

7. APPLICATION BY TRANSFIELD SERVICES ON BEHALF OF TELECOM NEW ZEALAND LIMITED TO INSTALL A MUX HIGH SPEED INTERNET COMMUNICATIONS CABINET ON WILMINGTON RESERVE

General Manager responsible:	General Manager City Environment, DDI 941-8656
Officer responsible:	Transport and Greenspace Manager
Author:	Tony Hallams, Policy and Leasing Officer

PURPOSE OF REPORT

1. The purpose of this report is to enable the Board to consider an officer's recommendation that they approve an easement right under Section 48(1)(a) of the Reserves Act 1977 to Telecom New Zealand Limited part of Wilmington Reserve, being a recreation reserve held under Lot 88, Deposited Plan 82120, to enable Telecom New Zealand to locate a Mux cabinet (high speed internet communicator) and cabling to serve part of the Burwood area. A description of the cabinet is provided in **Attachment 1**.

EXECUTIVE SUMMARY

2. Telecom seek to locate a Mux high speed cabinet on Wilmington Reserve to serve existing and increasing internet and new technological demands for a part of the suburb of Burwood.
3. There no road reserve site is suitable because of the size of the intended unit to meet these demands.

FINANCIAL AND LEGAL IMPLICATIONS

4. The Board has delegated authority from Council (as at 16 December 2004) to make the decision on behalf of Council whether to grant the easement or not.
5. Wilmington Reserve is a held as a recreational reserve under the Reserves Act 1977, the proprietor being the Christchurch City Council. The Council has been required under Section 119 of the Act to publicly advertise the proposal, and consider any objections. Approval of the proposal by the Minister of Conservation will be necessary, and in the event of the Board supporting the granting of the easement the Council will seek the Minister's approval on the applicant's behalf.
6. The applicant is required to pay all costs associated with the establishment of the easement, which will include Council officer's time spent preparing reports, attending Council meetings, and preparing and registering the required legal documentation.
7. The applicant will be responsible for ensuring the survey plans are compiled, and the easement registered with Land Information New Zealand.

STAFF RECOMMENDATION

That the Board under Section 48(1)(a) of the Reserves Act 1977 grants an easement of approximately 11.5 m² to accommodate a Mux cabinet, pit area and cabling to the street, at a point on Wilmington Reserve near the entrance as detailed under **Attachment 2**, subject to the following conditions:

- (a) The applicant obtains any necessary resource and building consents.
- (b) The approval of the Minister of Conservation is obtained.
- (c) The operation of the unit fully complies at all times with the noise standards detailed in the Operative City Plan.
- (d) A bond of \$2,000 being lodged by the contractor with the Council via the Greenspace Unit's Area Contracts Officer at the Linwood Service Centre, prior to work commencing in Wilmington Reserve. The bond is to be returned to the applicant at the end of the contract period less any costs incurred by the Council to reinstate the area.

- (e) The applicant ensures that all contractors carrying out works on Wilmington Reserve are to carry and produce evidence of having adequate public liability insurance with a minimum of \$1,000,000 cover.
- (f) The applicant ensures that the affected part of Wilmington Reserve is reinstated in with the same number of plants as to that which existed prior to the placing of the Mux cabinet and pit.
- (g) The contractor ensures any work undertaken in Wilmington Reserve is fully secured during the installation of services, and that full Health and Safety requirements for the work site are set in place.
- (h) That any excavated material is temporarily stockpiled in an appropriate area of the reserve that does not effect the existing vegetation or ecosystem. All excavated material after the completion of works to be removed off the park.
- (i) The contractor is to be responsible for locating any above and underground services (eg electricity, water, telephonic, stormwater and sewage lines) in Wilmington Reserve and protect them from damage.
- (j) That the applicant pays to the Council a sum as decided by independent valuation for the privilege of placing the encumbrance (easement) on the Council's title for the placement of the new Mux cabinet, pit and cabling.

