

AUCKLAND UNITARY PLAN
INDEPENDENT HEARINGS PANEL

Te Paepae Kaiwawao Motuhake o te Mahere Kotahitanga o Tāmaki Makaurau

Report to Auckland Council
Hearing topic 074 Designations

Minister of Police

Designations 5716 and 5728

May 2016

Report first prepared by Harry Bhana in accordance with the Auckland Unitary Plan Independent Hearing Panel procedure and in accordance with section 142 of the Local Government (Auckland Transitional Provisions) Act 2010, on 6 September 2015 and updated on 23 September 2015.

Adopted as Auckland Unitary Plan Independent Hearings Panel recommendations in accordance with the Auckland Unitary Plan Independent Hearing Panel procedure and in accordance with section 144 of the Local Government (Auckland Transitional Provisions) Act 2010 on date of signature.

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1. Introduction

The purpose of this report is to provide an assessment and recommendation in relation to designations, modifications and new designations classified by the Independent Hearings Panel as moderately complex. This classification will generally apply where there is a:

- i. rollover of a designation with no modifications and a submission lodged by third party;
- ii. modification to a designation that will result in more than minor effects and with or without submissions;
- iii. notice of requirement for a new designation for existing works with or without submissions.

2. Assessment

The assessment will address:

- i. effects on the environment of allowing the modification or requirement;
- ii. mitigation measures proposed by requiring authority including any proposed conditions;
- iii. other section 171 matters or section 168A(3) (if the requiring authority is Auckland Council) matters where relevant;
- iv. whether land is owned by the requiring authority.

See section 9 of this report for the assessment of each modification and requirement.

On the basis of the assessment, the report concludes that the following modifications/requirements should be recommended for confirmation subject to the modifications shown in Attachment 1:

5716 and 5728

3. Expert input

Not applicable.

4. Mediation required

Not applicable.

5. Hearing required

Not applicable.

6. Recommendation to Panel

That the Panel recommends to Auckland Council that designations 5716 and 5728 be recommended for confirmation subject to the modifications shown in Attachment 1.

Author	Harry Bhana
Author's Signature	
Date	06/09/2015 and updated and amended on 23 September 2015

7. Panel recommendations to Auckland Council

The Auckland Unitary Plan Independent Hearings Panel recommends that Auckland Council recommends to the requiring authority that it confirms the notice of requirement for the modifications to designations 5716 and 5728 included in the Proposed Auckland Unitary Plan subject to the further modifications shown in Attachment 1.

8. Panel reasons

The reasons for the Panel's recommendation are set out in section 9 below.

Panel Chair	David Kirkpatrick
Chair's Signature	
Date	18 May 2016

9. Assessment of modifications and submissions

Requiring authority	Minister of Police
Designation number (s)	5716 & 5728
Designation purpose	Police Communications Purposes and Police and emergency services radiocommunication and telecommunication.
Location	5716 - 159 Great North Road, Arch Hill 5728 - 501 Otau Mountain Road, Clevedon
Designations given effect to	Yes
Lapse date in operative plan	NA
Land ownership	NA
Land owned by the requiring authority	Yes
Rollover designation with no modifications	No
Description of the modification	<p>Modifications to 5716</p> <p>The operative plan provided the following conditions:</p> <p>Development to be in accordance with the following -</p> <ol style="list-style-type: none"> 1. The work shall be undertaken in general accordance with the notice of requirement dated 23 October 1998 and supporting documents. 2. A revised parking layout for the existing off-street carpark is to be prepared showing a total of 47 spaces, including stacked parking. Stacked parking will be acceptable for this activity as it is a private carpark used only for staff parking and stacked parking will reduce the impact of the activities on Sussex Street. 3. In addition, 16 further carparking spaces are required to bring the total parking provision to 63 parking spaces. This can be in the form of the following: <ul style="list-style-type: none"> (i) A financial contribution shall be paid to Council, being full payment of providing ten angled parking spaces on Sussex Street. (It is likely that an additional 10 parking spaces can be created on Sussex Street outside 159 and 167 to 169 Great North Road). The New Zealand Police shall prepare a concept plan depicting the 10 on-street parking spaces on Sussex Street and shall be submitted to Transport and Roading Services for approval. In addition, a further 6 carparking spaces are to be provided on another site in the near vicinity for use by staff at the Police Communications Centre. These spaces must not respect of other activities on that site. A copy of any lease shall be forwarded to the Council for record purposes. or (ii) All sixteen further carparking spaces to be

