

## 1. PROPOSED CELL PHONE FACILITY IN BOTTLE LAKE FOREST

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The purpose of this report is to submit an application from Vodafone (NZ) Ltd to establish a base transceiver station in Bottle Lake Plantation.

### INTRODUCTION

Cellphone coverage in the Parklands area is poor. Vodafone (NZ) Limited have, for several years, been investigating the possibility of building a cellphone repeater station in the Parklands area to provide better cellphone coverage to the area. The preferred site is in the area bounded by QEII to the east, Burwood Hospital to the west, and Bottle Lake Plantation to the north.

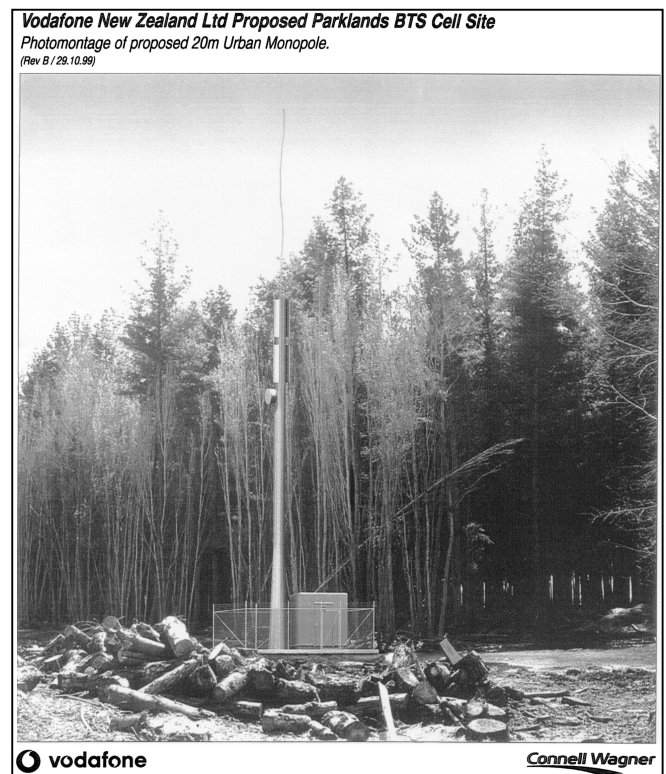
### THE PROPOSAL

Vodafone are proposing to establish a base transceiver station (BTS) within the southern portion of Bottle Lake Forest Park (see attached map). The land is owned by the Christchurch City Council. The forest trees are owned by the Selwyn Plantation Board.

The proposed site will consist of an area of land approximately 12m x 8m (96 square metres) upon which will be placed a 20m high urban monopole mast (with flush mounted antennae plus a 300mm microwave dish to link to the existing network). At the base of the mast will be an equipment shelter 2.5m x 2.5m x 2.4m which, along with the mast, will be enclosed in a security fenced compound.

A mast with a backdrop to the forest has been assessed by Vodafone as the most visually acceptable option particularly with the slimline monopole mast with flush mounted panels. The proposed mast will provide mobile phone coverage to the Parklands/Burwood and North Beach area.

The siting of a BTS on the proposed site will markedly increase the cellphone coverage in this area.



## **THE SITE**

The site that has been selected by Vodafone is located approximately 270m north of the closest residential house in Parklands. The BTS will be adjacent to an established road in the forest. Vodafone confirms that it is willing to site the BTS beside the road in the plantation to suit the mutual needs of the Council and the Selwyn Plantation Board. The road that is closest to the proposed site has a sewage line placed under it (Juliet Road).

Vodafone require 24-hour access to the proposed site for servicing requirements. Easements will need to be created for the laying of underground cables (electricity and telephone) to the site for the term of the lease.

## **OTHER POTENTIAL SITES**

Council policy for the siting of cellphone transceiver stations, which was ratified by the Council on 19 April 2000, states that when siting these stations, the Council may make land available when:

- (a) Other sites such as industrial and commercial land prove unavailable/unacceptable and prior investigations are to be tabled.
- (b) Council land sites fit the technical requirements of the network.
- (c) The Council can legally lease the land for cell site purposes.
- (d) The cell site will not conflict with the predominant use of the land, general amenity, heritage buildings, ecological heritage areas, notable trees, waahi tapu etc.

It is preferable to site these stations on Council reserves rather than amongst private residences.

Vodafone and its predecessor Bellsouth have been looking for a site to improve mobile phone coverage in the Parklands area since 1996. Eight property owners have been approached and a further 15 sites have been investigated in an attempt to find a suitable site for the cellphone facility. Sites that have been considered include:

- QEII Stadium
- Burwood Hospital
- Waimairi Beach Golf Club
- Redemptorist Monastery
- Parklands Tavern
- Rawhiti Domain
- Beach Road Energy Centre
- Landfill Site

The reasons these sites have been deemed unsuitable are varied, but include:

- Poor coverage predictions
- Residential area concerns
- Close proximity to schools
- Lessor reluctance
- Properties in transition of sale and purchase
- Legal issues

QEII may now be available, the issue being that previous legal opinions have indicated that the Council did not have authority to allow cellphone developments on the site. This opinion has recently been challenged, the outcome of which is being awaited. The site being applied for would be in addition to a site on QEII if available in the future.

#### **FORESTRY IMPLICATIONS**

Selwyn Plantation Board are comfortable with Vodafone's siting proposal as long as it does not impinge on their use of the land for forestry purposes. The site that Vodafone have chosen is in a clearfelled area which will be cleared and replanted this winter. Within 20 years, the tree height will be greater than the tower. The site requires a clear line of sight. Vodafone are aware that once the trees reach a height of approximately 18m the site may no longer be viable. They do, however, see value in occupying the site until that time. The Chief Executive of the Selwyn Plantation Board sees value in any proposal which will increase the reliability of communications in the area.

