

Telecommunications lease - Kopuru Domain, Glinks Gully

Meeting: Kaipara District Council
Date of meeting: 11 December 2019
Reporting officer: John Burt, Property & Commercial Advisor

Purpose/Ngā whāinga

This report is seeking Council approval of a telecommunications tower licence on the Kopuru Domain reserve at Glinks Gully to the Rural Connectivity Group (RCG).

Executive summary/Whakarāpopototanga

Council has received a proposal from the RCG for the installation of a telecommunications tower on the Kopuru reserve above Glinks Gully. RCG is focused on building the infrastructure which will deliver improved connectivity services from New Zealand's three mobile networks as part of the Government's rural broadband rollout aimed at bringing high speed wireless internet access to isolated rural communities, tourist destinations and road blackspots. The facility would include a 25m high guyed lattice mast and require electricity supply via new overhead lines. Better mobile phone and high-speed broadband services are needed for daily life in rural New Zealand. Getting more rural residents connected is a challenging task, due to the rugged terrain, low population numbers, and the cost of building and operating a network in remote places. The benefits of the proposal include providing enhanced digital accessibility for the rural community around Glinks Gully and the social and economic benefits this opportunity facilitates.

Recommendation/Ngā tūtohunga

That Kaipara District Council:

- a) Resolves that public notification of the intention to grant a telecommunications tower is not required as the Kopuru reserve, Glinks Gully, is not likely to be materially altered or permanently damaged; and the rights of the public in respect of the reserve are not likely to be permanently affected - by the granting and lawful exercise of the rights and powers contained in the licence.
- b) Approves a licence for a telecommunication tower on the Kopuru Domain at Glinks Gully to the Rural Connectivity Group.
- c) Delegates to the Chief Executive responsibility for negotiating the terms and conditions of the licence to the Rural Connectivity Group

Context/Horopaki

The Rural Connectivity Group

Established in 2017, the RCG is solely focused on building the infrastructure which will deliver connectivity services from New Zealand's three mobile networks - Spark, Vodafone and 2degrees. All three mobile network operators will be able to offer 4G services from the infrastructure, meaning people can choose which network to receive services from. The risk of 5G being installed later could be mitigated through a condition in the licence. Wireless broadband is high-speed broadband delivered over the 4G mobile network – rather than through the fixed line copper network. It's quick and easy to install, it's reliable, and it is fast enough to watch the latest online movie releases. The RCG is using funding from the Government's Rural Broadband Initiative Phase 2 and the Mobile Black Spot programmes, as well as contributions from Spark, Vodafone and 2degrees. By working together, they can contribute to a successful outcome for a more connected New Zealand. RCG plans to build over 450 new mobile broadband sites by December 2022. They plan to continue building as many mobile broadband sites as possible. With the help of rural communities, landowners, local businesses, councils, Iwi, Department of Conservation (DOC), NZ Transport Agency (NZTA), their suppliers and the mobile network operators RCG hope to continue building and extend coverage even further. At last month's meeting Council received a presentation from RCG.

Reserves Act 1977 –Section 48A Use of reserve for communications station

(1) The administering body of a reserve vested in the administering body acting with the consent of the Minister (**) may grant a licence to any person or department of State—

(a) to erect, maintain, and use buildings, dwellings, masts, and other structures, and plant and machinery; and

(b) to construct, maintain, and use tracks and engage in other works—

comprising or in connection with and for the purposes of any station for the transmission, emission, or reception of any form of radio, electric, or electronic communication on any reserve or part of a reserve that is not set apart as a wilderness area under section 47.

(2) No licence shall be granted under subsection (1) unless the administering body is satisfied—

(a) that the buildings, dwellings, masts, structures, plant, machinery, tracks, or works are necessary for the purposes of the station; and

(b) that they cannot readily be provided outside the reserve.

(3) Every licence issued under subsection (1) shall be subject to such terms and conditions as to duration, design, materials, situation, use, rental, inspection, maintenance, and public access, or otherwise, as the administering body determines with the approval of the Minister (**).

**In 2013, The Minister delegated his decision-making power in respect of clause 1 and 3 to administering bodies of reserves such as Council.

Reserve History

On 22 May 1890, the Crown permanently reserved Allotment 141, Parish of Kopuru comprising an area of 1,077 acres as a recreation reserve. On 29 September 1892, the Hobson County Council was appointed to manage and control the reserve. The land is now vested in Kaipara District Council pursuant to the Reserves Act 1977. Around half of the reserve is utilised for grazing by adjoining farms under Licences granted by Council. The remainder of the land forms a buffer between the pasture land and the coastal dunes.

Discussion/Ngā kōrerorero

Council has received a proposal from RCG for the installation of a telecommunications tower on reserve land (AKA the Kopuru Domain) above Glinks Gully.

