

6. **HANSEN PARK – PROPOSAL BY VODAFONE NEW ZEALAND LIMITED TO OBTAIN APPROVAL TO INSTALL AND OPERATE A TELECOMMUNICATION FACILITY ON FEE SIMPLE LAND USED FOR RECREATIONAL PURPOSES.**

General Manager responsible:	General Manager, City Environment
Officer responsible:	Michael Aitken, Greenspace Unit Manager
Author:	Tony Hallams, Policy and Leasing Officer, DDI 941-8320

PURPOSE OF REPORT

1. The purpose of this report is to seek the Board's recommendation to the Council to approve the installation of a telecommunication facility that utilises existing Council owned infrastructure at Hansen Park. The proposal is necessary to enable the applicant to improve mobile phone coverage in the immediate area of Hansen Park, Butler Street, Opawa. A site description of the proposal is **attached**.

EXECUTIVE SUMMARY

2. The applicant seeks to utilise an existing floodlight pole to locate telecommunication equipment which is owned by the Christchurch City Council and utilised by the Sydenham Rugby Football Club to light the nearby rugby playing field. The Sydenham Rugby Football Club is in support of the application because the Club will benefit by improving the light levels on the rugby playing field.

FINANCIAL AND LEGAL CONSIDERATIONS

3. The Christchurch City Council entered in to a 10 year Agreement with Vodafone New Zealand Limited on 19 September 2001 to licence sites in the Christchurch City Council territorial area for telecommunication purposes. The background to the Agreement is:
 - (a) That the Council is the registered proprietor or administering body of the land.
 - (b) That the Company (Vodafone New Zealand Limited) wishes to have access to and use of various parts of the land to erect, install, and maintain telecommunication facilities.
 - (c) That the parties wish to record the terms and conditions that will apply to telecommunication facilities installed on the land.

After being approached by the applicant, Mr Bill Hughes, Property Consultant Corporate Services, and a member of the Christchurch City Council Staff Cell Site Sub Committee, has indicated to the writer that the Christchurch City Council will consider an application for the Hansen Park site within the provisions of Section 3, Site Identification, of the Agreement.

Because the intended site is not on the roadside, stand alone, a building site, macro or micro site as defined under Sections 3.3 (a) (b) of the Agreement, section 3.3(c) applies, which states.

(C).... Whether the site is available will be at the Council's sole discretion.

Because the fee simple land is used for recreational sporting purposes, the Greenspace Unit has been requested to process the application through the appropriate community board and the Council for consideration. The writer has been requested to report back to the Cell Site Sub Committee after any decision has been made by the Council.

Under Council resolution made on 19 April 2000, it was resolved that "Where a Commissioner is not used, that a Council Hearings Panel make all decisions relating to applications for cell phone towers (including whether or not to notify the application and whether or not to grant consent) under the Resource Management Act 1991 or the Reserves Act 1977."

Whilst it is considered that the proposal is not covered under the above legislation, it is also considered that the Spreydon/Heathcote Community Board under the Governance Provisions of the Local Government Act 2002, may consider that the proposal and make a recommendation to the Council. It is also considered the Council or a Commissioner may make a decision to approve or otherwise the proposal to use the land at specified point to accommodate a telecommunications facility. If this course of action was followed, and the Council or a Commissioner approved the application, then the applicant would still need to make an application for resource consent within the provisions of the City Plan requirements.

4. The floodlight pole sought to be utilised at Hansen Park sits on land held under the Canterbury Land Registry as fee simple, the proprietor being the Christchurch City Council Act 1977. As such, this proposal will not be subject to the consultation provisions of the Reserves Act 1977.
5. A consultant to the applicant, Connell Wagner, has indicated that the proposed facility is to be located within the Open Space 2 zone, and the visual effects will be no more than minor. A copy of Connell Wagner's report is **attached**.
6. In 1996, the Christchurch City Council made an application under the Resource Management Act 1991 to erect four poles totalling 14.5 metres in height for floodlighting a rugby training ground at Hansen Park. The decision on 21 May 1996 by David W. Collins, Hearing Commissioner, conditionally permitted the erection of four poles at the above-mentioned height of 14.5 metres. It is considered the applicant's proposal to locate the telecommunications antennae on top of an existing pole, to be relocated to give an overall height of 15.500 metres, does not comply with the conditions of the resource consent decision, and the proposal, if supported by the Board, will require the applicant gaining resource consent and building consent approvals to enable the antennae and telecommunications equipment to be installed at the new height.
7. The consultant to the applicant, the National Radiation Laboratory, has indicated in the report (refer handout):

