

Memorandum

To: All Plan Holders
From: Policy and Monitoring Manager
Subject: **District Plan Updates March 2017**
Date: 27 March 2017
Ref: DSTPLN-659943184-59

The following updates have been made to the Whangarei District Plan:

CHANGE REFERENCE - TEXT	Decision Date and Doc Reference
85 DESIGNATIONS Amendment to 85 Designations Chapter to include the alteration of Designation DTNZ 2.2 for the upgrading of the intersection of SH14 and Hospital Road.	Effective Date 22 December 2016 Memo 23 January 2017
APPENDIX 2 HERITAGE TREES Clause 20A minor amendment to Appendix 2 Heritage Trees to correct a minor error regarding the legal description of tree number 392 to state that the trees are not on road reserve.	Memo 13 March 2017
NTW NETWORK UTILITIES Amendments to NTW Network Utilities Chapter as a result of the Planning and Development Committee approving the implementation of the National Environmental Standards for Telecommunication Facilities 2016 (NESTF 2016).	Decision date: 22 March 2017

All the amendments have been made to the website version of the District Plan and can be downloaded from www.wdc.govt.nz/DistrictPlan

Please update your copy of the District Plan.



Paul Waanders
Policy and Monitoring Manager

Memorandum

To All Plan Holders
From Policy and Monitoring Manager
Copies
Subject **Alteration of Designation DTNZ 2 on State Highway 14**
Date 23 January 2017
Effective Date 22 December 2016
Ref RQ1600005 P109351

The Alteration of Designation DTNZ 2.2 was approved on 22 December 2016 for the upgrading of the intersection of SH14 and Hospital Road.

Please update your copy of the District Plan with the following information:

85.2.15 Transit New Zealand Limited

ID	Name and location of Site	Designation Purpose	Legal Area (ha)	Description/	Underlying Environment	Map
DTNZ 2.2	Upgrade of Intersection SH14 and Hospital Road	Improvement of intersection with SH14	Pt Lot 1 DP 2380 and Pt Lots 1&2 DP 6651		Living 1	12E 42E

Conditions DTNZ 2.2

- The works shall be undertaken in general accordance with the information provided by the Requiring Authority being NZTA, the Notice of Requirement and supporting documents as follows

Notice of Alteration of Designation DTNZ 2 to Whangarei District Council - prepared by GHD Limited, dated December 2016 including Appendices A-G.
- All Arboricultural works shall be executed in accordance with the Arboricultural Report by Treescape, dated November 2016, submitted with the information provided by the Requiring Authority, the Notice of Requirement and supporting documents for SH14/ Hospital Road Improvements.
- A minimum of 10 working days prior to the commencement of works the Requiring Authority shall submit to the Team Leader Compliance a Management Plans covering *Construction Noise and Vibration* and *Construction Traffic*. Details contained in RQ1600005. The works shall be undertaken in accordance with the Management Plan(s) required under condition 3.
- Noise from construction activities associated with the works shall be measured and assessed in accordance with the requirements of NZS 6803: 1999 Acoustics – Construction Noise and shall meet the requirements of that Standard, unless any activities generating higher noise levels or works are to be undertaken at night are authorised by the Construction Noise and Vibration Management Plan (CNVMP).
- Should any archaeological features, koiwi or taonga be discovered during the earthworks associated with construction relating to works outlined in the Notice of Requirement and

