMENDATION**

For discussion.

**BACKGROUND**

19. In normal circumstances, submissions are heard for plans of this nature in order to maintain community confidence in the Council and ownership of the plan. In assessing the need to hold hearings, officers have taken into account the following matters:
  - The extent and nature of consultation undertaken to date:

As noted in Appendix 2, there has been considerable opportunity for both verbal and written community input into the Plan.
  - Future consultation:

It is evident that most respondents support the majority of the Plan. Further community consultation is anticipated during implementation of the Plan. This will help develop the detail around implementation projects, including various actions being implemented by local organisations, either separately or in conjunction with the Council and other partner organisations.
  - The extent of public response:



9 Cont'd

While the community consultation undertaken in Linwood Village was comprehensive, the public response was limited. In a general sense most people were satisfied with the projects the master plan sets out. The exception to this is project S1 (Street Scene) which received mixed feedback and a number of negative comments.

- The number and proportion of submitters wishing to be heard, if hearings are held:  
Of the 36 submissions received on the Plan, 12 (33%) of submitters wished to be heard, 17 (47%) don't wish to be heard and 7 (19%) didn't say either way.
- Extent to which any projects received negative comments:
  - as stated in section 7 of the Summary of Submissions report, only 3 submitters specifically stated that they dislike project S1 and wish to be heard. Other respondents didn't specifically identify that they 'disliked' this project but the feedback from some included negative comments concerning it
  - no persons who stated they 'dislike' or had negative views about any other project in the Plan stated that they wished to be heard.

20. Current circumstances would justify a more streamlined approach than the hearing of submissions for this process, given:

- A suitable alternative:

The key issue that would be a focus for hearings is project S1, which may be equally suitable to progress further via a workshop with those submitters who gave feedback to this project.

- Availability of resources:

A Hearings Panel of elected representatives would need to be appointed and there is limited availability of elected members to hear submissions on Suburban Centre master plans. The likely timing for hearings also presents a timetabling difficulty as it clashes with the hearings schedule for the Annual Plan. There would also be implications for administering the process.

- Alignment with the Annual Plan process:

In order to progress the implementation of the master plans, the Council needs to confirm its work programme and funding for 2012/13 before the end of June 2012. Failure to include implementation projects within the 2012/13 Annual Plan could cause a 12 month delay, prior to the next opportunity to programme projects in the Long Term Plan review in 2013.

- Expediency:

Finalising the master plans quickly will provide property owners and the community with more certainty over the context for the rebuild of their centre.

21. On balance, it is recommended that submissions do not need to be heard because there has been considerable opportunity for both verbal and written community input into and feedback on the Plan. In addition, further community consultation is anticipated during implementation. It is clear the majority of submitters support the Plan, with the exception of Project S1 there were no submitters seeking to be heard that dislike or have negative views on a project. Given the feedback provided on project S1, there is an opportunity to investigate further options for a road/street scene layout through holding a workshop. All persons who submitted on the Plan would be invited to participate.

**2. 5. 2012**

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- 10. COMMUNITY BOARD ADVISER'S UPDATE**
- 11. QUESTIONS UNDER STANDING ORDERS**
- 12. BOARD MEMBERS' INFORMATION EXCHANGE**
- 13. RESOLUTION TO EXCLUDE THE PUBLIC**