	<p>provided on another site in the near vicinity for use by staff at the Police Communications Centre. These spaces must not form part of the required parking needed in respect of other activities on that site. A copy of any lease shall be forwarded to the Council for record purposes.</p> <p>or</p> <p>(iii) A combination of providing a financial contribution to the creation of additional parking spaces created on Sussex Street outside 159 and 167 to 169 Great North Road and providing additional carparking on an alternative site in the near vicinity for use by staff at the Police Communications Centre to bring the total parking provision to 63 parking spaces.</p> <ol style="list-style-type: none"> 4. Should the number of staff employed at the Police Communications Centre increase above 70, further parking spaces are to be leased in the near vicinity at a rate of one parking space per 1.5 staff members. As an alternative to leasing spaces in the near vicinity, spaces could be provided at a more distant location and a bus for staff provided to and from 159 Great North Road. 5. The noise control imposed at the site boundary shall be as follows: The L10 noise levels measured at or within the boundary of any adjacent site (not held in common ownership) with the same business zoning shall not exceed 60 dBA at any time. 6. Any electromagnetic radio frequency fields emitted from the site from radios, transmitters, microwave links or any other like equipment shall be in accordance with Part 28 of the Auckland City Consolidated Bylaw. 7. Storage of dangerous goods or hazardous substances shall be in accordance with the relevant legislation. 8. Unless lapsed prior to 15 June 2010, the expiry date of this designation was extended to 1 November 2015, by S78 of the Local Government (Auckland Transitional Provisions) Act 2010. <p>The rollover designation did not contain any conditions.</p> <p>Modifications to 5728</p> <p>The operative plan contained the following conditions:</p> <ol style="list-style-type: none"> 1. That the mast and equipment building shall be painted or finished in a recessive grey colour so as to minimise its visibility; and 2. The transmitters and antennae that form part of this facility shall be operated so that the radiated field generated by the antennae (individually or in
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	<p>combination) does not exceed NZ 6609 at any point within 3m of the ground surface and the power flux levels inside the buildings located on the subject site, or inside buildings located on adjoining sites, shall not exceed the levels according to NZS6609.</p> <ol style="list-style-type: none"> 3. Within six months of installation of the antenna, the requiring authority shall carry out tests of the electromagnetic field to demonstrate compliance with NZS6609. A copy of the test results shall be forwarded to the Manager — Environmental Health, Manukau City Council. Thereafter, upon request from the Council, at no lesser intervals than annually, the applicant shall provide written confirmation that the Condition 2 is being complied with and that the scale and significance of the actual or potential effects of the activity have not altered from those originally set out by the applicant. 4. The earthworks and equipment building shall be screened by the retention of as much of the existing pine planting as is consistent with protecting the required microwave paths and preserving access to the site. 5. Earthworks are to be conducted on site so as to: <ul style="list-style-type: none"> • leave a stable slope; and • minimise dust generation, soil erosion and sedimentation. 6. The Minister recognises the existence of nearby quarrying activities and that vibration and other effects may arise as a result of those activities. 7. That the electric power cable to the site and equipment building be placed underground. 8. That a management plan be formulated and adhered to by NZ Police and its contractors that makes satisfactory provision for traffic management and mitigation of any dust nuisance on Otau Mountain Road during the construction phase of the project. <p>These conditions were modified in the Proposed Auckland Unitary Plan version as follows:</p> <ol style="list-style-type: none"> 1. That the mast and equipment building shall be painted or finished in a recessive grey colour so as to minimise its visibility; and 2. The transmitters and antennae that form part of this facility shall be operated so that the radiated field generated by the antennae (individually or in combination) does not exceed NZ 6609 at any point within 3m of the ground surface and the power flux levels inside the buildings located on the subject site, or inside buildings located on adjoining sites, shall not exceed the levels according to NZS6609. 2. <u>Any equipment transmitting radiofrequency energy shall comply with the exposure levels stated in New Zealand Standard NZS2772.1:1999 or any successor standard as required by the National Environmental</u>
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	<p><u>Standards for Telecommunications Facilities, at any place where the public has reasonable access.</u></p> <p>3. Within six months of installation of the antenna, the requiring authority shall carry out tests of the electromagnetic field to demonstrate compliance with NZS6609. A copy of the test results shall be forwarded to the Manager — Environmental Health, Manukau City Council. Thereafter, upon request from the Council, at no lesser intervals than annually, the applicant shall provide written confirmation that the Condition 2 is being complied with and that the scale and significance of the actual or potential effects of the activity have not altered from those originally set out by the applicant.</p> <p><u>34.</u> The earthworks and equipment building shall be screened by the retention of as much of the existing pine planting as is consistent with protecting the required microwave paths and preserving access to the site.</p> <p><u>45.</u> Earthworks are to be conducted on site so as to:</p> <ul style="list-style-type: none"> • leave a stable slope; and • minimise dust generation, soil erosion and sedimentation. <p><u>56.</u> The Minister recognises the existence of nearby quarrying activities and that vibration and other effects may arise as a result of those activities.</p> <p><u>67.</u> That the electric power cable to the site and equipment building be placed underground.</p> <p>8. That a management plan be formulated and adhered to by NZ Police and its contractors that makes satisfactory provision for traffic management and mitigation of any dust nuisance on Otau Mountain Road during the construction phase of the project.</p>
<p>Assessment of rollover modifications and reasons</p>	<p>5716</p> <p>All of the conditions applying to this designation under the operative plan were headed by the words “Development to be in accordance with the following-“.</p> <p>Now that development has been completed and the designation has been given effect to it might be considered that these conditions are no longer of relevance. Condition 4 would have been applied if required by now since the designation appears to have been in effect for many years. However conditions 5-7 appear to me to be conditions that were intended to be applied to the operation of the facility. I would recommend retaining an updated version of conditions 5 and 6 and the retention of condition 7. I would recommend that noise controls be those applying under the underlying zoning and the EMF condition be the same as condition 2 of the Proposed Auckland Unitary Plan version of 5728, which is discussed below, on the basis that it has been recommended for the same purpose, the control of the potential adverse effects of EMF exposure.</p>