"Exposure in publicly accessible areas in and around the site would be low compared with the exposure limits prescribed in NZS 2772.1.1999. The limits in the exposure Standard are set well below the levels at which adverse health effects may occur, so as to provide a safe and healthy working and living environment. On this basis, the proposed mobile phone site would not pose a health hazard to people who live, work or pass close to it".
8. The Sydenham Rugby Football Club has detailed in its letter dated 2 November 2005 (refer **attached**):

"The Sydenham Rugby Football Club has no objections to the proposed Vodafone installation at Hansen Park, St Martins, Christchurch. As discussed the site of the tower to be located 15 metres south west (towards the designated lighted rugby ground). The existing floodlights to be located at the same position on the proposed replacement pole".
9. The applicant intends to pay all costs associated with the installation of the facility and negotiation of a site agreement with the Corporate Support Unit on behalf of the Council, which will include Council officers' time spent preparing reports, attending Council meetings, and preparing legal documentation, together with the fees of outside agencies required.
10. All residences that border Hansen Park have been written to, informing the occupiers of the details of the proposal. The residents have also been informed that the Spreydon/Heathcote Community Board will consider the proposal at its meeting on 21 February 2006. All known sports clubs and schools that use the park have also been written to as well as known community groups in the area.

BACKGROUND

11. The Christchurch City Council Corporate Support Unit and Greenspace Unit have received an application from Vodafone New Zealand Limited to install and operate a telecommunication facility on fee simple land owned by the Christchurch City Council at Hansen Park, Butler Street, Opawa, Christchurch.
12. Mr David Sisson Greenspace Unit Planner has made an assessment of the proposal and reports as follows:

"I believe this proposal would have a low adverse visual effect on public appreciation of Hansen Park. The proposed pole is 15.5m tall and replaces an existing floodlight pole. It is well screened from trees from all but one nearby house, and even from that house the setting of young trees reduces the intrusion, and it would become less intrusive as those trees grow. It would be a bit more visible in Winter, but it would fit with the existing ring of floodlights and be a logical part of the park. In views from hillside houses it would be an insignificant part of the view across the park. Within the park it would not have any significant effect compared to the present character."
13. The applicant has provided a photographic "mock up" of the intended installation, and this is detailed in the **attachment**.
14. All known residences straddling Hansen Park (158) have been written to informing the occupiers of the proposal. Known schools (6) and sports groups (4) using the park have also been written to, as well as the Opawa/St Martins Residents Association. The Greenspace Unit received 39 written responses from letters sent, with some residents consenting to Brent McLeod (DTZ New Zealand Ltd MREINZ) acting on behalf of Vodafone, discussing their concerns.
15. **Attachment 5** lists those people who have entered in to correspondence with the Council or made a written submission raising concerns with the proposal.
16. The underlying strands of concerns raised by residents are as follows:
 - *The potential visual and effects of the proposal.*
17. The potential visual effects have been commented on by Greenspace Unit Planner, David Sissons, (refer to recommendation (b) of this report). It is considered that in the event of the proposal being supported by the Board a condition is set down that Vodafone cover the cost of any plantings to shield the proposed installation from the field of view of nearby residents.
 - *The potential adverse health effects of the proposal*
18. The radio frequency exposure assessment of the proposal has been reported on by the National Radiation Laboratory. The report concludes that the limits in the exposure standard are set well below the levels at which adverse health effects may occur, so as to provide a safe healthy and living environment; and on this basis, the proposal would not pose a health hazard to people who live, work, or pass by close to it.
19. Copies of the National Radiation Laboratory Report dated 2 September 2005 will be circulated at the Board meeting.

