

13. 5. 2010

**HAGLEY/FERRYMEAD COMMUNITY BOARD
14 APRIL 2010**

**Report of a meeting of the Hagley/Ferrymead Community Board
held on Wednesday 14 April 2010 at 3pm in the Boardroom,
Linwood Service Centre, 180 Smith Street, Linwood.**

PRESENT: Bob Todd (Chairperson), Rod Cameron, Tim Carter, David Cox, John Freeman, Brenda Lowe-Johnson and Yani Johanson.

APOLOGIES: An apology for lateness was received and accepted from John Freeman.

John Freeman arrived at 3.24pm and was absent for clause 11 and part of clause 2.1.

The Board reports that:

PART A - MATTERS REQUIRING A COUNCIL DECISION

1. NICHOLSON PARK, SUMNER – NEW LICENCE FOR TELEVISION TRANSLATOR SITE

General Manager responsible:	General Manager City Environment, DDI 941 8608
Officer responsible:	Transport and Greenspace Unit Manager
Author:	Bill Hughes, Leasing Consultant/Accredited Agent

PURPOSE OF REPORT

1. The purpose of this report is to recommend that the Council to grant a new licence to Kordia Limited (Kordia), over their existing television translator site at Nicholson Park.

EXECUTIVE SUMMARY

2. The television translator site is small and occupies a northwesterly facing hillside with relatively steep pedestrian access. Located on the site is a wooden pole approximately 12 metres high supporting a number of television aerials along with a concrete equipment container at the base of the pole. The site is partially obscured by mature tree plantings and has limited alternative commercial potential.
3. Kordia originally occupied the Council owned Nicholson Park site under a Deed of Licence between the Council and Kordia's statutory predecessor, Broadcasting Corporation of New Zealand, dated 2 August 1988. This licence was for a 21 year term commencing 1 December 1986 and expired 30 November 2007. There was no right of renewal.
4. This site provides transmission for TV1, TV2 and TV3 to a dependent population of around 4,000 people at Sumner and Scarborough. Agreement has been reached for a new licence enabling Kordia to continue to operate a television translator as follows:
 - (a) Term of 10 years from 1 December 2007 with one right of renewal for a further 10 years to 20 years in total.
 - (b) Rent review by way of CPI Increase every fifth anniversary of the commencement date.
 - (c) Annual rent \$5,600 plus GST.

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5. The commencement rental of \$100 per annum plus GST was reviewed a number of times over the term of the old licence, with the most recent rent review effective 1 December 2001 making the rental on expiry of the former licence \$3,192.00 per annum plus GST.

FINANCIAL IMPLICATIONS

Valuation

6. Independent valuation advice from both the Council and Kordia has confirmed that the market rent for the site, based on the permitted use being restricted to the operation of the existing television translator facility, should be \$5,600 per annum plus GST.
7. However the parties have also agreed that, should Kordia elect to add co-located telecommunication cell services to the site in the future, the rent will be reviewed and increased to the current "cellular" market rental value.

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

8. Yes, the recommendations are in alignment with budgets.

LEGAL CONSIDERATIONS

9. Council's solicitor has confirmed that while the licence permits "telecommunications" generally, the current use by Kordia is restricted to "television translator".
10. The television translator and associated lines have been in place since 1986 (ie well prior to 1 January 1988 as required by section 155 of the Telecommunications Act 2001) and are "existing works" for the purposes of the Act. This means that Kordia is lawfully entitled to continue to operate and access its facility situated on the Council's land until it decides otherwise. It is also recognised that Kordia are providing an important "community service" to a dependant population in Sumner and Scarborough.
11. The Board does not have delegated authority to authorise the granting of the proposed new licence, but does have recommendatory powers to the Council.
12. The land is held under fee simple title by the Council and is not subject to the Reserves Act.

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

13. Yes. The Legal Services Unit has prepared the Licence Agreement and are satisfied with the terms and conditions.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

14. Yes.

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

15. Yes.

ALIGNMENT WITH STRATEGIES

16. Not applicable.

Do the recommendations align with the Council's strategies?

17. There are no Council strategies relevant to this activity.

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CONSULTATION FULFILMENT

18. Not applicable.

STAFF RECOMMENDATION

That the Council adopt the following resolution:

- (a) That staff be authorised to negotiate and conclude a new license with Kordia Limited over their existing television translator site at Nicholson Park, on terms and conditions similar to other telecommunication licenses issued by the Council, with the main terms as follows:
 - (i) Term of licence 10 years from 1 December 2007 with one right of renewal for 10 years.
 - (ii) A rent review by way of CPI Increase every fifth anniversary of the commencement date.
 - (iii) Annual rent to be \$5,600.00 plus GST.

