

Memo

Date 23/08/2019

To: Phill Reid, Auckland-wide Manager
From: Marilyn Ford



Subject: **Plan Modification: Clause 20A Amendment to Schedule 3 of the Auckland Unitary Plan (AUP) Operative in part (15 November 2016).**

Delegated authority to T4 manager through Schedule 2A of the Auckland Council Combined Chief Executives Delegation Register (Updated May 2017).

This plan modification requires decision-making pursuant to clause 20A of the First Schedule to the Resource Management Act 1991, as corrections are required to the Auckland Unitary Plan (Operative in Part).

Rule or Section of Unitary Plan	Chapter L Schedules Schedule 3 Significant Ecological Areas – Terrestrial Schedule
Subject Site (if applicable)	n/a
Legal Description (if applicable)	n/a
Nature of change	<p>A change is required to correct Schedule 3 of the AUP Operative in Part version.</p> <p>Discussion Following the decision of the High Court on appeal CIV-2016-404-2343 - Royal Forest and Bird Protection Society of NZ Inc and of the Environment Court on appeal Fulton Hogan Limited ENV-2018-AKL-000149, council modified the AUP – including mapped SEA Overlays.</p> <p>Changes were to remove the appeal alert from the SEA mapping that was previously under appeal by Royal Forest and Bird; and to amend the extent of the mapping that was under appeal by Fulton Hogan Ltd.</p> <p>What was missed out in the Consent order sent to the court, and what was not commented on in the High Court's decision, is the corresponding entry in Schedule 3 of the AUP.</p> <p>I would like to make a change to the AUP as a cl20A – to rectify the resulting discrepancy between the maps and the schedules which has arisen from the Court's decision, here are the details:</p> <ol style="list-style-type: none"> 1. RFB appealed the decision version of the AUP – which removed the SEA mapping at several sites. <ul style="list-style-type: none"> o Most of the SEAs that were modified removed the SEA from a site, or parcel of land – leaving a remaining amount of SEA. o A few of the SEAs that were modified removed the SEA entirely, and that entry was then removed from the Schedule of SEAs in Chapter L – Schedules of the AUP. 2. The High Court decision has reinstated the SEAs that were removed in the decision version of the AUP that were appealed by RFB. <ul style="list-style-type: none"> o While the Court have upheld the RFB appeal, the wording of the Consent order talks specifically about the maps, so the maps have been amended, but the Schedule has not. o There are four SEAs which do not have an entry in Schedule 3 of the

	<p>AUP, despite being mapped in the GIS.</p> <p>3. I'd like to make the following change as a cI20A: As a consequential change, reinstate the following into Schedule 3 Significant Ecological Areas - Terrestrial Schedule:</p> <ul style="list-style-type: none"> ○ SEA-T-2626 ○ SEA-T-2626a ○ SEA-T-4386 ○ SEA-T-6245 																		
Effect of change	Correction only.																		
Changes required to be made	<p><i>Include the following SEA ID numbers and Criteria met into the Table in Schedule 3:</i></p> <table border="1"> <thead> <tr> <th><i>Schedule ID</i></th> <th><i>Criteria met</i></th> </tr> </thead> <tbody> <tr> <td>...</td> <td></td> </tr> <tr> <td><i>SEA_T_2626</i></td> <td><i>2</i></td> </tr> <tr> <td><i>SEA_T_2626a</i></td> <td><i>2</i></td> </tr> <tr> <td>...</td> <td></td> </tr> <tr> <td><i>SEA_T_4386</i></td> <td><i>1</i></td> </tr> <tr> <td>...</td> <td></td> </tr> <tr> <td><i>SEA_T_6245</i></td> <td><i>4</i></td> </tr> <tr> <td>...</td> <td></td> </tr> </tbody> </table>	<i>Schedule ID</i>	<i>Criteria met</i>	...		<i>SEA_T_2626</i>	<i>2</i>	<i>SEA_T_2626a</i>	<i>2</i>	...		<i>SEA_T_4386</i>	<i>1</i>	...		<i>SEA_T_6245</i>	<i>4</i>	...	
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Prepared by: Marilyn Ford – Planner	Text entered by: Sophia Coulter – Planning Technician
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