BACKGROUND ON THE APPLICATION BY TRANSFIELD SERVICES ON BEHALF OF TELECOM NEW ZEALAND LIMITED TO INSTALL A MUX HIGH SPEED INTERNET TELECOMMUNICATIONS CABINET ON WILMINGTON RESERVE

8. Transfield Services on behalf of Telecom New Zealand Limited had approached the Council to locate a Mux cabinet on Wilmington Reserve, on the eastern boundary in close proximity to 76 Fairway Drive.
9. A Mux cabinet is a high speed telecommunications internet device which serves customers internet demands, and an example of the intended cabinet is detailed under **Attachment 1**. The applicant stated they sought to replace the existing Mux cabinet outside 71 Fairway Drive, to accommodate a larger Mux Unit to service increasing high speed internet demands (ADSL) and any new technologies in part of the suburb of Burwood, but the site was unsuitable because of the larger size of the new unit.

The applicant has indicated:

“Telecom cannot supply an additional ADSL service in the area by the existing cabinet (Mux) because it has reached its maximum capacity. Telecom has customers requesting service but will not be able to meet its obligations.”

10. The writer consulted with all residents straddling Wilmington Reserve. The occupiers of 76 Fairway Drive objected to the intended siting. The applicant was requested to submit a revised location alternative. This was subsequently undertaken and is detailed under **Attachment 2**. A further neighbourhood consultation was undertaken and no objections have been received to the revised proposal.
11. It is considered there will only be a minor adverse visual effect from the proposal, as detailed in the overlaid photograph under **Attachment 3**.

OPTIONS THAT HAVE BEEN CONSIDERED BY THE APPLICANT

The Applicant’s Preferred Option - Locating a new larger Mux unit outside 71 Fairway Drive

12. Telecom considered this unfeasible because the width of the road reserve not being able to accommodate size of the new unit.

The Second Option considered by the applicant and the Council - Locating a new larger Mux unit on the boundary and inside Wilmington Reserve next to 76 Fairway Drive

13. Transfield Services on behalf of Telecom New Zealand Limited acknowledged to the Council that this location was unsuitable due to an objection by the occupiers of 76 Fairway Drive.

The Third Option considered by the applicant and the Council - Locating a new larger Mux unit on Wilmington Reserve with new plantings near the reserve entrance

14. There have been no objections received to this proposal, and this is considered the best location by the report author.

ASSESSMENT OF OPTIONS BY THE APPLICANT

The First Option (Preference), locating the new Mux unit outside 71 Fairway Drive

Considered unfeasible by applicant because of the lack of road reserve area to accommodate the intended unit.

The Second Option

Locating on the reserve periphery next to 76 Fairway Drive.

	Benefits (current and future)	Costs (current and future)
Social	Nil.	Anxiety caused to nearby residents.
Cultural	Nil.	Nil.
Environmental	Nil.	Nil.
Economic	Of economic benefit to the applicant, in that a larger unit can be accommodated on Wilmington Reserve compared to road reserve.	

Extent to which community outcomes are achieved:

Impact on Council's capacity and responsibilities:
Nil.

Effects on Maori:
Not specific.

Consistency with existing Council policies:
Not in contravention.

Views and preferences of persons affected or likely to have an interest:

1. Applicant initially consulted with occupiers of 76 Fairway Drive.
2. T Hallams undertook neighbourhood consultation and considered the objections of the occupiers of 76 Fairway Drive, and the applicant agreed to chose an alternative location.

Other relevant matters:
Nil.

The Third Option

The applicant has submitted revised a drawing to locate the intended Mux cabinet at the park entrance area.

	Benefits (current and future)	Costs (current and future)
Social	Residential concern appeased.	Nil.
Cultural	Nil.	Nil.
Environmental	Nil.	Nil.
Economic	The applicant will be able to provide a larger Mux cabinet to provide services for part of the Burwood area and meet their objectives.	As per the applicant's requirements.
<p>Extent to which community outcomes are achieved: N/A.</p> <p>Impact on Council's capacity and responsibilities: Nil.</p> <p>Effects on Maori: Not specific.</p> <p>Consistency with existing Council policies: Further neighbourhood consultation undertaken. No adverse comments received, except that the residents of 76 Fairway Drive were pleased with Council consideration of their views.</p> <p>Views and preferences of persons affected or likely to have an interest: Further neighbourhood consultation with positive feedback through the Council's customer survey.</p> <p>Other relevant matters: N/A.</p>		