

Wānaka-Upper Clutha Community Board

21 November 2024

Report for Agenda Item | Rīpoata moto e Rāraki take [8]

Department: Community Services

Title | Taitara: Notification of intention to grant a licence within Forest Heights Reserve, Wānaka for a communications station

Purpose of the Report | Te Take mō te Pūroko

The purpose of this report is to consider notifying the intention to grant a new reserve licence to Connexa Ltd for a communications station within Forest Heights Reserve ('the reserve'), Wānaka.

Recommendation | Kā Tūtohuka

That the Wānaka-Upper Clutha Community Board:

1. **Note** the contents of this report;
2. **Approve** the intention to notify a licence in accordance with section 48(A) of the Reserves Act 1977 to Connexa Ltd over part of lot 721 deposited plan 399076 known as Forest Heights Reserve, Wānaka, subject to the following terms and conditions:

Commencement	1 March 2025
Term	Six years
Renewal	Two rights of six years each
Rent	Market rental to be assessed by valuation
Rent Reviews	Every three years

3. **Appoint** three Community Board members (to be named) to form a hearing panel to hear any submissions and make a recommendation to Council.

Prepared by:

Name: Matthew Judd
Title: Parks Property Planner
31 October 2024

Reviewed and Authorised by:

Name: Ken Bailey
Title: GM Community Services
31 October 2024

Context | Horopaki

1. Connexa provide tower infrastructure to a range of telecommunications organisations, primarily Spark and 2 Degrees.
2. Connexa currently has a temporary mast and communications infrastructure located within the parcel of land adjacent to Forest Heights Reserve, known as Sticky Forest. This equipment has been at this location since 2017. During the summer of 2016-17 capacity was reached on existing infrastructure meaning services were interrupted. Connexa wishes to upgrade this equipment for the purpose of providing a long-term site that allows improved coverage and capacity. In order to undertake this upgrade, Connexa requires a site with security of tenure to enable the investment. An application has been made for a licence within Forest Heights Reserve adjacent to the existing location. The existing and proposed locations are shown in the plan at Attachment A.
3. The proposed upgrade includes installing a new larger tower (currently 9m up to a proposed 12.7m) and associated equipment contained within a fenced compound. An image of the proposed tower and existing tower are contained in Attachment B.
4. This location within Forest Heights Reserve is strategic as it is a natural high point allowing mobile coverage to areas of Wānaka that are not covered by other towers. Specifically, it will cover the Beacon Point area along with areas of Lake Wānaka and some of the western shorelines of Lake Wānaka, including Roys Peak. Connexa advises that without this strategic location, numerous additional towers would be required in residential neighbourhoods to achieve the same coverage.
5. Forest Heights Reserve is legally described as Lot 721 Deposited Plan 399076 contained within certificate of title 411545. The land is vested as recreation reserve and is subject to the Reserves Act 1977.
6. In accordance with section 48A of the Reserves Act 1977, Council has the authority to grant a licence for a communications station over reserve land. Consent of the Minister is required to grant the lease, this being delegated to Council.
7. Section 48(4) of the Reserves Act 1977 requires a licence to be publicly notified if it is not in conformity with an approved Reserve Management Plan (RMP). Forest Heights Reserve does not have a RMP, meaning that this licence requires public notification.
8. Council has granted leases and licences to a number of communications stations throughout the district. Locations include; Wānaka's Ardmore Street Carpark, Queenstown Hill, Deer Park Heights, Ben Lomond along with numerous locations within road reserves throughout the district.

Analysis and Advice | Tatāritaka me kā Tohutohu

9. Connexa has applied for a 35 year licence for this site (consisting of seven terms of five years). This is inconsistent with other agreements for existing communications stations within the district, being longer than normal. The terms that have been proposed to be notified are based on existing agreements with communications providers on reserves as mentioned above.
10. The proposed licence terms allow for a market based commercial rental, reviewable every three years.
11. The area within the reserve that has been proposed for the licence is away from the existing trail and not regularly used. It is elevated on a knoll above the trail and should not interfere with regular users of the reserve.
12. This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002.
13. Option 1 Agree to publicly notify the intended licence to Connexa in Forest Heights Reserve.

