

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 Register<sup>1</sup> 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	Schedule 10 Notable Trees Schedule – Tree # 1517								
Plan		364	Vitex lucens, Podocarpus totara, Picea abies, llex 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	
Subject Site	40	0 Liver	pool Street, Ro	yal Oak					
Current Legal Descriptio n	Lo	ot 1 Di	≥ 8648						

<sup>&</sup>lt;sup>1</sup> available on Kotahi at *Delegations Register* 



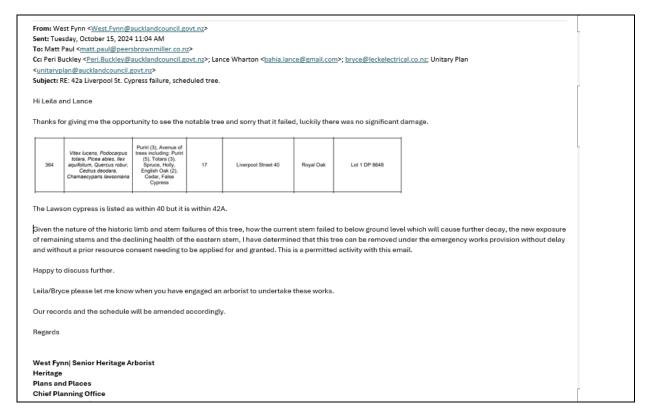
Nature of change	A clause 20A modification is required to delete the False Cypress from the listing for 40 Liverpool Street (#364). The tree has failed (major stem from base of tree) and has been permitted to be felled by West Fynn (Senior Heritge Arborist) under emergency works as the tree is not considered safe. The tree is in fact in an adjacent property so the listing is incorrect and requires correction for this reason also. Refer <b>Attachment 1</b> .					
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	Amend Schedule 10 Notable Trees Schedule of the AUP so that it reads as below:					
be made (text/in-text diagrams)	ID Botanical Common Number Location/Street Locality Legal Name Name of Address Description Trees					
	364 Vitex lucens, Podocarpus totara, Picea abies, Ilex aquifolium, Quercus robur, Cedrus deodara, Chamaecyparis lawsoniana  Vitex lucens, Puriri (3), Avenue of trees including: Puriri (5), Totara (3), Spruce, Holly, English Oak (2), Cedar, False Cypress					
Changes required to	The Property Summary in the AUP maps viewer (below) needs to be corrected as					
be made	set out above:					
(to maps)	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					
Attachments	<ul> <li>Any further relevant information/evidence to help the decision maker (if necessary):</li> <li>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.</li> <li>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.</li> <li>Attachment 3: Property Summary from AUP (operative in part) indicating property and notable tree listing.</li> <li>Attachment 4: Photographs of failed cypress (at base of tree) filed by West Fynn, Senior Heritage Arbortist, 15 October 2024.</li> <li>Attachment 5: Schedule 10: Notable Tree Schedule (Clean Text)</li> </ul>					



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



**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).

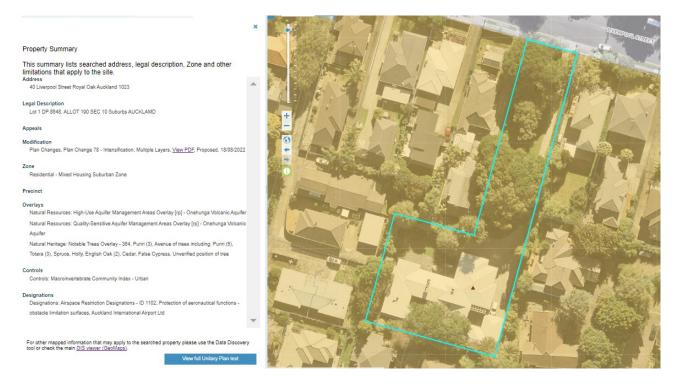


**Attachment 2:** Aerial photo identifying the failed cypress tree of ID # 364 as being in 42A Liverpool Street, although listed under 40 Liverpool Street, supplied by West Fynn, Senior Heritage Arborist, 15 October 2024.





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



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





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

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