

1. NEW BRIGHTON SURF LIFE SAVING CLUB - TV REPEATER

Officer responsible Parks and Waterways Manager	Author Lewis Burn, Property Services Officer, DDI 371-1522
---	--

The purpose of this report is to present a proposal to sublease part of the area leased by the New Brighton Surf Life Saving Club to CHTV to erect a television repeater mast.

BACKGROUND

A request has been received from the New Brighton Surf Life Saving Club for Council approval to allow CHTV Limited (Now TV) to erect a wooden pole at the northwest end of the clubhouse at 190 Marine Parade. The TV repeater is required to provide reception of this local channel by householders on the north facing slopes of St Andrews, Richmond, Balmoral and Sumner Hills, as well as the Scarborough, Redcliffs, Clifton and Moncks Bay areas. In addition to television coverage, the club advises that it will benefit by the following services:

- The promotion of the surf club and its activities in order to attract further members and develop volunteer life guarding at New Brighton.
- The provision of a marine VHF antenna for both the two surf channels, and for the marine VHF network. This facility will also serve as a back-up station for marine communications in the event of a disaster.
- Provision for security lighting of the clubhouse and the car park. This may provide a deterrent to frequent attacks from tagging and better security for members when leaving meetings held at the clubhouse at night.
- A 1.5 metre wide yardarm at 12 metre height for flag hoists.

DESCRIPTION OF PROPOSAL

The 17-metre high mast proposed would be a standard hardwood pole bolted at the base between steel channels, concreted into the ground and secured with guide wires. The proposed pole will be designed and constructed to New Zealand Standards on a site on the landward side of the north end of the clubhouse, some 57m from the nearest houses on the westward side of Marine Parade. This site has been chosen to allow a sight line from Marley's Hill. The primary purpose of the mast is to affix antennae to receive, from Marley's Hill, television signals for repeating. On the pole it is proposed to install:

- Two flat white GRPUHF transmitting antennae facing the Sumner and westward areas.
- Up to three VHF marine band vertical whip antennae for the use of the surf club for its activities and more general coast guard and police rescue co-ordination.
- Downward shining floodlights with black exterior and aluminium reflectors illuminating the working area of the club facility and shielded from shining backwards towards the houses along Marine Parade. These lights are operated manually and will only be used as needed.

The pole would not be fenced around the base, but the climbing rungs will start five metres up to deter would-be climbers.



COMMERCIAL ISSUES

The proposal is on the basis of CHTV taking a sublease of the surf club's lease of the site required for a term of up to ten years, with one right of renewal. A separate report dealing with renewal of the surf club's lease is on the agenda. Issues regarding ground rental and other financial information in relation to the sublease proposal are reported in the public excluded part of the agenda.

PLANNING CONSIDERATIONS

CHTV have engaged consultants, BFTV Developments of Auckland, to provide the technical expertise in design and construction of the repeater facility. An application for resource consent was submitted in March 2001 detailing the technical issues and emissions projected from the facility. The Surf Club is located within an area zoned Business II in the proposed City Plan. The proposed activity is classified as a discretionary activity. Preliminary assessment of the resource consent application has concluded that the projected emissions when compared with published standards are not expected to pose any public health risk. Should the Surf Club wish to attach a flag(s) to the yard arm, this will also require resource consent. Processing of the application has been deferred pending the consent of the Council as the property owner.

AGREEMENT BETWEEN THE PARTIES

The agreement proposed between CHTV and the New Brighton Surf Life Saving Club contains the following salient points:

