

Memo

Date 12 September 2024

To: Phill Reid, Manager Auckland-wide Planning
 From: Ewen Patience – Policy Planner

Subject: **Plan Modifications: Clause 20A modifications to Auckland Unitary Plan – Corrections to Schedule 10 and D13 Notable Trees Overlay, AUP Pararēkau Island – ID #2287**

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

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

You have delegated authority, as a tier four manager, to make a decision 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 which alters the legal description associated with notable tree ID # 2287 as set out below. The subdivision has also brought to light that the ‘unverified’ position of the ‘notable tree’ has been verified and so a planning map correction is to be made, and that there are not 4 notable trees within the subdivided area but just one. Clause 20A corrections for these matters are included here.

Rule or Section of Unitary Plan	Schedule 10 Notable Trees Schedule – Tree # 2287						
	2287	<i>Metrosideros excelsa</i>	Pōhutukawa	4	Pararekau Island (south eastern side)	Hingaia	Allotment 44 PSH OF Papakura
Subject Site	Pararēkau Island, Hingaia						
Current Legal Description	Allotment 44 PSH of Papakura						
Nature of change	A clause 20A modification is required in accordance with D13.4 to update Schedule 10 of the AUP for the following reason: As advised by the GIS team (Danica Torres, 4 September 2024) following the regular updating of the cadastral mapping data received from LINZ, a subdivision of land at Pararēkau Island, Hingaia has occurred (149/149A Capriana Drive, BUN60346027 /SUB60346281-A) – refer Attachment 1 . This necessitates updating/correcting the listing in Schedule 10 as set out in red text below.						

The subdivision has also given rise to information that indicates that the ‘unverified’ location of the ‘notable tree’ is now quite misleading (it ends up in road reserve, Colleen Crescent) and that the ‘tree’ (one pōhutukawa and not 4 trees) is further east than currently indicated in the AUP, in the newly created esplanade reserve of the subdivision – Lot 703 DP 577805 (refer **Attachments 2 & 3**). It is considered appropriate, given the information the subdivision has generated, that a Clause 20A correction is made at this time for the mapped position of the tree and to correct the number of trees from 4 to 1. The following excerpt from the subdivision application’s AEE explains the situation (SUB60346281-A, of 2019):

TABLE 1	
B4.5	NOTABLE TREES
B4.5.1	Objectives
1	<p>Notable trees and groups of trees with significant historical, botanical or amenity values are protected and retained.</p> <p>No notable trees will be removed as part of this proposal.</p> <p>The notable Pohutukawa (<i>Metrosideros excelsa</i>) Tree Numbered #2287 will be retained, protected and managed as part of the proposed landscape and planting management programme for the proposed subdivision and development. The tree will be retained, located wholly within the esplanade reserve which will ensure its long term protection.</p> <p>Notes:</p> <ul style="list-style-type: none"> • The location/street address of the Notable Tree numbered 2287 is identified correctly in Schedule 10, however it is incorrectly located on the AUP (OP) Natural Heritage Overlay Plan. • There is only one Pohutukawa tree of note located on the site (not four as recorded in Schedule 10). <p>Proposed Plan Change 29 – shows no change in the location of the tree on the site. The associated Plan Change planning maps show the tree point over the site that denotes:</p> <p><i>“No change (the current (operative) overlay remains, signifying the presence of a notable tree or trees but does not depict the actual location on the property.”</i></p>

It is noted that no consent was sought (or granted) for any activity associated with notable or other significant trees on the island. Also, there is no mention of impacts for notable trees in either of the relevant Council specialist reports, from Parks Planning or Landscape Specialist, nor in the decision report.

The following excerpt is from a later application report for consent for an integrated residential development which references the original subdivision consent SUB60346281-A (Unitary Plan Assessment Report For An Integrated Residential Development at Pararēkau Island, dated 14 April 2021):



 PLANNING CONSULTANTS


Natural and Heritage Features

161. The consented esplanade reserve under BUN60346237/SUB60346281-A will contain the notable Pohutukawa tree and the historic heritage features facilitating their long-term protection. The buildings proposed as part of the Integrated Residential Development are located clear of the boundary with the consented esplanade reserve, thus avoiding adverse effects upon these features.

In summary, it is clear from a review of the application documentation that just one ‘notable tree’ (pōhutukawa) is identified on the island and not four, and that the tree is located on the eastern end of the island and within a newly created esplanade reserve – refer **Attachments 2 and 3**.