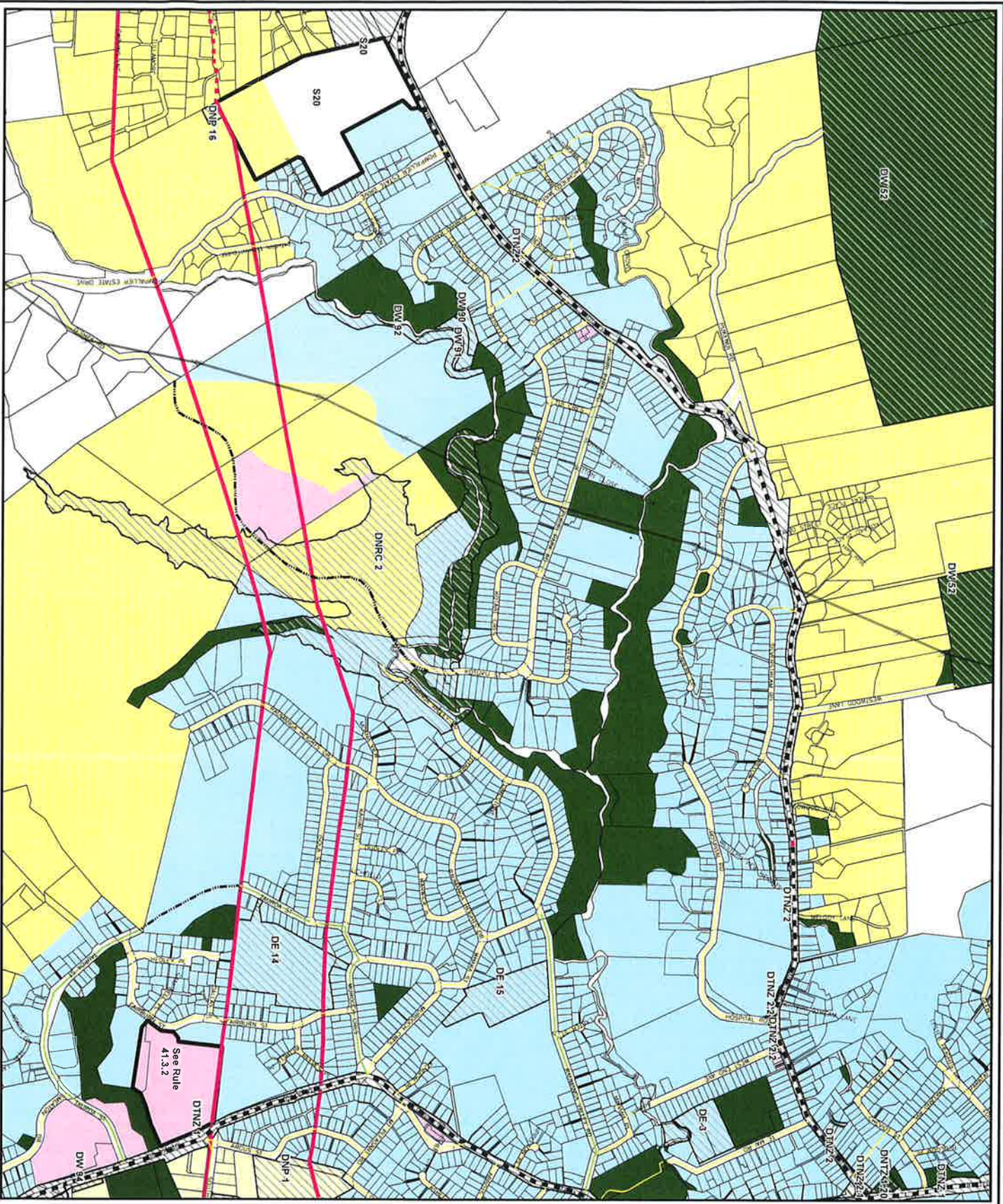
supporting documents for SH14/ Hospital Road Improvements, the Requiring Authority shall follow Z22, the NZTA Accidental Discovery Protocol and implement that protocol throughout the Construction Works.

The information and amendments to Maps 12E and 42E will be published on the Council's website. Corresponding Resource Area Maps 12R and 42R have also been updated.