- In addition to the erection of the mast, transmission equipment is to be located inside the club's building and connected to an independently metered power supply.
- The agreement is to be personal to CHTV.
- The term, including renewals, is not to exceed 20 years less a day, to comply with the maximum term of the club's proposed new lease.
- CHTV is to promote the club, its sport and community service role to Canterbury residents on CHTV's television station and on Canterbury on Air Radio Station at such regular intervals as agreed between the club and the television channel. In addition to this promotional service, CHTV is to provide, install and maintain two VHF marine antennae for the exclusive use of the club and also to install suitable lights attached to the mast that comply with the Council's planning standards on maximum luminous intensity.
- CHTV is to be responsible for the costs of purchase installation and operation, maintenance and removal of the transmission pole and its equipment. Also, the TV channel is to pick up the cost of installation of the electrical supply and meet all costs of electricity used.
- Except in a case of emergency, maintenance is to be carried out by CHTV during daylight hours.
- CHTV is to indemnify the club against loss, damage, cost or any expense incurred by the club as a result directly or indirectly of a breach by CHTV up to a maximum of \$2,000 in any 12-month period.
- Neither the club nor CHTV may assign its rights and obligations under the licence, which would constitute a sale. No co-siting will be permitted.
- The licence may be terminated by either the club or CHTV on three months' written notice to the other party.

COMMENT

The proposal to site a television repeater mast on Council land leased by a community group is likely to be contentious, particularly if it does not have the support of the local residents. Having regard to the low, if negligible, projected emission levels that the television repeater will generate and the benefits that the surf club will gain from having this facility on its site, it was considered there is a case to present this application for consideration by the Council as landowner. This is a local issue that also has implications for general coast guard and police search and rescue activities.

If approved, this application should be viewed as a one-off and not signal the Council's intention to allow as a rule this type of facility to be placed on sites used by community groups. Should the application for the sublease to CHTV be successful, the conditions of approval likely to be recommended to the Council are:

- (a) The necessary statutory consents under the Resource Management Act and Building Act to be obtained by CHTV.
- (b) The siting of the pole to be to the satisfaction of the Parks and Waterways Manager or her designate.
- (c) During construction and establishment of the mast the area to be maintained by CHTV in a safe and tidy condition at all times.
- (d) All costs associated with the erection and subsequent maintenance of the mast structure including legal documentation to be paid for by CHTV.
- (e) Before any tenders are let or work commences on the site, discussions to be held with the Parks and Waterways Area Advocate, Shirley Service Centre, to ascertain the Council's requirements through the development phase and construction of the mast facility.
- (f) A bond to be paid by CHTV or its principal consultant/contractor to the Christchurch City Council Parks and Waterways Area Advocate, Shirley Service Centre, before work commences on the site. The bond less any expenses incurred by the Council to be refunded to the payee on completion of the work to the satisfaction of Council.
- (g) The mast to contain two only panel antennae for television signal relay and up to three VHF whip antennae for marine (search and rescue) radio signal transmission and floodlighting as specified in the resource consent application.
- (h) In the event of the surf club lease being terminated for whatever reason the Council to reserve the right to require the removal of the repeater mast and make good the site at the cost of CHTV.
- (i) The transmission use of the mast to be personal to CHTV and no co-siting or installation of antennae/equipment for other than repeating of television signals and transmitting VHF marine radio, general coast guard and police rescue coordination communications is permitted.
- (j) The written agreement between the parties to contain the terms as outlined in this report.

As a prerequisite to the Council considering the matter as the property owner, it was recommended that the Burwood/Pegasus Community Board canvass community views and hear these in a structured manner in keeping with the Seeking Community Views policy

COMMUNITY BOARD CONSULTATION

At its meeting on 30 July 2001, the Community Board decided to defer making any comment/recommendation on the TV repeater mast sublease issue pending further public consultation.

The Board hosted a public meeting on Tuesday 14 August 2001 at the New Brighton Powerboat Club Hall to hear the community's views/concerns on the sublease proposal. Rather than report to the August round of meetings the Board decided to defer making a recommendation until its September meeting to allow time for written submissions from the community. A summary of the outcomes at that meeting follows. The surf club site, while held by the Council in fee simple without reservation, is part of the coastal foreshore regional park.

PUBLIC MEETING 14 AUGUST 2001

The public meeting was attended by 21 members of the public including members of the New Brighton Residents' Association. Representatives of CHTV Limited and the surf club were in attendance to outline the sublease proposal and answer questions. Officers from the Council and a representative from the National Radiation Laboratory were also present.