	Danica Torres has prepared a 'before and after' graphic for the correctly located tree triangle, ID # 2287 – refer Attachment 4 .														
Effect of change	<p>The effects of the modifications are neutral as they are authorised by the provisions of D13.4 AUP or are minor corrections that arise from information generated at the time of subdivision and can be attended to under Clause 20A of the First Schedule of the RMA. The notable 'tree' remains (to be indicated in its correct location) and the listing is corrected, as set out below.</p> <p>There is no need for landowner advice of the change as the notable tree is in the esplanade reserve which is to be managed by Auckland Council.</p>														
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;">2287</td> <td style="text-align: center;">Metrosideros excelsa</td> <td style="text-align: center;">Pōhutukawa</td> <td style="text-align: center;">4 (delete 4) 1</td> <td style="text-align: center;">Severina Drive 1R (Pararēkau Island, south eastern end, esplanade reserve)</td> <td style="text-align: center;">Hingaia</td> <td style="text-align: center;">Allotment 44 PSH OF Papakura Lot 703 DP 577805</td> </tr> </tbody> </table>	ID	Botanical Name	Common Name	Number of Trees	Location/Street Address	Locality	Legal Description	2287	Metrosideros excelsa	Pōhutukawa	4 (delete 4) 1	Severina Drive 1R (Pararēkau Island, south eastern end, esplanade reserve)	Hingaia	Allotment 44 PSH OF Papakura Lot 703 DP 577805
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Changes required to be made to maps	An amendment is to be made to correctly identify the notable tree in the AUP planning maps in line with information obtained through the subdivision process (refer Attachment 4)														
Attachments	<p>Any further relevant information/evidence to help the decision maker (if necessary):</p> <ul style="list-style-type: none"> - Attachment 1: Information from GIS team as advised by email from Danica Torres on 4 September 2024. - Attachment 2: Resource consent plan showing correct position of notable tree # 2287 in esplanade reserve (SUB60346281-A). - Attachment 3: Aerial photograph showing location of single Pōhutukawa tree (2287) in esplanade reserve which is Lot 703 DP577805 at the eastern end of Pararēkau Island. - Attachment 4: 'Before and after' graphic showing relocation of 'notable tree' 2287 in the AUP planning maps. - Attachment 5: Schedule 10 listing showing corrected text. 														

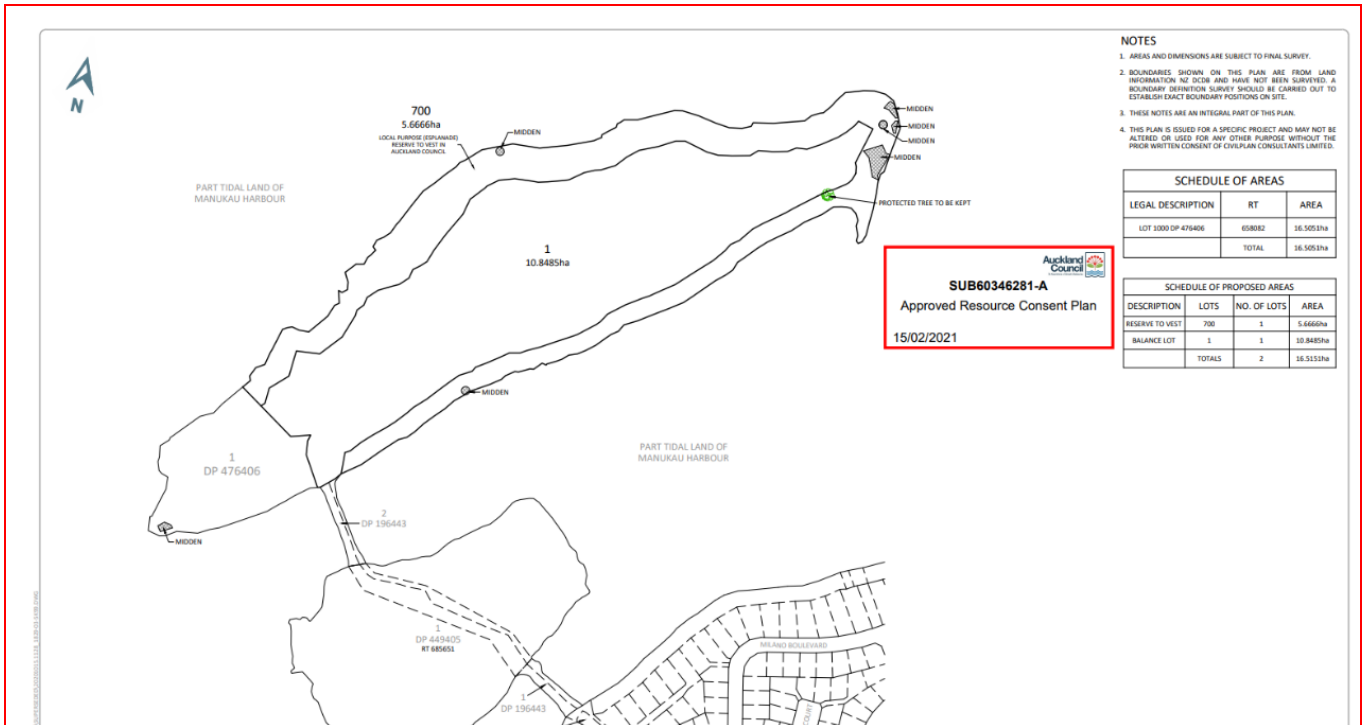
<p>Prepared by: Ewen Patience, Policy Planner</p>	<p>Signature:</p> 
<p>Text prepared by: Sarah El Karamany, Planning Technician</p>	<p>Signature:</p>