Paul Waanders

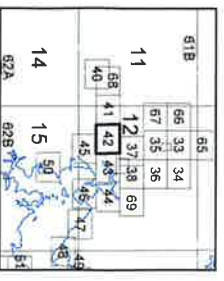
Policy and Monitoring Manager

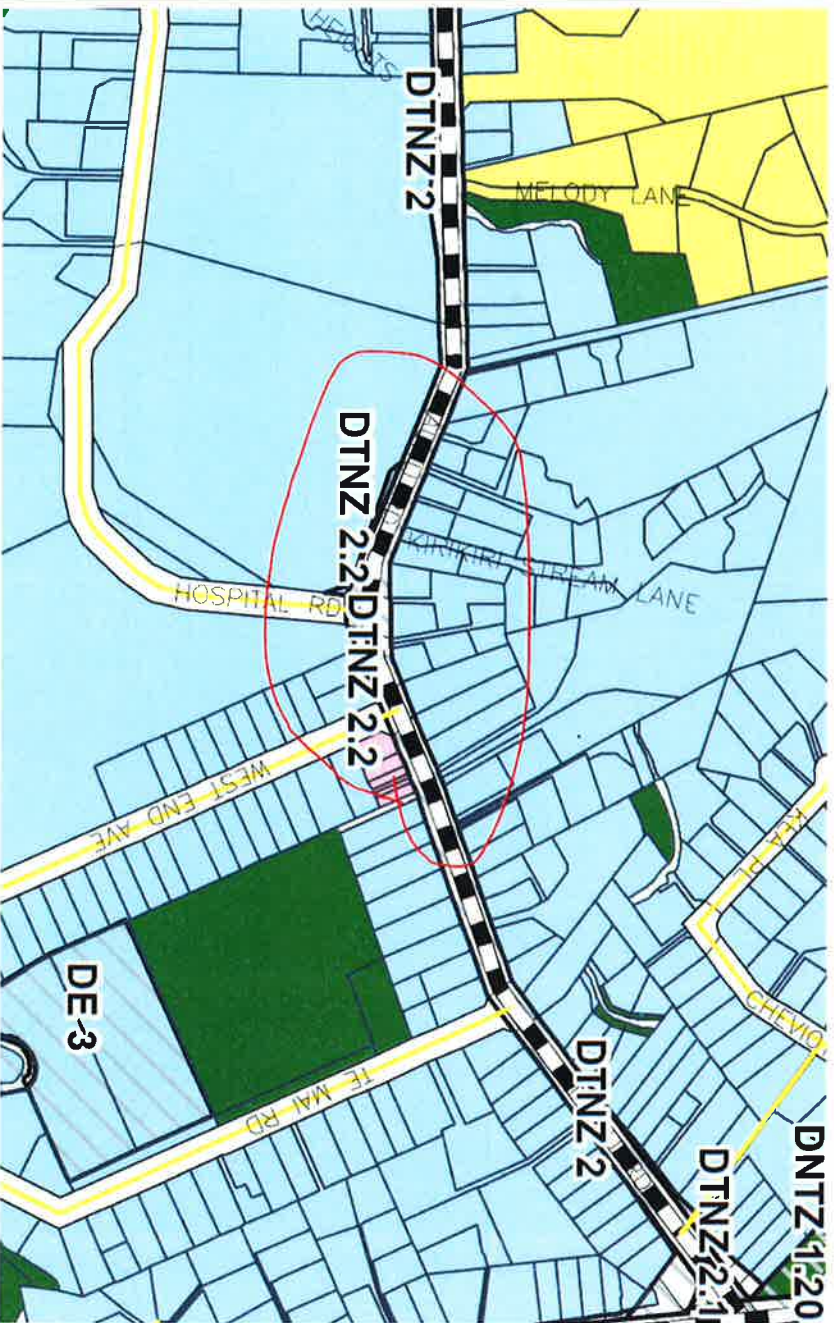


Environments

- Business 1
- Business 2
- Business 3
- Business 4
- Town Basin
- Port Nikau
- Marsden Point Port
- Airport
- Living 1
- Living 2
- Living 3
- Kamo Walkability
- Countryside
- Marsden Primary Centre
- Urban Transition UTE
- Ruakaka Equine REE
- Coastal Countryside
- Future Marine Village
- Future Environment
- Open Space
- Scheduled or Overlay Area SH label
- Cork Timber Overlay
- Kauri Dairy Factory Overlay
- Oil Refinery Overlay
- Portland Overlay
- Headland Farm Park Overlay
- Designation
- Rescue Helicopter Flight Path
- Multi Tide Site
- Indicative Road
- State Highway
- Arterial Road
- Collector Road
- Local Road
- Nephopower Tower CEL-Cat1
- National Grid Tower
- Nephopower Overhead Critical Line Cat-Cat1
- National Grid Line
- Nephopower Critical Overhead Lines CEL
- Nephopower Critical Underground Lines CEL
- Coastline