The surf club representative noted that the proposal would be of benefit to the club. The benefits cited include:

- Improved marine VHF coverage from the installation of antennae on the mast.
- Enhanced security for the clubrooms from lighting on the mast.
- Provision of television and radio time from CHTV Limited to promote the surf club, which may result in increased membership and, thereby, improved surf lifesaving services to the public.

The surf club would lose at least one car park but there would be no restrictions imposed. The surf club is satisfied that no harmful effects would result from the mast.

The CHTV Limited representative stated that the mast is needed to relay the Now TV channel signal from Marley's Hill to viewers in the north facing slopes of St Andrews, Richmond, Balmoral and Sumner Hills, as well as the Scarborough, Redcliffs, Clifton and Moncks Bay areas. The company has received advice that the proposed site is the best available for this purpose. The company wishes to promote local activities on the channel and promoting the surf club would be one way of supporting the local community.

Information on the radiation produced from a repeater mast was provided by the representative from the National Radiation Laboratory. The mast would emit the main signal in the shape of a beam towards the viewing areas, with low amounts of power directed towards the ground. The maximum estimated exposure would be approximately one two-hundredth of generally accepted international safety standards and exposure in the nearest residential area would be approximately one two-thousandth of the standards.

Almost all of the residents who spoke at the meeting raised concerns about the sublease proposal. The matters raised include:

- Potential visual and radiation impact within a residential and recreational area, including the nearby playground.
- Fears that 'safe' radiation levels may still affect babies and young children, pregnant women, sick people and the elderly.
- A possible cumulative radiation effect from cellphone towers in the area.
- Possible negative effect on nearby property values.
- Incompatibility of the mast with the future vision for development of the foreshore.
- Whether such a structure is permitted under the Coastal Park Management Plan.
- The desirability of investigating alternative sites or cable options for getting the signal to the viewers.

One resident spoke in favour of the benefits of getting local television to the community and described possible radiation effects as a 'red herring'.

The Council process for making a decision on the sublease proposal was outlined to the meeting attendees.

It has subsequently been confirmed that the Coastal Management Plan dated December 1995, reviewed June 2000, is silent on the issue of structures permitted or otherwise.

WRITTEN SUBMISSIONS

The opportunity to make written submissions was noted at the public meeting and advertised in The Press, the Star and in a notice distributed in the Central New Brighton area.

RECOMMENDATION

The Property Manager recommended to the Committee that, after taking into account the public views, submissions received and the Burwood Pegasus Community Board's recommendation, it make a recommendation to the Council as landowner on the proposed sublease to CHTV Limited for a television repeater mast.

The above report was before the Burwood/Pegasus Community Board at its meeting on 3 September 2001. The Board resolved:

1. That the Board recommend that the Parks and Recreation Committee not support the proposed sublease to CHTV Limited for a TV repeater mast because of its impact on landscape and amenity values in the coastal parks area.

2. That the Chairperson request speaking rights to the Parks and Recreation Committee meeting on 12 September 2001.
3. That the written submissions from the community on the proposed sublease be collated and forwarded to the Parks and Recreation Committee.

The submissions referred to in 3 above are tabled. A copy of the submissions was included in the agenda for the Parks and Recreation Committee meeting.

The majority of the Committee shared the Board's views on the proposal. It was considered that a 17m structure would dominate this part of the coastal park and adversely affect the visual amenity of the surrounding area. Accordingly, the Committee was unable to support the proposed sub-lease. The recommendation to decline the application was carried by five votes to three, the voting being as follows:

For: Councillors Austin, Buck, Ganda, Sheriff and the Chairman.

Against: Councillors Baker, Harrow and Stonhill.

Recommendation: That the Council decline the application from CHTV Limited for a sub-lease of part of the area leased by the New Brighton Surf Life Saving Club for a TV repeater mast.

(Note: Councillors Buist and Corbett abstained from the discussion and voting on this clause.)