	
<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>Phill Reid Manager Auckland-wide Planning Date: 16 September 2024</p>	<p>Signature:</p> 

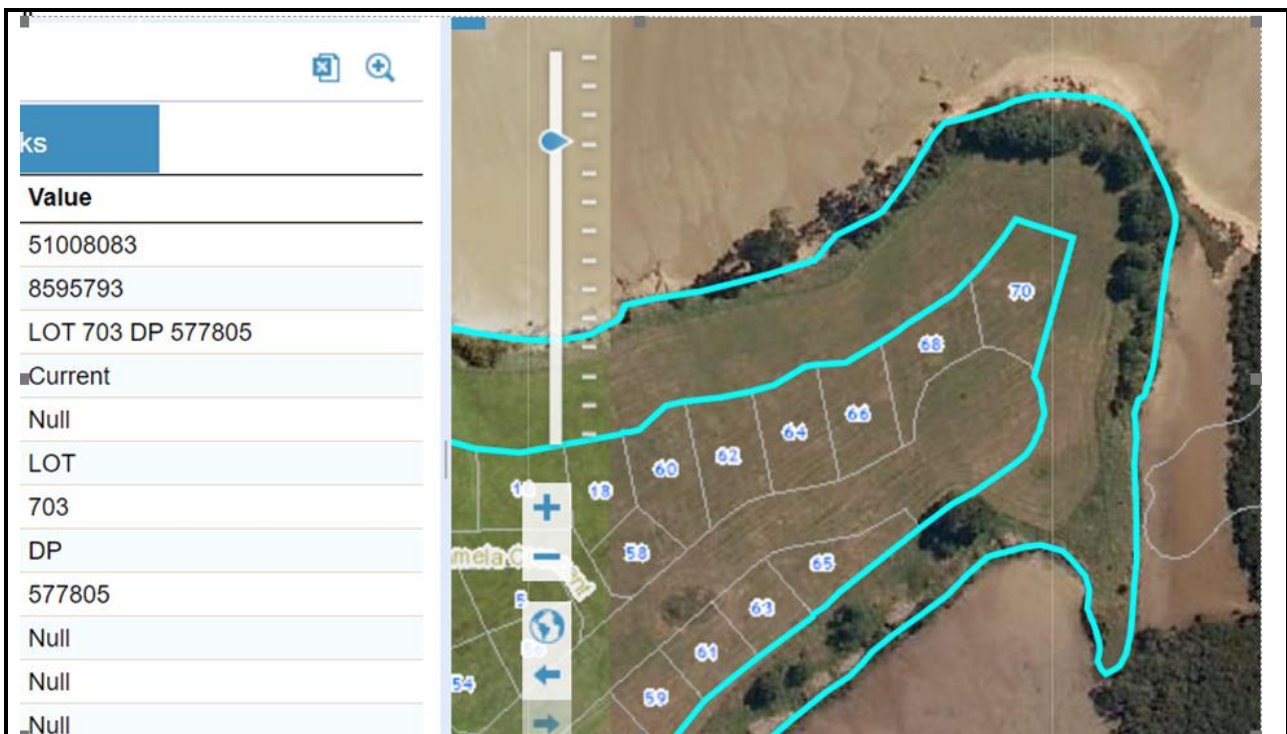
Attachment 1: Information from GIS team as advised by email from Danica Torres 4 September 2024 (note, unverified position of ‘notable tree’ now appears in new road, Colleen Crescent; this is misleading as the tree is in a newly created esplanade reserve further east on the island).