BOARD RECOMMENDATION

It was **decided** on the motion of David Cox, seconded by Brenda Lowe-Johnson that the Board recommend to the Council that it adopt the following resolution:

- (a) That staff be authorised to negotiate and conclude a new license with Kordia Limited over their existing television translator site at Nicholson Park, on terms and conditions similar to other telecommunication licenses issued by the Council, with the main terms as follows:
 - (i) Term of licence 10 years from 1 December 2007 with one right of renewal for 10 years.
 - (ii) A rent review by way of compounding CPI Increase every fifth anniversary of the commencement date.
 - (iii) Commencing annual rent to be \$5,600.00 plus GST.

(Note: John Freeman requested his vote against the foregoing resolution be recorded.)

PART B - REPORTS FOR INFORMATION

2. DEPUTATIONS BY APPOINTMENT

2.1 ANGEL RENJITH AND DR ANNABEL TAYLOR REPRESENTING THE NGA WAHINE KI OTAUTAHU TRUST

Ms Renjith and Dr Taylor, representing the Nga Wahine Ki Otautahi Trust, addressed the Board regarding the future of the Council property the Trust operates from at 18 McGregors Road. Ms Renjith and Dr Taylor outlined the work of the Trust in providing supported accommodation for female ex offenders, and explained that the Trust is seeking support to own the property.

The Chairperson thanked Ms Renjith and Dr Taylor for their deputation to the Board.

2.2 IAN MCLEOD, REPRESENTING THE HEATHCOTE VALLEY COMMUNITY ASSOCIATION

Ian McLeod, representing the Heathcote Valley Community Association, addressed the Board regarding an integrated plan for lower Heathcote River and the Heathcote/Avon Estuary and requesting support for the Association's submission on this matter to the Christchurch City Council Draft Annual Plan.

The Chairperson thanked Mr McLeod for his deputation to the Board.

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It was **decided** on the motion of Yani Johanson, seconded by John Freeman, that the Board support in its submission to the Council Draft Annual Plan, the allocation of funds for the development of an integrated plan for the lower Heathcote River and Heathcote/Avon Estuary.

3. **PRESENTATION OF PETITIONS**

Nil.

4. **NOTICE OF MOTION**

Nil.

5. **CORRESPONDENCE**

Nil.

6. **BRIEFINGS**

Nil.

7. **MONCK'S BAY TO SCARBOROUGH BEACH PARKS MASTERPLAN**

This item was withdrawn from the agenda.

8. **COMMUNITY BOARD ADVISER'S UPDATE**

The Board **received** updates from the Community Board Adviser on Board related activities. Specific mention was made to upcoming dates for meetings, Council consultations, Board funding balances and Customer Service Requests.

Clause 13 (Part C) of these minutes records the Board's decision regarding its submission to the Christchurch City Council Draft Annual Plan 2010/11.

9. **BOARD MEMBERS' QUESTIONS**

Nil.

10. **BOARD MEMBERS' INFORMATION EXCHANGE**

Board members **requested** an update on the air quality concerns experienced by Phillipstown School.

Board members **requested** that staff provide information to the Board regarding the petition presented several years ago requesting that street trees be planted in Flesher Avenue.

Board Members **requested** information from staff regarding the removal of rubbish bins from parks within the ward, including whether the level of service provided has decreased.

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PART C - REPORT ON DELEGATED DECISIONS TAKEN BY THE BOARD

11. CONFIRMATION OF MINUTES – 31 MARCH 2010

It was **resolved** on the motion of David Cox, seconded by Tim Carter, that the minutes of the Board's ordinary meeting of 31 March 2010 be confirmed.

12. TUAM STREET – PROPOSED P10 PARKING RESTRICTIONS

The Board considered a report seeking approval for a 10 minute parking restriction to be installed on Tuam Street, in the area between Phillips Street and Nursery Road.

It was **resolved** on the motion of Bob Todd, seconded by Tim Carter, that the Board approve that the parking of vehicles be restricted to a maximum period of 10 minutes on the south side of Tuam Street commencing at a point 110 metres east from its intersection with Phillips Street and extending in a easterly direction for a distance of 27 metres. This restriction is to apply to from 8am to 6pm Monday to Friday.

13. COMMUNITY BOARD ADVISER'S UPDATE (CONTINUED)

Further to clause 8 (Part B) of these minutes, the Board **resolved** on the motion of Bob Todd, seconded by Tim Carter, to approve its submission, with amendments as discussed, to the Christchurch City Council Draft Annual Plan 2010/11.

The Chairperson thanked Board members and staff for their attendance and contributions, and declared the meeting closed at 5.04pm.

CONFIRMED ON THIS 5TH DAY OF MAY 2010

**BOB TODD
CHAIRPERSON**