

# Memo

**Date** 28 January 2025

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

**Subject: Plan Modification: Clause 20A modification to Auckland Unitary Plan – Correction to Schedule 10, D13 Notable Trees Overlay, AUP**  
9 Bayview Road, Browns Bay – ID #1454 (subdivision)

Corrections are required to the Auckland Unitary Plan (operative in Part) 2016 (the AUP).

I seek your approval of this plan modification pursuant to clause 20A, First Schedule, Resource Management Act 1991 and Chapter D13 Notable Trees Overlay of the AUP(OP).

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 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 modification relates to: Subdivision and land use consent (BUN10619648) for a retirement complex. The listed tree appears to straddle Lots 87 and 88 DP 10786 and both lots are now contained within the one redeveloped property which encompasses a number of parcels (which will be held together) and which goes by a new address, 9 Bayview Road. Browns Bay.

<b>Rule or Section of Unitary Plan</b>	Schedule 10 Notable Trees Schedule – Tree #1454						
	1454	<i>Metrosideros excelsa</i>	Pōhutukawa	1	Valley Road 6	Browns Bay	Lot 88 DP 10786
<b>Subject Site</b>	As above						
<b>Current Legal Description</b>	As above						
<b>Nature of change</b>	A clause 20A modification is required in accordance with D13.4 to ‘automatically’ update Schedule 10 of the AUP for the following reason: A consent has been granted to redevelop the land parcels containing the tree (which are to be held together) and a correction is required to the street address and legal description (BUN10619648).						
<b>Effect of change</b>	The effects of the modifications are neutral as they are authorised by the provisions of D13.4 AUP and arise from a ‘bundled’ subdivision and land use						

	<p>consent.</p> <p>The landowner/s will be advised of the AUP modification once approved (and as soon as the new owner/address is in the Council system).</p>														
<p><b>Changes required to be made (text/in-text diagrams)</b></p>	<p>Amend Schedule 10 Notable Tree Schedule of the AUP so that it reads as follows:</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;">1454</td> <td style="text-align: center;"><i>Metrosideros excelsa</i></td> <td style="text-align: center;">Pōhutukawa</td> <td style="text-align: center;">1</td> <td style="text-align: center;"><del>Valley Road 6</del> Bayview Road 9</td> <td style="text-align: center;">Browns Bay</td> <td style="text-align: center;">Lot 88 DP 10786, Lot 87 DP 10786, Pt Lot 6 DP 10786, Pt Lot 7 DP 10786, Pt Lot 8 DP 10786, Pt Lot 9 DP 10786, Lot 61 DP 10786.</td> </tr> </tbody> </table>	ID	Botanical Name	Common Name	Number of Trees	Location/Street Address	Locality	Legal Description	1454	<i>Metrosideros excelsa</i>	Pōhutukawa	1	<del>Valley Road 6</del> Bayview Road 9	Browns Bay	Lot 88 DP 10786, Lot 87 DP 10786, Pt Lot 6 DP 10786, Pt Lot 7 DP 10786, Pt Lot 8 DP 10786, Pt Lot 9 DP 10786, Lot 61 DP 10786.
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<p><b>Changes required to be made (to maps)</b></p>	<p>No change is required to the AUP maps.</p> <p>No change is required to the <u>Property Summary</u> (but it is noted that some of the parcel descriptions are repeated. Rachel Joseph has advised that ICT will remedy this in due course).</p>														
<p><b>Attachments</b></p>	<p>Any further relevant information/evidence to help the decision maker (if necessary):</p> <ul style="list-style-type: none"> <li>- <b>Attachment 1:</b> AUP map showing listing #1454 and legal description.</li> <li>- <b>Attachment 2:</b> Land use consent plan showing notable Pōhutukawa tree in north-west corner</li> <li>- <b>Attachment 3:</b> Google streetview (looking south-east) of listed Pōhutukawa at north-west corner of 9 Bayview Road, Browns Bay</li> <li>- <b>Attachment 4:</b> Schedule 10 listing showing revised text.</li> </ul>														

<p><b>Prepared by:</b> Ewen Patience, Policy Planner</p>	<p><b>Signature:</b></p> 
<p><b>Text prepared by:</b> Sarah El Karamany, Planning Technician</p>	<p><b>Signature:</b></p> 
<p><b>Data or map/s prepared by:</b> NA</p>	<p><b>Signature:</b></p>
<p><b>Reviewed by:</b> Clare Wall Shaw, Team Leader</p>	<p><b>Signature:</b></p>

	
<p><b>Decision:</b> I agree to authorise the Clause 20A modification using my delegated authority</p> <p>Celia Davison Central South Planning Manager Date: 30 January 2025</p>	<p><b>Signature:</b></p> 

**Attachment 1:** AUP map showing listing #1020 and correct legal description (note that under Legal Description some parcel descriptions are repeated).