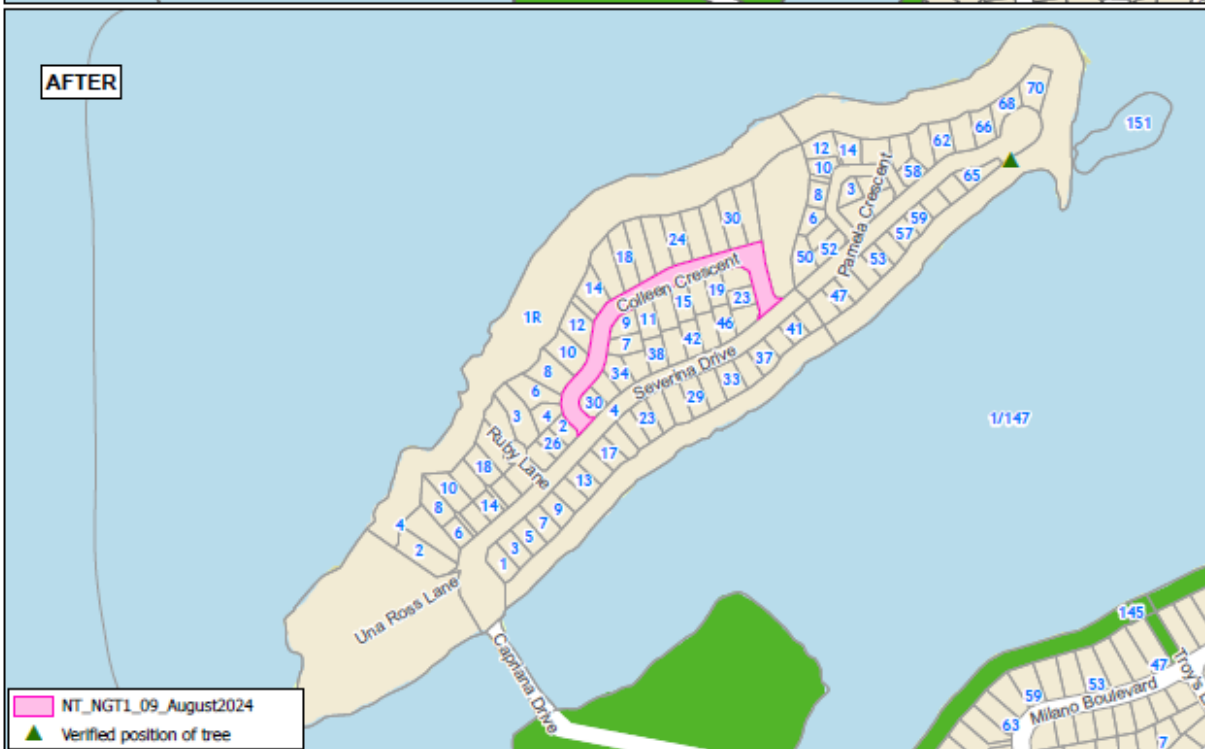
Attachment 2: Approved resource consent plan showing correct position of notable Pōhutukawa tree in esplanade reserve at the eastern end of the Island (refer green spot with words PROTECTED TREE TO BE KEPT)



Attachment 3: Aerial photograph showing location of single Pōhutukawa tree (2287) in esplanade reserve which is Lot 703 DP 577805 at the eastern end of Pararēkau Island.



Attachment 4: 'Before and after' graphic showing relocation of 'notable tree' 2287 in the AUP planning maps.






Notable Tree #2287

Whilst due care has been taken, Auckland Council gives no warranty as to the accuracy and completeness of any information on this mapplan and accepts no liability for any error, omission or use of the information.

Flow and Place

Attachment 5: Schedule 10 listing showing corrected text.

BEFORE

2287	<i>Metrosideros excelsa</i>	Pōhutukawa	4 <u>1</u>	<u>Severina Drive 1R (Pararēkau Pararēkau Island, (south-eastern side end, esplanade reserve)</u>	Hingaia	<u>Allotment 44 PSH OF Papakura Lot 703 DP 577805</u>
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AFTER

2287	<i>Metrosideros excelsa</i>	Pōhutukawa	1	Severina Drive 1R (Pararēkau Island, (eastern end, esplanade reserve)	Hingaia	Lot 703 DP 577805
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