

Memo

Date . 21 October 2024

To: Celia Davison, Central South Planning Manager
 From: Ewen Patience – Policy Planner

Subject: Plan Modification: Clause 20A modification to Auckland Unitary Plan (AUP)
Correction to Schedule 10, D13 Notable Trees Overlay, AUP
40 Liverpool Street, Royal Oak – ID #364 (removal of failed tree)

A correction is required to the Auckland Unitary Plan (operative in Part) 2016 (AUP).

I seek your approval of a plan modification pursuant to clause 20A, First Schedule, Resource Management Act 1991 (correct minor errors).

You have delegated authority, as a tier four manager, to decide to correct a minor error to an operative plan under clause 20A. Schedule 2A of the Auckland Council Chief Executive’s Delegations Register¹ authorises all powers, functions, and duties under RMA’s first schedule (except clause 17 which cannot be delegated) to tier four positions.

D13.4 Activity table of the AUP enables the automatic update of Schedule 10 Notable Trees Schedule under the following circumstances:

- a) Subdivision altering legal description of one or more trees
- b) Resource consent authorising the removal of one or more trees and the tree has been physically removed
- c) Resource consent for, or authorisation of, removal of tree as a result of emergency works (storm damage/disease/other).

In this case the Schedule 10 modification arises from the failure of one of the listed trees, the False Cypress. West Fynn (Senior Heritage Arborist) has authorised the removal of the tree as it was deemed to be unsafe. It has also been determined that the tree is not at 40 Liverpool Street but next door in 42A Liverpool Street so the tree has been wrongly listed – refer Attachment 1.

Rule or Section of Unitary Plan	Schedule 10 Notable Trees Schedule – Tree # 1517						
Subject Site	40 Liverpool Street, Royal Oak						
Current Legal Description	Lot 1 DP 8648						
	364	<i>Vitex lucens, Podocarpus totara, Picea abies, Ilex aquifolium, Quercus robur, Cedrus deodara, Chamaecyparis lawsoniana</i>	Puriri (3), Avenue of trees including: Puriri (5), Totara (3), Spruce, Holly, English Oak (2), Cedar, False Cypress	17	Liverpool Street 40	Royal Oak	Lot 1 DP 8648

¹ available on Kotahi at [Delegations Register](#)

Nature of change	A clause 20A modification is required to delete the False Cypress from the listing for 40 Liverpool Street (#364). The tree has failed (major stem from base of tree) and has been permitted to be felled by West Fynn (Senior Heritage Arborist) under emergency works as the tree is not considered safe. The tree is in fact in an adjacent property so the listing is incorrect and requires correction for this reason also. Refer Attachment 1 .														
Effect of change	The effect of the modification is neutral as the subject tree has been permitted to be felled under 'emergency works' - due to a major stem of the tree failing from the base of the tree – and the tree is in fact in 42A Liverpool Street so is wrongly listed and can be deleted from the listed address.														
Changes required to be made (text/in-text diagrams)	<p>Amend Schedule 10 Notable Trees Schedule of the AUP so that it reads as below:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">ID</th> <th style="text-align: center;">Botanical Name</th> <th style="text-align: center;">Common Name</th> <th style="text-align: center;">Number of Trees</th> <th style="text-align: center;">Location/Street Address</th> <th style="text-align: center;">Locality</th> <th style="text-align: center;">Legal Description</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">364</td> <td><i>Vitex lucens, Podocarpus totara, Picea abies, Ilex aquifolium, Quercus robur, Cedrus deodara, Chamaecyparis lawsoniana</i></td> <td>Puriri (3), Avenue of trees including: Puriri (5), Totara (3), Spruce, Holly, English Oak (2), Cedar, False Cypress</td> <td style="text-align: center;">47 16</td> <td>Liverpool Street 40</td> <td>Royal Oak</td> <td>Lot 1 DP 8648</td> </tr> </tbody> </table>	ID	Botanical Name	Common Name	Number of Trees	Location/Street Address	Locality	Legal Description	364	<i>Vitex lucens, Podocarpus totara, Picea abies, Ilex aquifolium, Quercus robur, Cedrus deodara, Chamaecyparis lawsoniana</i>	Puriri (3), Avenue of trees including: Puriri (5), Totara (3), Spruce, Holly, English Oak (2), Cedar, False Cypress	47 16	Liverpool Street 40	Royal Oak	Lot 1 DP 8648
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Changes required to be made (to maps)	<p>The <u>Property Summary</u> in the AUP maps viewer (below) needs to be corrected as set out above:</p> <div style="border: 1px solid #ccc; padding: 5px; margin: 5px 0;"> <p>Natural Heritage: Notable Trees Overlay - 364, Puriri (3), Avenue of trees including: Puriri (5), Totara (3), Spruce, Holly, English Oak (2), Cedar, False Cypress, Unverified position of tree</p> </div>														
Attachments	<p>Any further relevant information/evidence to help the decision maker (if necessary):</p> <ul style="list-style-type: none"> - Attachment 1: Email from West Fynn (Senior Heritage Arborist) 15 October 2024 advising of failure of False Cypress and that tree is not in listed property but next door at 42A Liverpool Street. - Attachment 2: Aerial photo identifying the failed cypress tree of ID # 364 as being in 42A Liverpool Street, although listed under 40 Liverpool Street, supplied by West Fynn, Senior Heritage Arborist, 15 October 2024. - Attachment 3: Property Summary from AUP (operative in part) indicating property and notable tree listing. - Attachment 4: Photographs of failed cypress (at base of tree) filed by West Fynn, Senior Heritage Arborist, 15 October 2024. - Attachment 5: Schedule 10: Notable Tree Schedule (Clean Text) 														

