

14. 6. 2012

HAGLEY/FERRYMEAD COMMUNITY BOARD
2 MAY 2012


Report of a meeting of the Hagley/Ferrymead Community Board
held on Wednesday 2 May 2012 at 3pm in the Board Room,
Corner Beresford and Union Streets, New Brighton.

- PRESENT:** Bob Todd (Chairperson), Islay McLeod (Deputy Chairperson), Tim Carter, David Cox, Yani Johanson, Brenda Lowe-Johnson and Nathan Ryan.
- APOLOGIES:** Brenda Lowe-Johnson arrived at 3.22pm and was absent for Clauses 3 and 11.

The Board reports that:

PART A – MATTERS REQUIRING A COUNCIL DECISION

1. NICHOLSON PARK RADIO NETWORK COMMUNICATIONS SITE



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

PURPOSE OF REPORT

1. The purpose of this report is to present the 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.

Hagley/Ferrymead Community Board 2.5.2012

1 Cont'd

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.

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.

Hagley/Ferrymead Community Board 2.5.2012

1 Cont'd

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 Council 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.
- (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.

BOARD RECOMMENDATION

The Board **decided** on the motion of Bob Todd, seconded by David Cox, to recommend to the Council 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.

Hagley/Ferrymead Community Board 2.5.2012

1 Cont'd

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.

2. SUBMISSIONS ON DRAFT LINWOOD VILLAGE MASTER PLAN

This item was considered by the Council at its meeting on 17 May 2012.

3. DEPUTATION BY APPOINTMENT – REBUILDING OF SUMNER COMMUNITY CENTRE

The Board **received** a deputation, and supporting information, from Humphrey Archer, President of the Sumner Community Centre Committee and Maxine Webb, President of the Sumner Theatre Group regarding the rebuilding of a community centre in Sumner in the 2012-13 financial year.

Mr Humphrey and Ms Webb advised the Board of the support from community groups for the rebuilding of a community centre, the history of the site, and requested the Board confirm the site for a future community centre, and make recommendations to the Council regarding the allocation of insurance payment, funding in the 2012-13 annual plan and appointment of a project manager for the rebuild.

BOARD CONSIDERATION

The Board **agreed** to discuss the deputation's request regarding the allocation of funding in the 2012/13 Annual Plan to allow a Sumner Community Centre to be re-built by mid-2013 during consideration of the Board's submission to the Christchurch City Council's draft Annual Plan 2012-13.

BOARD RECOMMENDATION

The Board **decided** on the motion of David Cox, seconded by Nathan Ryan, that the Board **request** that the Council:

- (a) Confirm that the Wakefield Avenue/Nayland Street site be retained for a new community centre and museum in Sumner.
- (b) Allocate the full residual earthquake insurance payment for the former community centre building to the rebuilding of a centre on the same site.

Hagley/Ferrymead Community Board 2.5.2012

PART B - REPORTS FOR INFORMATION

4. PRESENTATION OF PETITIONS

Nil.

5. NOTICES OF MOTION

Nil.

6. CORRESPONDENCE

6.1 RICHARD HUNTER

The Board **received** correspondence from Richard Hunter regarding safety issues at the intersection of Major Hornbrook Road and Marama Crescent.

It was **decided** on a motion of Bob Todd, seconded by Tim Carter, that the Board **request**:

- (a) Information from staff on options to address the safety issues at this intersection.
- (b) That this intersection be included on the Network Operations Minor Safety Projects list.

7. BRIEFINGS

Nil.

8. COMMUNITY BOARD ADVISER'S UPDATE

- The Board **received** updates from the Community Board Adviser on Board related activities, including upcoming meetings, events and the Council's consultation calendar.
- Board members agreed on the following venues for upcoming board meetings:
 - (a) St Mary's Village Hall, 2 Truscotts Road, Heathcote for the Board meeting to be held on Wednesday 16 May 2012
 - (b) Lions Building, (Gate A) Ferrymead Heritage Park, 50 Ferrymead Park Drive, Heathcote for the Board meeting to be held on Wednesday 6 June 2012.
- The Board **received** a memo informing them of the upcoming consultation for the proposed development of the Chester Street East Reserve.
- The Board **received** an update from Carolyn Robertson, Libraries and Information Manager on libraries in the Hagley/Ferrymead ward.
- The Board **received** a memo updating members on the Tamaki Maori Village site in Ferrymead.
- The Board noted the draft Community Board foreword for the Suburban Centres draft Master Plan Ferry Road/Main Road.
- The Board noted the update of the Hagley/Ferrymead Community Board 2011/12 Discretionary Response Fund and Youth Development Scheme allocations and balances as at 1 May 2012.