Neighbourhood Discretion
 This map is for indicative and planning purposes only. This map is not to be used in place of a title section where Neighbourhood provides the source of title of change.
 The coastline indicates the mean high water spring (MHWS), which also indicates the jurisdictional boundary between the Neighbourhood Regional Council and the Whangarei District Council.





Resources

- Flood Susceptible Areas
- Mineral Extraction Areas
- Mining Hazard Area 1
- Mining Hazard Area 2
- Mining Hazard Area 3
- Notable Landscape Area
- Outstanding Landscape Area
- Outstanding Natural Features
- Geol Control Areas
- Scheduled Areas or Overlay Area
- Helicopter Hovering Area
- Runway
- Air Noise Boundary
- Outer Control Boundary
- Coastal Hazard 1
- Coastal Hazard 2
- Esplanade Priority Area
- Building Line Restriction
- Sites of Significance to Maori
- Heritage Buildings, Sites & Objects
- Heritage Trees
- Outstanding Natural Features
- Coastline

Environments

- Business 1
- Business 2
- Business 3
- Business 4
- Town Basin
- Port Wharau
- Marsden Point Port
- Airport
- Liang 1
- Liang 2
- Liang 3
- Countryside
- Marsden Primary Centre
- Urban Transition UTE
- Coastal Countryside
- Future Maara Village
- Future Envelopment
- Open Space
- Scheduled Areas or Overlay Areas
- Croft Timber Overlay Areas
- Croft Timber Overlay Areas
- Kauri Dairy Factory Overlay Areas
- Oil Refinery Overlay Areas
- Portland Overlay Areas
- Headland Farm Park Overlay Areas
- WFH Properties Overlay Areas
- Designation
- Plan Change
- Reserve Helicopter Flight Path
- Multi Title Site
- Airport Designation
- Indicative Road
- State Highway
- Arterial Road
- Collector Road
- Local Road
- Transmission Lines
- Transmission Tower
- Northpower Critical Overhead Lines
- Northpower Critical Underground Lines
- Coastline



Whangarei District Council Operative
Planning Map

Memorandum

To Team Leader District Plan
From Support Assistant (Policy)
Copies
Subject **Clause 20A Minor Amendment - Scheduled Activities**
Date 13/03/2017
Ref DSTPLN-659943184-56

Introduction

Council has the capacity to correct minor errors and "make an amendment, without further formality, to its operative policy statement or plan" in terms of Clause 20A of the First Schedule to the Resource Management Act 1991.

The correction of minor errors has to be considered according to guidelines developed through case law. Case law states that the test in determining whether a correction is minor is "does the amendment affect (prejudicially or beneficially) the rights of some members of the public, or is it neutral". Only if it is neutral is a correction permitted by Clause 20A.

The effect of this interpretation of Clause 20A is that amendments such as spelling, grammar, numbering and layout may be altered without formality or the need for decision by the council. If there is a need to change wording which may appear to be clearly incorrect, but the effect of the amendment could provide a benefit or a penalty to any person the change is outside the scope of Clause 20A.

Issue

- It has come to the attention of staff that the Operative District Plan Appendix 2 List for Heritage Trees regarding the Legal Description of number 392 (Southern Magnolia x 3) is incorrect as it describes those trees as being on "Road Reserve – Lot 5 DP 23509" at 145 Bank Street, Whangarei. The trees are not on Road Reserve, but are on land belonging to McDonald's Restaurants (New Zealand) Ltd.