<p>Prepared by: Ewen Patience, Policy Planner</p>	<p>Signature:</p> 
<p>Text prepared by: Sophia Coulter Planning Technician</p>	<p>Signature:</p> 
<p>Data or map/s prepared by: Danica Torres Senior Geospatial Specialist</p>	<p>Signature:</p> 
<p>Reviewed by: Clare Wall Shaw, Team Leader</p>	<p>Signature:</p> 
<p>Decision: I agree to authorise the Clause 20A modifications using my delegated authority.</p> <p>Celia Davison Central South Planning Manager Date: 22 October 2024</p>	<p>Signature:</p> 

Attachment 1: Email from West Fynn (Senior Heritage Arborist) 15 October 2024 advising of failed cypress tree permitted to be removed as emergency works (refer Attachment 2).

From: West Fynn <West.Fynn@aucklandcouncil.govt.nz>
Sent: Tuesday, October 15, 2024 11:04 AM
To: Matt Paul <matt.paul@peersbrownmiller.co.nz>
Cc: Peri Buckley <Peri.Buckley@aucklandcouncil.govt.nz>; Lance Wharton <bahia.lance@gmail.com>; bryce@leckelectrical.co.nz; Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>
Subject: RE: 42a Liverpool St. Cypress failure, scheduled tree.

Hi Leila and Lance

Thanks for giving me the opportunity to see the notable tree and sorry that it failed, luckily there was no significant damage.

364	Vitex lucens, Podocarpus totara, Picea abies, Ilex aquifolium, Quercus robur, Cedrus deodara, Chamaecyparis lawsoniana	Puriri (3), Avenue of trees including: Puriri (5), Totara (3), Spruce, Holly, English Oak (2), Cedar, False Cypress	17	Liverpool Street 40	Royal Oak	Lot 1 DP 8648
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The Lawson cypress is listed as within 40 but it is within 42A.

Given the nature of the historic limb and stem failures of this tree, how the current stem failed to below ground level which will cause further decay, the new exposure of remaining stems and the declining health of the eastern stem, I have determined that this tree can be removed under the emergency works provision without delay and without a prior resource consent needing to be applied for and granted. This is a permitted activity with this email.

Happy to discuss further.

Leila/Bryce please let me know when you have engaged an arborist to undertake these works.

Our records and the schedule will be amended accordingly.

Regards

West Fynn| Senior Heritage Arborist
Heritage
Plans and Places
Chief Planning Office

Attachment 2: Aerial photo identifying the failed cypress tree of ID # 364 as being in 42A Liverpool Street, although listed under 40 Liverpool Street, supplied by West Fynn, Senior Heritage Arborist, 15 October 2024.



Attachment 3: Property Summary from AUP (operative in part) indicating property (with red triangle) and notable tree listing.

Property Summary

This summary lists searched address, legal description, Zone and other limitations that apply to the site.

Address
40 Liverpool Street Royal Oak Auckland 1023

Legal Description
Lot 1 DP 8648, ALLOT 190 SEC 10 Suburbs AUCKLAND

Appeals

Modification
Plan Changes: Plan Change 78 - Intensification, Multiple Layers, [View PDF](#), Proposed, 18/08/2022

Zone
Residential - Mixed Housing Suburban Zone

Precinct


Overlays
Natural Resources: High-Use Aquifer Management Areas Overlay [rp] - Onehunga Volcanic Aquifer
Natural Resources: Quality-Sensitive Aquifer Management Areas Overlay [rp] - Onehunga Volcanic Aquifer
Natural Heritage: Notable Trees Overlay - 384, Puriri (3), Avenue of trees including: Puriri (5), Totara (3), Spruce, Holly, English Oak (2), Cedar, False Cypress, Unverified position of tree

Controls
Controls: Macroinvertebrate Community Index - Urban

Designations
Designations: Airspace Restriction Designations - ID 1102, Protection of aeronautical functions - obstacle limitation surfaces, Auckland International Airport Ltd

For other mapped information that may apply to the searched property please use the Data Discovery tool or check the main [GIS viewer](#) ([GeoMacs](#))

[View full Unitary Plan text](#)



Attachment 4: Photographs of failed cypress (at base of tree) filed by West Fynn, Senior Heritage Arbotrist, 15 October 2024.



Attachment 5: Schedule 10: Notable Tree Schedule (Clean Text)

364	<i>Vitex lucens, Podocarpus totara, Picea abies, Ilex aquifolium, Quercus robur, Cedrus deodara</i>	Puriri (3), Avenue of trees including: Puriri (5), Totara (3), Spruce, Holly, English Oak (2), Cedar	16	Liverpool Street 40	Royal Oak	Lot 1 DP 8648
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