Advantages:

- Will allow for investment in communication infrastructure providing greater levels of community resilience.
- Will provide Council with a commercial rental for this activity.

Disadvantages:

- Will restrict reserve users from this portion of the reserve.

14. Option 2 Decline the public notification of the licence to Connexa in Forest Heights Reserve.

Advantages:

- Will result in no impact to the users of Forest Heights Reserve.

Disadvantages:

- May result in reduced communications capabilities in some areas of Wānaka or more towers being required in residential areas.
- Loss of potential income for the Council.

15. This report recommends **Option 1** for addressing the matter because of the potential benefits of improved communications infrastructure and income for QLDC through this agreement. Adverse effects on reserve users is minimal.

Consultation Process | Hātepe Matapaki

Significance and Engagement | Te Whakamahi I kā Whakaaro Hiraka

16. This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy 2024 because it involves a QLDC reserve.
17. The persons who are affected by or interested in this matter are users of the Forest Heights Reserve and residents of adjacent suburbs who may be affected by coverage changes, increased towers in residential areas and the visual impact of the new infrastructure.
18. The Council will, if approved, publicly notify the intention to grant a licence, giving affected parties the opportunity to submit on the proposal.

Māori Consultation | Iwi Rūnaka

19. The Council will notify local Iwi of the public notification.

Risk and Mitigations | Kā Raru Tūpono me kā Whakamaurutaka

20. This matter relates to the Community & Wellbeing risk category. It is associated with RISK10023 Disruption event to facility or service within the QLDC Risk Register. This risk has been assessed as having a low residual risk rating. Approval of the recommended option will allow Council to implement additional controls for this risk. This will be achieved by allowing public the opportunity submit on the proposed licence.

Financial Implications | Kā Riteka ā-Pūtea

21. The potential licence will provide income to the Council, with all costs associated with the application to be met by the applicant.

Council Effects and Views | Kā Whakaaweawe me kā Tirohaka a te Kaunihera

22. The following Council policies, strategies and bylaws were considered:
 - This lease aligns with the principles of the Vision Beyond 2050, specifically allowing upgrading communications infrastructure that will assist with disaster-defying resilience
 - Community Facility and Funding Policy
 - Parks & Open Spaces Strategy 2021
 - Reserves Act 1977
23. The recommended option is consistent with the principles set out in the named policies.
24. This matter is not included in the Long Term Plan/Annual Plan.

**Legal Considerations and Statutory Responsibilities | Ka Ture Whaiwhakaaro me kā Takohaka
Waeture**

25. Council must follow the provisions of the Reserves Act 1977 when granting leases / licences over reserve land.

Local Government Act 2002 Purpose Provisions | Te Whakatureture 2002 o te Kāwanataka ā-Kiaka

26. Section 10 of the Local Government Act 2002 states the purpose of local government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. Allowing public notification will inform the community and assist with democratic decision making. As such, the recommendation in this report is appropriate and within the ambit of Section 10 of the Act.