#### **FORESTRY LICENCE**

It will be necessary to give notice to the licensee, the Selwyn Plantation Board, which owns the trees in Bottle Lake Forest Park, that the Council wishes to resume occupation of 96 square metres of Bottle Lake Forest Park in accordance with the terms and conditions as set out in the licence agreement. More specifically, the notice must be given in accordance with sections 3.2 (b) and (d) having regard to section 3.3 of the licence agreement.

#### **FIRE RISK AND VANDALISM**

Vandalism is a problem in Bottle Lake Forest Park. There is a risk of vandalism to the equipment. However, the security fence should minimise this risk.

Vodafone are aware of the implications of the Rural Fires Act and have comprehensive insurance in place for all of its BTSs throughout the country. Vodafone acknowledges that access to the site may be restricted during periods of high fire risk and that access to the forest will be restricted to vehicles with spark arresters only.

It will be necessary to include a clause in the lease agreement which indemnifies the Council against any actions that Vodafone NZ Ltd, their agents, contractors, and insurers may wish to bring against the Council with regard to any damage caused to their equipment by fire or any other activity caused by the Council.

#### **ELECTRO-MAGNETIC RADIATION (EMR)**

In terms of the proposed site in the Bottle Lake Forest, the emission of EMR would be minimal and localised. The Christchurch District plan currently refers to the old New Zealand standard NZS 6609.1:1990 Part 1, which has a non-occupational EMR exposure limit of 2 watts per square metre. This applies to any location where a member of the public can reasonably enter.

The current New Zealand standard is NZS 2772.1:1999, which has a non-occupational exposure limit of 4.5 watts per square metre. This is consistent with the international guidelines produced by the International Commission on Non-Ionising Radiation Protection (ICNIRP).

EMR greater than 2 watts per square metre covers an area of no more than 11 metres distance from the mast and no more than two metres from the top of the mast. In other words, in order to be exposed to this level of EMR a person would need to be within 11 metres of the mast and at a height of 18.5 metres above the ground. Outside this area it is regarded as safe for the general public to frequent. As Vodafone proposes to build a 20 metre mast it is extremely unlikely that any member of the public will be exposed to any levels approaching the Council standard.

#### **OTHER FOREST USERS AND LOCAL RESIDENTS**

A 1992/93 survey of users of Bottle Lake Forest Park found that people came to the forest to “get away from it all”. The contentious issue of BTS sites may be viewed as contradictory to the recreational nature of the forest park and the feeling of remoteness.

As cellphone sites can be an emotive issue, it is important that neighbouring residents be consulted about the proposal in accordance with the Council’s seeking community views policy. Vodafone have agreed to resource consent application being notified to Waitikiri Residents Group, Parklands Residents Association, Bottle Lake Users Group, and local residents within view of the tower (the application may have been non-notified otherwise). The impact of the BTS will be decided by the resource consent process, which has objective standards against which to measure the application.

## **THE LEASE**

Negotiations for a commercial lease would be made with the Property Unit in conjunction with the Parks Unit. Vodafone confirms that a non-exclusive agreement would be acceptable. Vodafone would be required to meet all costs associated with establishing the BTS. The lease will be subject to a resource consent.

The lease will also be subject to the following conditions imposed by the Council:

1. Vodafone (NZ) Limited obtaining all necessary resource and building consents before any development commences upon the site.
2. The applicant submitting a colour scheme for the building and mast for the Parks Manager's approval prior to commencing work upon the site.
3. The lease terms being negotiated by the Property Manager in consultation with the Team Leader (Consents), taking into account the commercial nature of the applicant's proposal.
4. An easement being created for the laying of underground cables (electricity and telephone) to the site for the duration of the lease period.
5. All costs associated with the development and subsequent maintenance of the associated buildings and structures on the site being paid for by Vodafone (NZ) Limited.
6. The leased/construction area being maintained by Vodafone (NZ) Limited in a safe and tidy condition at all times.
7. The contractor showing proof of having obtained \$1 million public liability insurance to the Team Leader Consents before commencing work upon the site.
8. Before any tenders are let or work commences upon the site, discussions being held with the Parks Manager's designate, Ranger – Bottle Lake, to ascertain the Council's requirements through the development phase of the construction of the facility.
9. A bond of \$2,000 being paid by Vodafone (NZ) Limited or successful principal contractor to the Christchurch City Council, before work commences upon the site. The bond, less any expenses incurred by the Council, will be refunded to the payee upon the completion of the work.

10. Vodafone (NZ) Limited indemnifying the Council against any actions that Vodafone (NZ) Limited, their agents, contractors and insurers may wish to bring against the Council with regard to any damage caused to their equipment by fire or any other action by the Council.

- Recommendation:**
1. That, pursuant to section 572(3) of the Local Government Act 1974, the Council as landowner grant Vodafone (NZ) Ltd a lease over approximately 96 square metres of Bottle Lake Forest Park, for a base transceiver station, for a period of six years plus two rights of renewal for six years each, plus a further right of renewal for two years less one day, subject to:
    - (a) The outcome of the notified resource consent process;
    - (b) Conditions 1 to 10 set out in the Parks Manager's report to the Subcommittee;
    - (c) Vodafone agreeing to a notified resource consent application.
  2. That the Council give notice to the Selwyn Plantation Board, in accordance with sections 3.2(b) and (d) of the licence agreement with the Christchurch City Council, of its wish to resume occupation of 96 square metres of Bottle Lake Forest Park.