

**BEFORE THE ENVIRONMENT COURT  
AT AUCKLAND**

**I TE KŌTI TAIAO O AOTEAROA  
TĀMAKI MAKAURAU ROHE**

**ENV-2021-AKL-**

**UNDER**

the Resource Management Act 1991

**IN THE MATTER OF**

of an appeal pursuant to Clause 14 of  
the First Schedule of the Resource  
Management Act 1991

**BETWEEN**

**THE ASCOT HOSPITAL AND CLINICS  
LIMITED**, a duly incorporated company  
with its registered office at 98 Mountain  
Road, Epsom, Auckland

**Appellant**

**AND**

**AUCKLAND COUNCIL**, a local authority  
constituted pursuant to the provisions of  
the Local Government (Auckland  
Transitional Provisions) Act 2010 having  
its principal office at Auckland

**Respondent**

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**NOTICE OF APPEAL**

Dated: 11 March 2021

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**GREENWOOD ROCHE**  
LAWYERS  
AUCKLAND  
Solicitor: F M Lupis/M A Thomas  
(Francelle@greenwoodroche.com)

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Level 12  
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**TO:** The Registrar  
Environment Court  
AUCKLAND

- 1 The Ascot Hospital and Clinics Limited ("Ascot") appeals against a decision of Auckland Council on Plan Change 26 to the Auckland Unitary Plan: 'Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions' ("Plan Change").
- 2 Ascot made a submission on the Plan Change (submission #234), in relation to the relationship between the Special Character Areas ("SCA") Overlay and the underlying Special Purpose – Healthcare Facility and Hospital Zone ("HFHZ") in the Auckland Unitary Plan ("AUP").
- 3 Ascot is not a trade competitor for the purposes of section 308D of the Act.
- 4 Ascot received notice of the decision on 28 January 2021.
- 5 The decision was made by Auckland Council.
- 6 The decision that Ascot is appealing against is the decision of the Respondent not to include a new rule in D18.6.1 specifying that the SCA Overlay standards do not apply to land with an underlying HFHZ, and the decision that the standards in D18.6.1 take precedence over the standards in the underlying zone.
- 7 The reasons for the appeal are as follows:
  - (a) Ascot owns properties at 1 and 3 Gilgit Road and at 90 and 94 Mountain Road, Epsom. The zoning of the properties owned by Ascot and the property at 92 Mountain Road (between Ascot's landholdings at 90 and 94 Mountain Road) is HFHZ. All of these properties are also subject to the SCA Overlay.
  - (b) The properties owned by Ascot and the property at 92 Mountain Road are the only land in Auckland which is subject to the SCA Overlay with an underlying Healthcare zone. These land parcels comprise 0.03% of the total land (in terms of area)

which is subject to the SCA Overlay in the AUP. Therefore, the relationship between the SCA Overlay and the HFHZ is unique to Ascot's landholdings and 92 Mountain Road, and does not affect any other land in Auckland.

- (c) The provisions of the Healthcare zone seek to enable healthcare facilities and hospital activities to occur in a manner that makes efficient use of constrained land resources, and to manage the adverse effects of such activities on neighbouring land with a 'sensitive' land use. The standards of the Healthcare zone, in particular, provide for the optimisation of sites (which are a scarce resource) with more permissive controls in respect of height and impervious surfaces.
- (d) The Healthcare zone provides for, encourages and enables hospitals and healthcare facilities to meet the health and wellbeing needs of the community, which is particularly important for a growing city as increasing numbers of people rely on these facilities to meet their needs and provide for their social, economic and cultural wellbeing.
- (e) Under the AUP, land within the SCA Overlay is subject to both the standards of the overlay and the standards of the underlying zoning. The weight to be given to the standards will vary according to the context of a proposal.
- (f) However the Plan Change gives the standards in the overlay precedence over the corresponding standards of the underlying zone.
- (g) Giving the standards in the SCA Overlay precedence over those in the underlying zone is contrary to the outcomes that are intended by the AUP for healthcare facilities in the HFHZ, and will have unintended and inappropriate consequences for land within that zone and the SCA Overlay.
- (h) The standards of the SCA Overlay closely resemble those standards of the underlying Residential – Single House zone. However that is not the case for the HFHZ, where zoning and

the SCA Overlay are seeking to achieve different built form outcomes at times.

