

## 19. NEW BRIGHTON SURF LIFE SAVING CLUB - TV REPEATER

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The purpose of this report is to present, for the information and consideration of the Board, a proposal to site a television repeater mast within the area leased by the New Brighton Surf Life Saving Club, and a consultative process for dealing with the Council's consent as landowner. Further, approval of Council is also being sought to renew the lease to the Surf Club.

### 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 club house at 190 Marine Parade. The TV repeater will provide reception of this local channel by householders on the north facing slopes of St Andrews, Richmond, Balmoral and Sumner Hill, 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.
- Provide 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 yard arm 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 and concreted into the ground 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 57 metres from the nearest houses on the westward side of Marine Parade. This site has been chosen to allow a sight line from Marley Hill. The primary purpose of the mast is to affix antennas to receive from Marley Hill, television signals for repeating. On the pole it is proposed to install:

- Two flat white GRPUHF transmitting antennas facing the Sumner and westward areas.
- Up to three VHF marine band vertical whip antennas 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. Issues regarding ground rental and other commercial terms would be reported to the Council so that there is clear transparency and accountability for the control and use of this site and the repeater facility.

### **LEASE ISSUES**

The New Brighton Surf Life Saving Club's lease, which was issued under the provisions of the Public Bodies Leases Act 1969, will expire on 30 November 2001. This lease contains a perpetual right of renewal for terms of 21 years. To renew the lease for a further term of 21 years would require subdivision consent. In discussions with the Surf Club representative it is proposed that a new lease be issued under the provisions of Section 601 of the Local Government Act 1974 in exchange for the existing agreement. The new lease will be for a term of 20 years less one day without right of renewal. This will mean a subdivision consent will not be required. The granting of a new lease as proposed would allow CHTV to take a sublease from the Surf Club for the initial ten year term they require for the repeater facility. In granting its consent to a new lease the Council, to accommodate this proposal, will also need to give its consent to the sublease between the Surf Life Saving Club and CHTV.

### **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 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 shall 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 antenna for the exclusive use of the Club and also install suitable lights attached to the mast that comply with the Council's planning standards on maximum luminous intensity.
- CHTV is responsible for the costs of purchase installation and operation, maintenance and removal of the transmission pole and its equipment. Also the TV channel will 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.
- The licence may be terminated by either the Club or CHTV on three month's written notice to the other party.

#### **PUBLIC CONSULTATION**

CHTV held a meeting with the New Brighton Residents' Association on Thursday 22 March 2001. As a result of that meeting a letter prepared by CHTV was delivered by the Residents' Association to both sides of Shackleton Street, Marine Parade, Rawhiti Avenue through to Grisham Street and Owles Terrace to Keyes Road, including Evans Avenue and Admirals Way and the Council Units on Owles Terrace. Both verbal and written responses have been received by CHTV and the Residents' Association.

The conclusion reached by the Residents' Association to date on their residents' views is that the transmission tower should be opposed. It is apparent there is concern about this proposal and the consent of Council as landowner should not be given without a public consultative process that allows informative and constructive discussion in terms of the Council's Seeking Community Views policy.

#### **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 of Council as landowner. Clearly this is a local issue that also has implications for general coast guard and police search and rescue activities.

As a prerequisite to the Council as the property owner considering the matter, the community views should be canvassed and heard in a structured manner in keeping with the Seeking Community Views policy. It is proposed that a public meeting be called to enable the residents, stakeholders, affected parties and technical advisers to have an informative discussion with clear outcomes. To minimise further undue delay in dealing with the landlord's consent, it is proposed to call a public meeting to be held on Tuesday 14 August 2001 as the forum for the public consultation. A special meeting is proposed immediately following the public meeting. The Board can then form a recommendation (having regard to the consultation) direct to the Council's August meeting. The Chairperson of the Board has endorsed this process.

If approved following this consultation process, this application should be viewed as a one-off and not signal the Council's attention 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 being 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 being paid for by CHTV.
- (e) Before any tenders are let or work commences on the site discussions are to be held between 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 be refunded to the payee upon completion of the work to the satisfaction of Council.
- (g) The mast to contain two only panel antenna for television signal relay and up to three VHF whip antennas 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 reserves 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 is personal to CHTV and no co-siting or installation of antennas/equipment for other than repeating of television signals and transmitting VHF marine radio, general coast guard and police rescue coordination communications is permitted.
- (j) A written agreement between the parties containing the terms as outlined in this report.

- Recommendation:**
1. That the Board recommend to the Council that a new lease under the provisions of Section 601 of the Local Government Act 1974 be granted to the New Brighton Surf Life Saving Club of its existing premises for a term not exceeding 20 years less one day. The terms and conditions of the lease to be to the satisfaction of the Parks and Waterways Manager and the Property Manager.
  2. That the Board hold a special meeting on 14 August 2001 following a public consultation meeting earlier that day to make a recommendation direct to the August 2001 Council meeting for a decision as landowner on the proposed sublease to CHTV for a television repeater mast.

**Chairperson's Recommendation:** That the abovementioned recommendations be adopted.