

Mayor and Councillors
KAPITI COAST DISTRICT COUNCIL

28 JUNE 2012

Meeting Status: **Public**

Purpose of Report: For Decision

LAND OWNER APPROVAL FOR INSTALLATION OF CABINERY ASSOCIATED WITH A TELECOMMUNICATIONS FACILITY, ON A COUNCIL-OWNED CARPARK IN RAUMATI ROAD

PURPOSE OF REPORT

- 1 This report is to seek land owner approval from the Council for the installation of telecommunication cabinets on the Council-owned car park in Raumati Road, Raumati.

SIGNIFICANCE OF DECISION

- 2 This report does not trigger the Council's Significance Policy.

BACKGROUND

- 3 The cabinets are part of the infrastructure required for a new telecommunications facility by Two Degrees Mobile Ltd. This telecommunications facility would be located on a new light pole in legal road adjacent to the Council-owned car park.
- 4 Two Degrees Mobile Limited have approached Council with a view to installing a telecommunications facility on a newly installed light pole within legal road (Raumati Road), with the associated cabinetry on the Council-owned land Lot 59 Blk 111 DP 2767. The telecommunications cabinets would be confined to a 1.1 metre wide strip along the boundary edge of the car park (see Appendix One).
- 5 Two Degrees Mobile Ltd have also proposed that these cabinets are to be surrounded by bollards for protection and access, and to undertake planting across the southern boundary of the car park at 15 Raumati Road between the existing entrance and exit driveways.
- 6 It should be noted that it is Two Degrees Mobile Limited's preferred option to proceed with installation of this telecommunications facility fully in the legal road outside this car park. Changes to the Telecommunications Act make that action a possibility and, should that happen, Kapiti Coast District Council would not be able to charge an annual licence fee, such as is possible with the cabinets being located on the Council-owned car park.
- 7 A licence agreement would need to be drafted and agreed by both Two Degrees Mobile Ltd and Kapiti Coast District Council, if approval was granted to proceed with the installation on the Council-owned car park.

CONSIDERATIONS

Issues

- 8 The proposed site covered by the licence is in the car park area, Lot 59 Blk 111 DP 2767, which Council has recently acquired. This licence would be for the cabinetry associated with the telecommunications facility to be located on legal road adjacent to the car park. Although the telecommunications facility is a permitted activity to be installed on the legal road, a decision needs to be made to allow the cabinetry infrastructure to be located on the Council owned car park land, and to allow a licence to be put in place which would generate an annual income for Council.
- 9 This cabinetry would be located in the car park area parallel to the road, and would be incorporated into the proposed planting strip across the frontage of the carpark. There will not be planting in front of the cabinet, but it would be obscured partially by existing street furniture (seats). There is existing street furniture within close proximity of this installation, including bench seating, a phone booth, a power transformer and a bus shelter. It is recommended approval for the licence is given.

10 Resource Consent

The proposed telecommunications facility (on a new streetlight pole) and associated telecommunications cabinets have been assessed as a permitted activity under the National Environmental Standard for Telecommunications Facilities, and the Kapiti Coast District Plan. This means that a Resource Consent is not required. Two Degrees have applied for, and received, a Certificate of Compliance (RM 120050) which confirmed that the proposal has been assessed and determined to be a permitted activity under the Resource Management Act (National Environmental Standards for Telecommunications Facilities) and Kapiti Coast District Council Plan on 6 June 2012.

Licence Agreement

Two Degrees Mobile Ltd and Kapiti Coast District Council have agreed a licence fee for this site subject to approval by the Council. Both parties will agree to determine legal costs on this licence preparation, which will be closely based on an existing signed licence document in place between Two Degrees Mobile Ltd and Kapiti Coast District Council at another site in the district.

- 11 Two Degrees Mobile Ltd and Kapiti Coast District Council have agreed a licence fee for this site, of \$500 per annum, with provision for CPI adjustments on a three yearly review.

Legal Considerations

- 12 A licence agreement to cover the installation of cabinetry at this site by Two Degrees Mobile Ltd will be compiled by Council's legal advisors and agreed by both parties.

Delegation

13 The Council may make a decision under the following delegation:

4 *Exercise any other Council powers, duties and functions of a strategic overview nature including:*

- *coordination and prioritisation of infrastructure development;*

Consultation

14 There has been no public consultation undertaken.

Policy Implications

15 This policy is not contrary to the Objectives and Policies of the Kapiti Coast District Council Plan.

Tāngata Whenua Considerations

16 There are no iwi considerations related to this proposal

Publicity Considerations

17 A media release will need to be issued regarding this licence, whether approval to proceed is given or not.

RECOMMENDATIONS

18 That Council to the Chief Executive to sign a licence agreement with Two Degrees Mobile Limited for cabinetry associated with a new telecommunications facility at the Kapiti Coast District Council-owned car park site, Lot 59 Blk 111 DP 2767, for a term of six years from 1 July 2012, plus two rights of renewal of six years each at a rental agreed by both parties.

Report prepared by:

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PROPERTY ASSET PLANNER

Approved for submission by:

Sean Mallon
**GROUP MANAGER
INFRASTRUCTURE SERVICES**

ATTACHMENTS:

Appendix 1 Locality Plan, cabinetry for telecommunications facility by Two Degrees Mobile Ltd