- (i) The form and scale of development that is anticipated by the HFHZ is significantly different to that anticipated in the SCA Overlay, with the overlay standards being concerned with 'residential' outcomes.
- (j) The amendments proposed by the Plan Change will diminish the relevance of the standards for the HFHZ, in respect of a proposal to use and develop the land for healthcare purposes in accordance with the intentions of the zoning.
- (k) The nature and scale of the development on the sites owned by Ascot reflects the use of this land for healthcare uses, and the functional and operational requirements of such uses. It does not reflect the 'bulk and location' outcomes that are anticipated by the SCA Overlay.
- (l) It is not appropriate in this particular situation to give primacy to a set of development standards which are contrary to the stated HFHZ outcomes and the nature and scale of development already consented for sites within the HFHZ.
- (m) Giving the standards in the SCA Overlay precedence over those for the underlying HFHZ would also have the effect of derogating from the Plan's intention that, in that zone, the zone standards are to be applied across multiple contiguous sites which collectively comprise a healthcare facility.
- (n) The Plan Change, as it relates to the relationship between the SCA Overlay and the HFHZ, will not:
  - (i) promote the sustainable management of resources, nor will it achieve the purpose of the Resource Management Act 1991;
  - (ii) promote social and economic wellbeing; or
  - (iii) enable the appropriate development of the spatially and physically constrained land zoned HFHZ in a manner that

balances the outcomes anticipated by the SCA overlay and the Healthcare zone, and therefore will not enable the efficient use, development and intensification of significant healthcare infrastructure.

- (o) For Ascot's landholdings and the property at 92 Mountain Road, bulk and location of built form are most appropriately managed by exempting that land from the standards of the SCA Overlay.
- (p) Alternatively, the weight to be afforded to the relevant standards in the SCA Overlay should be considered on a case by case basis for land zoned HFHZ, without the Plan requiring that the standards of the SCA overlay take precedence in every case.

8 Ascot seeks the following relief:

- (a) that the Plan Change be amended to provide an exclusion to the standards of the SCA Overlay in D18.6.1 for land which is zoned HFHZ, by including a new third paragraph in Rule D18.6.1 as follows:

*Notwithstanding the above, the development standards within D18.6.1 do not apply to land with an underlying Special Purpose – Healthcare Facility and Hospital Zone. For the avoidance of doubt, only the development standards of the underlying Special Purpose – Healthcare Facility and Hospital Zone apply to activities undertaken within the Special Character Areas Overlay – Residential.*

- (b) or as an alternative and less preferred outcome, that the Plan Change be amended so that the standards of the SCA Overlay do not take precedence over those of the HFHZ, by amending Rule D18.6.1 as follows:

*The following standards take precedence over the standards in the underlying zone for Building height, Height in relation to boundary, Yards, Building coverage, Maximum impervious area, Landscaped area or Landscaping, and Fences and Walls-, except for land with*

an underlying Special Purpose – Healthcare Facility and Hospital Zone.

- (c) such further or alternative relief, or ancillary changes, which addresses the reasons for Ascot's appeal; and
  - (d) costs.
- 9 Ascot attaches the following documents to this notice:
- (a) a copy of its submission (Annexure A);
  - (b) a copy of the Respondent's decision (Annexure B); and
  - (c) a list of the names and addresses of the persons to be served with a copy of this notice (Annexure C).

**DATED** this 11<sup>th</sup> day of March 2021



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Francelle Lupis/Monique Thomas  
Counsel for The Ascot Hospital and Clinics Limited

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## **Advice to recipients of copy of notice of appeal**

### *How to become party to proceedings*

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

### *How to obtain copies of documents relating to appeal*

The copy of this notice served on you does not attach a copy of the appellant's submission or the decision appealed. These documents may be obtained, on request, from the appellant.