392	Southern Magnolia (3)	Magnolia grandiflora	114	145 Bank Street	Road Reserve - Lot 5 DP 23509	37
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Recommendation

- That in terms of Clause 20A of the First Schedule to the Resource Management Act 1991, the Operative District Plan text be amended to read as follows:

No.	Common Name	Botanical Name	Stem Score	Site Address	Legal Description	Map No.
392	Southern Magnolia (3)	Magnolia grandiflora	114	145 Bank Street	Lot 5 DP 23509	37

ACCEPT / DECLINE / AMEND RECOMMENDATION



Melissa McGrath
Team Leader District Plan

Lisa McColl

Subject: RE: Listed Heritage Tree 392 Legal Description

From: Stuart Jackson
Sent: Wednesday, 8 March 2017 11:32 AM
To: Melissa Mcgrath <Melissa.McGrath@wdc.govt.nz>
Cc: Chris Smith <Chris.Smith@wdc.govt.nz>
Subject: Listed Heritage Tree 392 Legal Description

Hi Melissa

Further to our discussion, I believe that the DP LHT Appendix 2 List for LHT 392 (Magnolia x 3) Legal Description is incorrect as it describes these trees as being on 'Road Reserve – Lot 5 DP 23509' at 145 Bank Street.

I believe the trees to be on this lot, which is not Road Reserve but instead is a McDonalds Restraunt. Can we please amend the DP Legal Description as it has led to confusion over the tree ownership.

Cheers

Stuart Jackson
Parks & Recreation - Technical Officer | Whangarei District Council
Private Bag 9023 | Whangarei 0148 | www.wdc.govt.nz
P: 09 430 4200 ext 8352 | M: 027 668 7021 | stuart.jackson@wdc.govt.nz

Attachment 4: Track Changes to the Operative District Plan

NTW.1 Network Utilities

NTW.1.1 Description and Expectations

NOTE: Whangarei District Council is undertaking a rolling review of the District Plan. It is intended that all network utility provisions will be reviewed during the rolling review. As part of the rolling review programme this chapter will be populated. Due to Council's requirement to implement the National Policy Statement on Electricity Transmission 2008 and Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009, provisions relating to Electricity Network Utilities have been completed.

Chapter 23 Network Utility Operations of the Operative District Plan remains applicable to all Network Utility Activities. The description and expectations, objectives and policies of NTW.1, NTW.2 and NTW.3 do not supersede those objectives and policies specified in Chapter 23, but provide more specific guidance when considering Electricity Network Utilities.

Council is required to implement Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (NESTF 2016), therefore provision relating to Telecommunication Network Utilities are included. Chapter 23 Network Utility Operations of the Operative District Plan remain applicable to all Telecommunication Facilities.

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TELECOMMUNICATION:

Communication is provided by Network Utility Operators through telecommunication infrastructure which forms an important aspect of the District's physical resources. The Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (NESTF 2016) regulates the following activities:

- Cabinets
- Antennas on poles
- Antennas on buildings
- Small cell units
- Telecommunication lines
- Underground telecommunication lines

.... Insert the following new rule:

NTW.2.9 TELECOMMUNICATION FACILITIES

1. No rule in any chapter of this Plan that duplicates or conflicts with the NESTF 2016 shall apply. The NESTF 2016 applies in addition to all other rules in any chapter of this Plan.

Implementation Notes:

1. NESTF 2016 regulations 10 – 18 specify the activity status for proposed telecommunication activities by linking back to the relevant District Plan. Each activity must be assessed against the appropriate District Plan definition and rule.
2. NESTF 2016 regulations 44 – 52 specify that proposed telecommunication activities must comply with the following relevant District Plan Resource Area provisions:
 - a. Outstanding and Notable Landscape Areas and Outstanding Natural Features (Chapter 57)
 - b. Heritage Trees (Chapter 59)
 - c. Sites of Significance to Maori (Chapter 60)
 - d. Historic Heritage (Chapter HH)