There are provisions under Section 13.2 of the Agreement between the Christchurch City Council and Vodafone New Zealand Limited, for termination of the agreement if it is shown by independent evidence from the National Radiation Laboratory that in terms of New Zealand Standard 2772: 1999 the use of a site by the company is or is reasonably likely to cause a health hazard to the members of the public and it is shown that such a health hazard can only be averted by the company ceasing all operations at the site.

The applicant does not seek to undertake any site testing as detailed under Section 4 Site Testing, of the agreement until a decision has been made on the application by the Council.

20. The proposed telecommunication facility will see Vodafone replace an existing 14.500 metre floodlight pole owned by the Christchurch City Council with a new 15.00 metre pole with upper antennae to give an overall height of 15.500 metres. The new 15.00 metre pole will become the property of the Council upon installation. The 14.500 metre pole will remain the property of the Council. The existing floodlights on the 14.500 metre pole will be remounted on the new 15.00 metre pole at their current height. The telecommunication facility panel antenna and masthead amplifiers will be located inside a plastic sleeve mounted on the pole above the floodlights to minimise any visual effect.
21. The telecommunication facility microwave dish will be mounted externally on the pole below the floodlights to provide a clear line of sight connection to another distant telecommunication facility. An equipment cabinet measuring 5m² and 3 metres in height will also be installed adjacent to the new 15 metre pole. Both the new 15 metre pole and equipment cabinet will be painted green to match the existing power box, surrounding bushes and trees. In addition, the Sydenham Rugby Football Club has negotiated with both the Council and Vodafone to have the new 15 metre floodlight pole and existing power box relocated closer to the rugby ground to improve light levels on the nearby rugby playing field. The new location is among existing bushes and therefore has removed the need for any new landscaping around the proposed telecommunication facility.

VODAFONE'S PREFERRED OPTION

22. On an existing floodlight pole at Hansen Park, Butler Street, Opawa. The applicant has indicated this is its preferred option because the site meets the following criteria:
 - (a) An existing structure.
 - (b) It will improve mobile phone coverage in and around Hansen Park.
 - (c) The unavailability of other suitable sites.
23. It is important that works are consistent with the Council's policies. Before any tenders are let or work commences on site, discussions will be held with the Parks and Waterways Area Advocate (Spreydon/Heathcote), the Corporate Services Unit and the Greenspace Unit, to ascertain the Council's requirements throughout the installation phase.
24. It is considered that there will be no detrimental long term health and environmental effects as an outcome of the proposal because the applicant has provided a report from the National Radiation Laboratory indicating New Zealand Standard 2772.1 1999 Radio frequency Fields Part 1: Maximum exposure levels 3 kHz- 300GHz will be complied with in terms of the siting and operation of the telecommunications equipment at Hansen Park.

STAFF RECOMMENDATIONS

- (a) That the Board recommend to the Council that it enter in to a site agreement, as per the current protocol document between the Christchurch City Council and Vodafone New Zealand Limited to enable Vodafone to install a telecommunication facility on a relocated floodlight pole on Hansen Park, together with a ground service cabinet subject to the following conditions:
 - (i) That resource and building consents are obtained.
 - (ii) That before work commences on the site, the applicant is responsible for locating any existing services in the reserve, if applicable, and ensuring that these are not damaged by contractors.
 - (iii) That any telecommunications equipment, including the cabinet, is to be painted or coated in a green shade or suitable colour to match the colour of the existing pole.
 - (iv) The telecommunications facility is maintained by the applicant and its contractors in a safe and tidy condition at all times.
 - (v) A bond of \$2,000 is to be paid by the applicant to the Christchurch City Council via the Parks and Waterways Advocate, Beckenham Service Centre, before work commences on the site. This bond, less any expenses incurred by the Council, is to be refunded to the payee upon the completion of the work by the Greenspace Unit Policy and Leasing Administrator.
- (b) That Vodafone New Zealand Limited provide a landscape plan to the Greenspace Unit Manager detailing sufficient plantings to shield the intended installation from the field of view of nearby residents.

CHAIRPERSON'S RECOMMENDATION

For discussion.