	<p>5728</p> <p>The amendment to condition 2 updates the provisions for control of the transmission of radiofrequency energy in accordance with the National Environmental Standards for Telecommunications Facilities and I consider that modification will have no more than minor adverse effects on the immediate environment and indeed is likely to be beneficial in providing a more up-to-date standard for testing and controlling the effects of electromagnetic frequency exposure.</p> <p>The deletion of operative plan conditions 3 and 8 is appropriate as they were imposed to control the potential adverse effects arising from the construction of the facility. Those works have been completed.</p>
Notice of requirement	NA
Assessment of new designation and reasons	NA
Submitters and summary of relief sought in submissions	There were no submissions in respect of these designations.
Assessment of submissions and reasons	NA
Engagement by requiring authority with submitters.	Not necessary
Recommendation to Panel	<p>I recommend that designations 5716 and 5728 be recommended for confirmation subject to inserting the following conditions for designation 5716 :</p> <ol style="list-style-type: none"> 1. <u>The noise levels measured at or within the boundary of any adjacent site (not held in common ownership) shall comply with the relevant noise limits applicable under the underlying zoning.</u> 2. <u>Any equipment transmitting radiofrequency energy shall comply with the exposure levels stated in New Zealand Standard NZS2772.1:1999 or any successor standard as required by the National Environmental Standards for Telecommunications Facilities, at any place where the public has reasonable access.</u> 3. <u>Storage of dangerous goods or hazardous substances shall be in accordance with the relevant legislation.</u>
Response from requiring authority	Agrees with the above recommendations to the Panel to confirm these designations but disagrees with recommended Condition 1 to Designation 5716. Prefers the retention of the wording of the operative plan Condition 5:

	<p><u>The noise control at the site boundary shall be as follows:</u> <u>The L10 noise levels measured at or within the boundary of any adjacent site not held in common ownership) with the same business zoning shall not exceed 60dBA at any one time.</u></p> <p>Wish to be heard on the following matters: Not required</p> <p>Mediation requested on the following matters: Not required</p>
Report writer's further recommendations	<p>The existing designation condition which is proposed to be reinstated only relates to noise affecting adjoining business zone properties. There are adjoining sites in Sussex Street and Scanlon Street which are zoned residential single house. The existing designation conditions provide no noise protection to these sites. The existing development adjoining residential-zoned properties consists of a large car parking area. Further development which extends noisy activities into the car parking area would require an application to amend or alter the designation and at that time the amendment of noise conditions would be able to be considered. There are air-conditioners mounted on the eastern side of the building which are likely to have been the reason for imposing this condition. On that basis notwithstanding that the issue of appropriate conditions has been raised by the modification in the Proposed Auckland Unitary Plan (removing conditions) I would accept the retention of the operative plan condition subject to conversion of the standard from L 10 to LAeq. I have subsequently been advised that the requiring authority would accept the 60 dBA limit being replaced with 60 LAeq. I support and recommend that amendment.</p>
Recommendation from Panel	The Panel agrees with the report writer's recommendations.
Reasons	The Panel agrees with the report writer's reasons.

10. Attachment 1 changes to text of Proposed Auckland Unitary Plan as amended on 23 September 2015

Amendment to designations 5716

That the following conditions be imposed:

1. The noise control at the site boundary shall be as follows:
The noise levels measured at or within the boundary of any adjacent site not held in common ownership) with the same business zoning shall not exceed 60dB LAeq at any one time.
2. Any equipment transmitting radiofrequency energy shall comply with the exposure levels stated in New Zealand Standard NZS2772.1:1999 or any successor standard as required by the National Environmental Standards for

Telecommunications Facilities, at any place where the public has reasonable access.

3. Storage of dangerous goods or hazardous substances shall be in accordance with the relevant legislation.