14. 6. 2012

Hagley/Ferrymead Community Board 2.5.2012

9. QUESTIONS UNDER STANDING ORDERS

Nil.

10. BOARD MEMBERS' INFORMATION EXCHANGE

- David Cox requested support from the Board on the remediation of damaged footpaths prior to winter to reduce the health and safety risks. The Board **decided** to request the information from the General Manager of the City Environment Group on the programme for planned temporary and permanent repairs to footpaths in the ward.
- The Board **requested** that a letter be sent to the Mount Pleasant Memorial Community Centre and Residents' Association Incorporated acknowledging and expressing appreciation for the work they have done in opening a temporary community centre.
- Board members discussed concerns with affordable housing in the city, and the action being taken by Brenda Lowe-Johnson in regard to this matter. The Board **agreed** that Yani Johanson, a member of the Council's Housing and Community Facilities Committee, would provide an update on Council housing to the Board. The Board **decided** to write to:
 - (a) The Department of Building and Housing regarding the utilisation of portable housing units
 - (b) The Canterbury Earthquake Recovery Authority seeking further information on the housing issues raised at the visit to the Avondale Earthquake Recovery Hub in January.

PART C - DELEGATED DECISIONS

11. CONFIRMATION OF MEETING MINUTES – 18 APRIL 2012

It was **resolved** on the motion of Tim Carter, seconded by David Cox, that the minutes of the Board's ordinary meeting of 18 April 2012 be confirmed.

12. RESOLUTION TO EXCLUDE THE PUBLIC

It was **resolved** on the motion of Bob Todd, seconded by Tim Carter, that the public be excluded from the following parts of the proceedings of the meeting, namely item 13.

The public were excluded from the meeting at 4.17pm.

The open section of the meeting resumed at 4.30pm.

The Board Chairperson thanked Board members and staff for their attendance and contributions and declared the meeting closed at 4.32pm.

CONFIRMED THIS 16TH DAY OF MAY 2012

**BOB TODD
CHAIRPERSON**

14. 6. 2012

Hagley/Ferrymead Community Board 2.5.2012

ATTACHMENT 1 TO CLAUSE 1



14. 6. 2012

Hagley/Ferrymead Community Board 2.5.2012

- 8 -

ATTACHMENT 2 TO CLAUSE 1

From: Campbell, Brian
Sent: Wednesday, 14 October 2009 12:59 p.m.
To: Miles, Mike; 'Noel Maginnity'; 'John.Allen@ccc.govt.nz'
Subject: FW: Radio repeater Nicholson park Sumner
The residents association are happy with our proposal as below

Brian Campbell
Engineering Designer



Connetics Limited

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From: Adrienne and Peter Jackson [mailto:ampjackson@xtra.co.nz]
Sent: Wednesday, 14 October 2009 10:53 a.m.
To: Campbell, Brian
Subject: RE: Radio repeater Nicholson park Sumner

Dear Brian

At our meeting last night, the Sumner Residents' Association confirmed that we have no objections to the proposed upgrade. We appreciate your courtesy in informing us of the work.

Yours sincerely

Adrienne Jackson

-----Original Message-----

From: Campbell, Brian [mailto:CampbellB@connetics.co.nz]
Sent: Monday, 5 October 2009 4:44 p.m.
To: ampjackson@xtra.co.nz
Cc: Miles, Mike; John.Allen@ccc.govt.nz
Subject: Radio repeater Nicholson park Sumner

Adrienne

I have been given your name and email address by the council as the person to contact regarding the Sumner Residents Association.

I am doing design work for "The Radio Network" to upgrade the existing radio repeater at the southern end of Nicholson Park (see location map attached). At present this transmits the "ZM" radio station into Sumner. The Radio Network wish to maintain this repeater and add "Radio Hauraki". As the existing site is quite old, Orion (the owner of the power pole that the aerial is mounted on) have requested that the pole is brought up to the latest standard and that the "Residents Association" is notified. The pole upgrade will involve the installation of a new pole in exactly the same place and with the same height, a new aerial tube will be attached to the pole and the aerials affixed as shown in the attached drawing. Also the steel box shown in the attached photo of the existing setup will be removed and a small enclosure mounted on the ground hidden among the bushes to contain the radio equipment.

I know this is rather short notice but I have only just received your contact details from the council and was wondering if it would be possible to have this matter considered at the next meeting which is I believe tomorrow night. Orion have asked that we ensure that there are no concerns from the residents association regarding this upgrade. Feel free to contact me if you have any questions.

14. 6. 2012

Hagley/Ferrymead Community Board 2.5.2012

- 9 -

ATTACHMENT 2 TO CLAUSE 1 CONT'D

Thanks

Brian Campbell
Engineering Designer



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