This proposal is for a transmission facility to be constructed by RCG as part of Government's rural broadband rollout aimed at bringing high speed wireless internet access to isolated rural communities, tourist destinations and road blackspots. Vodafone, 2degrees, Spark and potentially other wireless service internet providers will operate from the facility. The facility includes a 25m high guyed lattice mast. Electricity will be reticulated overhead. Maintenance access will be derived in part across the grassy paddock, and in part by grooming a disused existing track, which is also currently covered in rank grass.

Steep sandstone escarpments adjacent to the beach and rolling sandhills are limiting factors on coverage options for the surrounding area. No other suitable mast locations have been identified that fulfil the Government's coverage objectives. If this proposed site is not approved it is likely that funding will be reallocated elsewhere, recognising that the Government's rollout is nationwide.

A map detailing the tower and its location is appended to this report as **Attachment A**.

Options

Option 1 Do nothing

Option 2 Approve a lease for a telecommunication tower on the Kopuru Domain at Glinks Gully to the Rural Connectivity Group.

Assessment of Options

Option 1 – Do Nothing

Criteria	Advantages	Disadvantages
Financial		Council does not obtain any benefit from rental income.
Economic Development		Missing the opportunity that enhanced broadband could provide to the rural community.
Social/Community		Missing the opportunity to enhance digital accessibility for the rural community.

Option 2 - Approve a lease for a telecommunication tower on the Kopuru Domain at Glinks Gully to the Rural Connectivity Group

Criteria	Advantages	Disadvantages
Financial	Council could benefit from rental payable under the lease.	
Economic Development	Improvements to mobile broadband coverage will facilitate business development.	
Social/Community	Provides an opportunity to enhance digital accessibility for the rural community.	Some in the community may be concerned about the possibility of the tower being upgraded to 5G in the future.

Better mobile phone and high-speed broadband services are needed; and absolutely critical for daily life in rural New Zealand. Getting more rural Kiwis connected is a challenging task; this is due to the rugged terrain, low population numbers, and the cost of building and operating a network in remote places.

If Council decides to do nothing both it and the community may miss out on the benefits that the installation of a telecommunications tower could provide.

If Council decides to approve the licence the wider community would receive the benefits detailed in the table above, and the advantages of being connected such as:

- being able to contact emergency services making our communities and roads safer;
- opening up a world of innovation to make farming safer, more efficient, profitable and sustainable;
- paying business and household bills online;
- fast access to online entertainment and social media;
- bringing our rural brands to the world;
- tourists sharing their experiences and boosting our global reputation;
- bridging the rural versus urban digital divide;
- helping people stay connected with each other, when and where they want or need to.

Policy and planning implications

The National Environment Standard allows for installation of telecommunications towers on rurally zoned land without the need to obtain a resource consent. This particular reserve does not have a Reserve Management Plan so is not a consideration in this decision.

Reserves Act 1977 Section 48A (4) states: Except as provided in subsection (5), where the granting of any licence under subsection (1) is not in conformity with and contemplated by a management plan approved for the reserve, the administering body shall give public notice in accordance with section 119 of the proposal to grant a licence, and shall give full consideration, in accordance with section 120, to all objections and submissions received in respect of the proposal under that section.

However, in the **Reserves Act 1977 Section 48A (5)** it states that Subsection (4) shall not apply in any case where (a) the reserve is not likely to be materially altered or permanently damaged; and (b) the rights of the public in respect of the reserve are not likely to be permanently affected by the granting and lawful exercise of the rights and powers contained in the licence.

Officers believe that the provisions of paragraph 5 apply in regard to this proposal so can Council can resolve to not publically notify the intention to grant a licence.

Financial implications

The applicant RCG has offered to pay towards Council's legal costs for the preparation of the lease. The proposal includes an offer to pay an annual rental and an upfront lump sum payment. Once the lease has been approved these terms will be subject to further negotiation, albeit recognising the substantial community benefit inherent in this initiative.

Risks and mitigations

The financial risk to Council has been mitigated by the requiring RCG to meet all costs associated with the preparation and negotiation of the lease.

Legal risks will be mitigated by careful following of due process and having any variation sublicense documents reviewed by Council's Solicitors.

Any risk to Council's reputation would be mitigated by making a decision in the best interests of Council's ratepayers and the wider community. The risk of 5G being installed later could be mitigated through a condition in the licence

Significance and engagement/Hirahira me ngā whakapāpā

The decisions or matters of this report do not trigger the significance criteria outlined in Council's Significance and Engagement Policy. The public will be informed via the Council website once the decision of Council has been made.

Council officers have provided Te Uri o Hau with details of the RCG proposal and invited comments and feedback from the Iwi with no objections stated. Environs have now responded and have advised they have no objection. A copy of the report from Environs is appended to this report as **Attachment B**.

Negotiate/finalise licence terms with RCG.

Attachments/Ngā tapiritanga

Number	Title
A	Plan and Map of proposed tower
B	Report from Environs on Proposed tower

John Burt, 29 October 2019