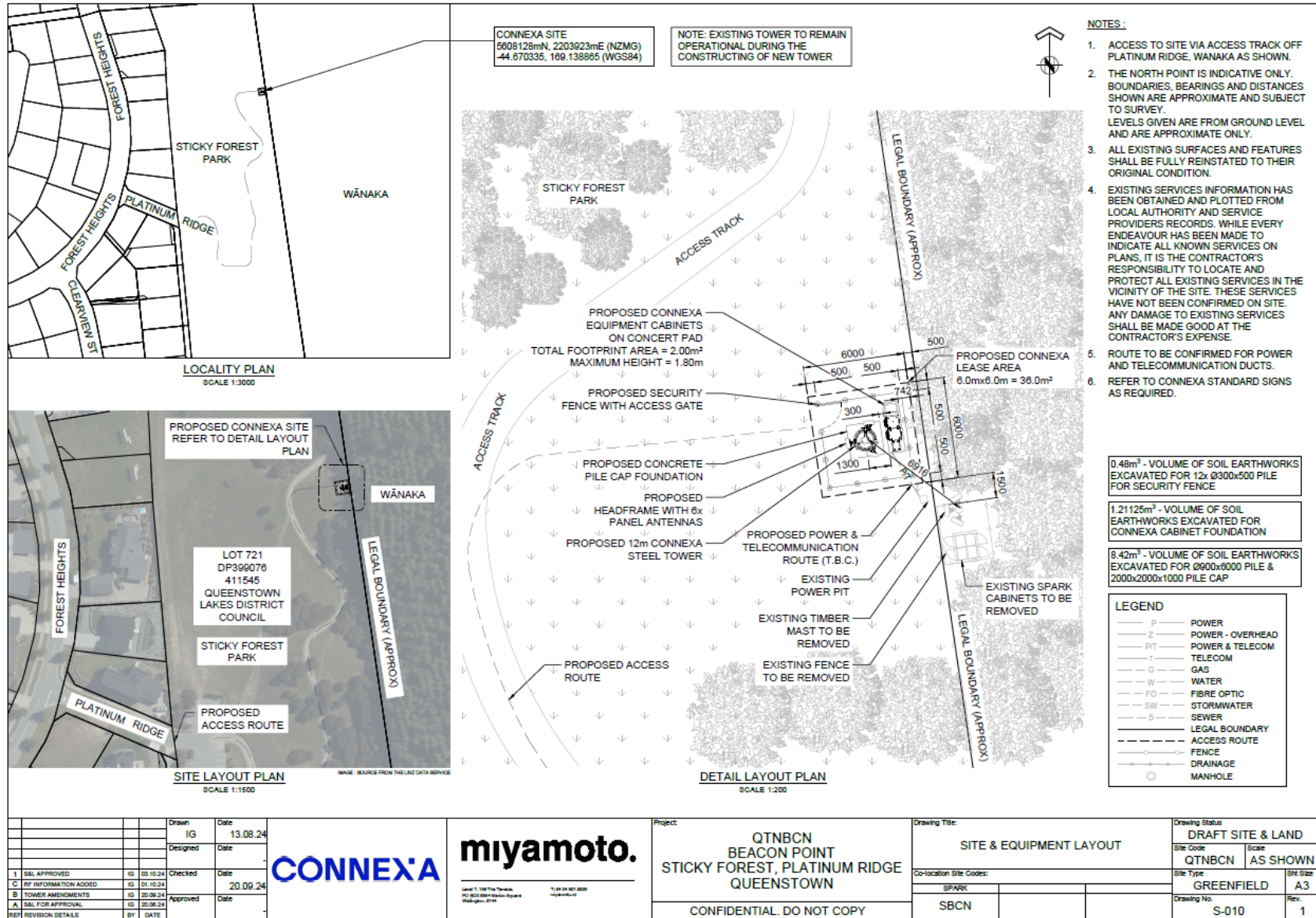
27. The recommended option:

- Is consistent with the Council's plans and policies; and
- Would not significantly alter the intended level of service provision for any significant activity undertaken by or on behalf of the Council or transfer the ownership or control of a strategic asset to or from the Council.

Attachments | Kā Tāpirihaka

A	Plan of proposed licence area within Forest Heights Reserve
B	Diagram of proposed new facility compared to existing

Attachment A – Plan of proposed licence area within Forest Heights Reserve



All information shown on this plan is based on the information provided to us by the client. We do not warrant the accuracy or completeness of the information provided. We accept no liability for any errors or omissions on this plan.

REV	REVISION DETAILS	BY	DATE
1	S&L APPROVED	IG	08.10.24
2	RF INFORMATION ADDED	IG	01.10.24
3	TOWER AMENDMENTS	IG	20.09.24
4	S&L FOR APPROVAL	IG	20.09.24

Drawn: IG, Date: 13.08.24
Designed: IG, Date: 20.09.24

CONNEXA

miyamoto.

Level 1, 108 The Terrace, PO BOX 688, Mt Cook Square, Wellington, NZ

Project: QTNBCN BEACON POINT STICKY FOREST, PLATINUM RIDGE QUEENSTOWN

Drawing Title: SITE & EQUIPMENT LAYOUT

Co-location Site Codes: SBCN

CONFIDENTIAL. DO NOT COPY

Drawing Status: DRAFT SITE & LAND

Site Code: QTNBCN, Scale: AS SHOWN

Site Type: GREENFIELD, Sht Size: A3

Drawing No: S-010, Rev: 1

Attachment B – Diagram of proposed new facility compared to existing

