

23. 9. 98

**REPORT OF THE CHAIRMAN OF THE  
PARKS AND RECREATION COMMITTEE**

**1. TELECOM NEW ZEALAND LIMITED -  
LICENCE APPLICATION**

RR 8633

<b>Officer responsible</b> Parks Manager	<b>Author</b> John Allen, Area Parks Officer Team Leader Consents
Corporate Plan Output: Customer Services, Leases, (9.4.8)	

The purpose of this report is to consider an application made on behalf of Telecom New Zealand Limited for a licence to install a telecommunication cabinet and cables on the north side of the Bridge of Remembrance in the riverbank reserve.

**THE APPLICATION**

Telecom wish to place cables from an existing Telecom manhole on the east side of Oxford Terrace through a duct to a position on the riverbank north of the Bridge of Remembrance where they propose to site a cabinet measuring 1.63 x 0.61 x 1.6 metres high nestled against the north side of the abutment to the Bridge of Remembrance in the garden area. (See tabled plan no. 5602 sheet 1 dated 7/8/98.) The cabinet/cables are part of a radio communication project aimed at giving telecommunications coverage to this part of the central business district. The radiocommunications project also involves placing an aerial on a nearby street lighting standard, which is not on reserve land and therefore not part of this application. Telecom wish to have the project commissioned before Show Week (8 to 14 November) this year.

**LEGAL ISSUES**

The riverbank reserve is vested in the Council under Section 7(1) of the Christchurch City (Reserves) Empowering Act 1971. Section 12 of the Act states that the land subject to the provisions of the Act shall be held and administered subject to the provisions of the Reserves and Domains Act 1953. The Reserves and Domains Act, 1953, has been repealed by the Reserves Act 1977 (Third Schedule). The Council is able to licence a part of the reserve for a communication station, under section 48A of the 1977 Reserves Act. This includes the supporting infrastructure necessary to support the station.

The proposal has been fully discussed with the City Streets Unit's Asset Policy Engineer, the Parks Planning, and Parks Consent Team Leaders. The siting of the cabinet, by the bridge abutment will ensure that the recently upgraded streetscape which is an area subject to high pedestrian usage, remains uncluttered of utility cabinets, enhancing the landscape values of the area.

**1 Cont'd**

Officers are satisfied that, for the reasons outlined above, the licence, if granted, will comply with part 2(b) of section 48A of the Reserves Act which permits the installation of structures on reserves provided they cannot readily be provided outside a reserve.

It is usual where the granting of a licence under this section of the Act is not in conformity with, or contemplated by a management plan approved for the reserve, that the Council would give public notice in accordance with section 119 of the Reserves Act of the proposal to grant a licence, and give full consideration in accordance with Section 120 of the Act to all objections the submissions received in respect of the proposal in question. Sub section 5 of this section states:

- (5) *Subsection (4) of this section shall not apply in any case where—*
- (a) *The reserve is not likely to be materially altered or permanently damaged; and*
  - (b) *The rights of the public in respect of the reserve are not likely to be permanently affected—*  
*by the granting and lawful exercise of the rights and powers contained in the licence.*

The proposal, which includes the undergrounding of cables some of which are through existing ducting and the placing of the cabinet against the bridge abutment, together with rehabilitation of the area will mean that the area will not be materially altered or permanently damaged, and the rights of the public using the reserve are not likely to be affected. It is therefore considered that there is no need to advertise this proposal.

On-site discussions have been held with a representative of the Department of Conservation who concurs with this view.

**DISCUSSION**

The location of the cabinet painted a colour to blend in with the bridge abutments, together with associated landscaping will in effect obscure the cabinet from the public's view, thereby satisfying the requirements of 48A sub section 5 of the Reserves Act 1977. Officers have satisfied themselves that Telecom do require a cabinet of the size proposed.

Part of Oxford Terrace in this area passes through the area of land held under the Christchurch City (Reserves) Empowering Act 1971. During the reconstruction of Oxford Terrace in this area a duct was laid under the road as shown on the tabled plan to the garden area beyond the bridge abutment in anticipation of these proposed works so as to ensure that the newly constructed road is not dug up to provide the services telecom require. The licence granted needs to cover the ducting under the road, associated cabling, and proposed Telecom cabinet beside the bridge abutment.

**1 Cont'd**

**Recommendation:** That the Council grant a licence to Telecom under section 48A of the Reserves Act 1977 to site a cabinet beside the Bridge of Remembrance abutments, and associated cabling and ducting through the reserve area as shown on plan 5602 sheet 1, dated 7/9/98, subject to the following conditions:

1. The consent of the Minister of Conservation being obtained.
2. An annual licence fee to be determined by independent valuation being paid by Telecom.
3. The cabinet being painted to blend into the bridge abutment; the colour being approved by the Parks Manager or his designate before painting.
4. The planting required to screen the proposed Telecom cabinet being approved by the Parks Manager prior to being undertaken by the applicant at its cost.
5. The applicant paying all costs associated with this application and resulting development.
6. Before any site works commence discussions being held with the Parks Manager's designate, the Area Parks Officer Team Leader Consents, to ascertain the Council's requirements through the development phase of the construction of the facility.
7. A bond of \$1000 being paid to the Christchurch City Council before work commences on the site. The bond less any expenses incurred by the Council will be refunded to the payee on completion of the work.
8. The contractor producing evidence of having \$1,000,000 public liability insurance before commencing work on the site.
9. The licence being negotiated by the Property Manager in consultation with the Parks Manager.

**Chairman's**

**Recommendation:** That the above recommendation be adopted.

**CONSIDERED THIS 23RD DAY OF SEPTEMBER 1998**

**MAYOR**