**Property Summary**

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

**Address**  
9 Bayview Road Browns Bay 0830

**Legal Description**  
Lot 88 DP 10786, Pt Lot 6 DP 10786, Pt Lot 7 DP 10786, Pt Lot 8 DP 10786, Pt Lot 9 DP 10786, Lot 61 DP 10786, Lot 88 DP 10786, Pt Lot 6 DP 10786, Pt Lot 7 DP 10786, Pt Lot 8 DP 10786, Pt Lot 9 DP 10786, Lot 61 DP 10786, Lot 88 DP 10786, Pt Lot 6 DP 10786

**Appeals**

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


**Zone**  
Residential - Terrace Housing and Apartment Building Zone

**Precinct**

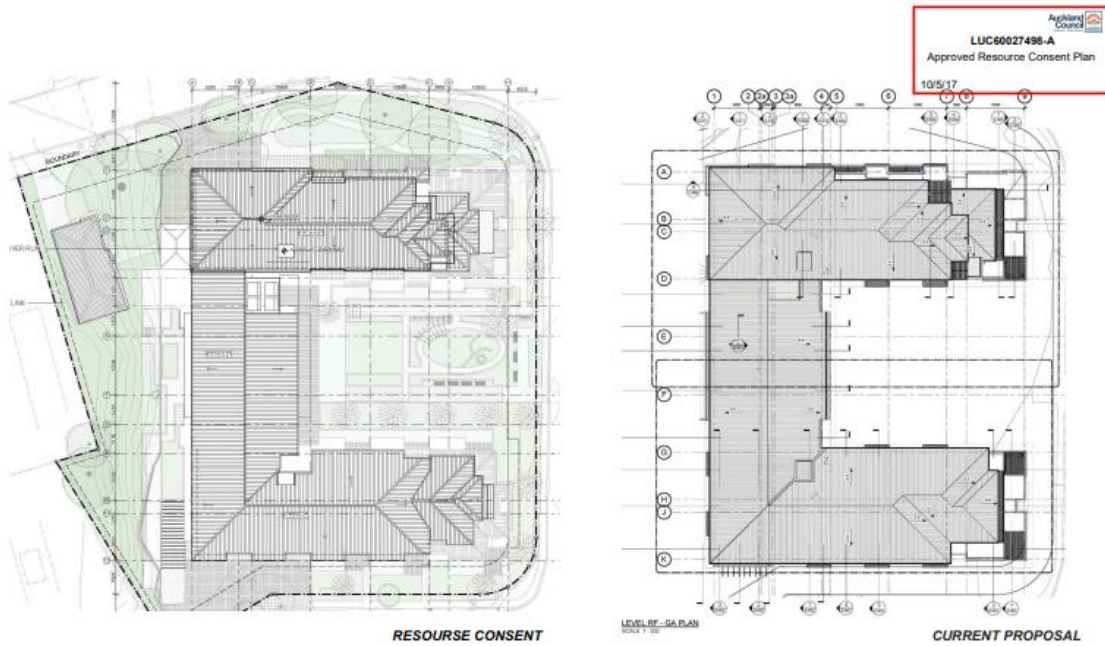
**Overlays**  
Natural Heritage: Notable Trees Overlay - 1454, Pohutukawa, Verified position of tree

**Controls**  
Controls: Coastal Inundation 1 per cent AEP Plus 1m Control - 1m sea level rise  
Controls: Macroinvertebrate Community Index - Urban

**Designations**  
Designations: Airspace Restriction Designations - ID 4311, Defence purposes - protection of approach and departure paths (Whenuapai Air Base), Minister of Defence



**Attachment 2:** Land use consent plan showing notable Pōhutukawa tree in north-west corner



**Attachment 3:** Google streetview (looking south-east) of listed Pōhutukawa at north-west corner of 9 Bayview Road, Browns Bay



**Attachment 4:** Schedule 10 listing showing revised text

1422	<i>Metrosideros excelsa</i>	Pōhutukawa	1	Valhalla Drive 24	Beach Haven	Lot 38 DP 52814
1454	<i>Metrosideros excelsa</i>	Pōhutukawa	1	Bayview Road 9	Browns Bay	Lot 88 DP 10786, Lot 87 DP 10786, Pt Lot 6 DP 10786, Pt Lot 7 DP 10786, Pt Lot 8 DP 10786, Pt Lot 9 DP 10786, Lot 61 DP 10786
1424	<i>Trachaeocarpus fortunei</i> , <i>Howea forsteriana</i>	Windmill Palm, Kentia Palm	2	Vauxhall Road 32	Devonport	Lot 1 DP 82091
1425	<i>Cupressus sempervirens</i>	Fine Leaf Italian Cypress,	2	Vauxhall Road 59	Devonport	Lot 1 DP 105473