

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

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

PURPOSE OF REPORT

1. The purpose of this report is to submit the Board’s recommendation to the Council to approve with conditions, the installation of a telecommunications 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 telecommunications 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 into 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 telecommunications facilities.
 - (c) That the parties wish to record the terms and conditions that will apply to telecommunication facilities installed on the land.
4. After being approached by the applicant, Mr Bill Hughes, Property Consultant, Corporate Support Unit, and a member of the Christchurch City Council Staff Cell Site Subcommittee, 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.
5. 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.
6. 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 Subcommittee after any decision has been made by the Council.
7. Under a 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.”*
8. 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 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 a 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.

9. 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. As such, this proposal will not be subject to the consultation provisions of the Reserves Act 1977.
10. The consultant for 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.
11. 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 15.5 metres, does not comply with the conditions of the resource consent decision, and the proposal 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.
12. The consultant for the applicant, the National Radiation Laboratory, has indicated:

"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".
13. The Sydenham Rugby Football Club has stated 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."
14. 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.
15. All residents that border Hansen Park have been written to, informing them of the details of the proposal. The residents were also informed that the Spreydon/Heathcote Community Board would consider the proposal at its meeting on 21 February 2006. All known sports clubs and schools that use the park were also written to as well as known community groups in the area.

BACKGROUND

16. The Council's Corporate Support and Greenspace Units 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.
17. 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."
18. The applicant has provided a photographic "mock up" of the intended installation, and this is detailed in Attachment 4.

19. All known residents around Hansen Park (158) have been written to informing them 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.
20. Attachment 5 lists those people who have entered into correspondence with the Council or made a written submission raising concerns with the proposal.
21. The key points of concerns raised by residents are as follows:
 - *The potential visual and effects of the proposal.*
22. The potential visual effects have been commented on by the Greenspace Unit's Planner, David Sissons, (refer to recommendation (b) of this report). It is considered that in the event of the proposal being approved by the Council a condition should be imposed requiring Vodafone to 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*
23. 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.
24. Copies of the National Radiation Laboratory Report dated 2 September 2005, were circulated at the Board meeting.
25. 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.
26. 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 by the Council.
27. The proposed telecommunication facility will see Vodafone replace an existing 14.5 metre floodlight pole owned by the Christchurch City Council with a new 15 metre pole with upper antennae to give an overall height of 15.5 metres. The new 15 metre pole will become the property of the Council upon installation. The 14.5 metre pole will remain the property of the Council. The existing floodlights on the 14.5 metre pole will be remounted on the new 15 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.
28. 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 1.3 metres high by 2 metres long by 800mm wide 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 telecommunications facility.

VODAFONE'S PREFERRED OPTION

29. 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.
30. 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 Support Unit and the Greenspace Unit, to ascertain the Council's requirements throughout the installation phase.
31. 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 the 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 telecommunications 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) That the telecommunications facility is maintained by the applicant and its contractors in a safe and tidy condition at all times.
 - (v) That a bond of \$2,000 is to be paid by the applicant to the Christchurch City Council via the Parks and Waterways Area 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's Policy and Leasing Administrator.
- (b) That Vodafone New Zealand Limited provide a landscape plan to the Greenspace Manager detailing sufficient plantings to shield the intended installation from the field of view of nearby residents.

BOARD DISCUSSION/CONSIDERATIONS

The Board received deputations on this matter from Ms Angelika Frank-Alexander, representing the Christchurch Rudolf Steiner School, the community association and as a school parent and from Mr Ivan Thomson of 287 Centaurus Road.

Clause 2 of this report (Part B) records the issues raised by the deputations.

In response to a request from the Board, the Council's reporting officer (Tony Hallams) elaborated on the reasons why this matter was before the Board prior to its consideration by the full Council.

In summary, the fee simple status of the land and a need for the Council as landowner, to consider the application by Vodafone New Zealand Limited under the provisions of the Local Government Act applied. Separate resource and building consent processes would also need to be undertaken by the applicant.

From its ensuing considerations of the submissions presented by the deputations and the assessment of the officer's accompanying report, including information permitted to be provided by Vodafone New Zealand representatives who were in attendance, the Board was generally accepting of the proposal but wishes to draw the following information and perspectives to the Council's attention.

- From the information represented, there are alternative and more acceptable site options available to the various parties for the positioning of the pole proposed for the telecommunications facility.
- The cost of the pole should be met by the applicant along with its vesting in the Christchurch City Council.
- The Board understands that as the positioning of the present lighting poles was approved by way of an earlier resource consent, the present location of the most eastern pole should, in the Board's opinion, be retained.
- The Council should reserve the right to review any such approved installation if the floodlights are no longer required in the future.
- The Board notes that the Sydenham Rugby Football Club was not represented at the meeting.
- The Board conveys to the Council its unease that any approval granted, may impact on the operational characteristics and philosophies of the Christchurch Rudolf Steiner School and not address the concerns raised by its deputation representative.
- Site options within Hansen Park were not able to be explored owing to the policy and agreement arrangements requiring the use of existing infrastructure.
- Site options away from Hansen Park were clearly considered but rejected by the applicant.

BOARD RECOMMENDATIONS

- (a) That the staff recommendations be adopted subject to the following amendments:
 - (a) Third line, delete "a relocated" and replace with the words "the eastern most" floodlight pole etc.
 - (iv) New - "The pole to be renewed at the applicant's cost and that the pole vest in the Christchurch City Council".
- (b) That the bullet points detailed in the section "Board Discussion/Considerations" above, be taken into account by the Council in its decision making.