### *Advice*

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

## **Annexure A**



**SUBMISSION ON A PUBLICLY NOTIFIED PLAN CHANGE  
UNDER CLAUSE 6 OF THE FIRST SCHEDULE TO THE  
RESOURCE MANAGEMENT ACT 1991**

**From:** The Ascot Hospital and Clinics Limited

**Address:** PO Box 9911, Newmarket, Auckland 1149

**To:** Auckland Council

**Address:** Private Bag 92300, Auckland 1142

**Submission on:** Plan Change 26 - Clarifying the relationship between the Special Character Areas Overlay (Residential and General) and the underlying zones

**Introduction**

1. Mercy Hospital, owned by The Ascot Hospital and Clinics Limited (“**Ascot**”) as a New Zealand-owned private hospital and clinics facility, is located at 15-17 Gilgit Road & 98-110 Mountain Road, Epsom, on a site with an area of some 2.4 hectares. The site is legally described as: Allotment 68-69, Allotment 88 and part Allotment 70 section 6 SOA DP 22029; Lot 6 DP 22728; Lot 9-10 Deeds plan 149.
2. Associated with the ‘primary’ Mercy Hospital site, Ascot owns the land at 90 and 94 Mountain Road, and 1 and 3 Gilgit Road (legally described respectively as Lot 1 Deeds 149, Lot 4 DP 372460, Lot 1 DP 23279 and Lot 2 DP 22728). Ascot also has an interest in the site at 11 Gilgit Road (legally described as Lot 6 DP 22728). A map is appended as **Attachment 1** which identifies Ascot’s landholdings and interests.
3. The ‘primary’ Mercy Hospital site is currently occupied by a range of purpose-built buildings housing a variety of hospital and healthcare facilities, together with associated ancillary at-grade parking and parking buildings.
4. The ‘associated land’ is occupied by former residential buildings, which have been altered (or consented for conversion and/or redevelopment) to accommodate healthcare facilities/activities, with ancillary at grade parking. The property at 1 Gilgit Road is currently being developed with a modern purpose-built healthcare facility, with the previous residential building removed.
5. The primary Mercy Hospital site and the associated landholdings are all zoned ‘Special Purpose – Healthcare Facility and Hospital’ (“**Healthcare zone**”) under the Auckland Unitary Plan (Operative in part) (“**AUP**”). The properties at 90 and 94 Mountain Road and 1 and 3 Gilgit Road are also subject to the Special Character Area Residential overlay (“**SCAR overlay**”).

## Scope of submission

6. The premise of proposed Plan Change 26 (“**PC26**”) to the AUP is to clarify the relationship between the Special Character Areas Overlays (Residential and General) and the underlying zones.
7. This submission relates to Chapter D18 Special Character Areas Overlay (“**Chapter D18**”), and specifically to the relationship between the SCAR overlay and the underlying Healthcare zone that applies to the properties owned by Ascot at 1 and 3 Gilgit Road and 90 and 94 Mountain Road, Epsom, and for completeness the property at 92 Mountain Road, which Ascot does not own, shown in **Attachment 1** to this submission.

## Background to Submission

### *Healthcare zone*

8. Ascot filed a submission on the Proposed Auckland Unitary Plan (“**PAUP**”) when it was notified in 2013, and was involved in the hearings process to assist with the development of provisions that suitably reflected and provided for the nature of healthcare and hospital activities, and the opportunities, constraints and requirements that are inherent to such activities and facilities to ensure their development and intensification could occur in a manner that meets the healthcare needs of the growing population in Auckland. The provisions of the Healthcare zone in the AUP generally reflect the relief sought by Ascot in its submission on the PAUP.
9. In summary:
  - (a) The provisions of the Healthcare zone seek to enable healthcare facilities and hospital activities to occur in a manner that makes efficient use of constrained land resources, and to manage the adverse effects of such activities on neighbouring land with a ‘sensitive’ land use. The standards of the Healthcare zone, in particular, provide for the optimisation of sites (which are a scarce resource) with more permissive controls in respect of height and impervious surfaces.
  - (b) The Healthcare zone (which applies to a very limited number of sites) provides for, encourages, and enables hospitals and healthcare facilities to meet the health and wellbeing needs of the community, which is particularly important for a growing city as increasing numbers of people rely on these facilities to meet their needs and provide for their social, economic and cultural wellbeing.
  - (c) The Healthcare zone specifies that the zone standards are to be applied across multiple contiguous sites which collectively comprise a healthcare facility. The ‘primary’ Mercy Hospital site and the ‘associated landholdings’ are therefore collectively treated as a single ‘site’ for the purposes of applying the zone

standards, which significantly affects how impervious surfaces are calculated across the sites (for example).

*Relationship between SCAR overlay and Healthcare zone*

10. The SCAR overlay predominantly applies to land which is zoned Residential – Single House under the AUP, with over 99% of land subject to the SCAR overlay zoned Single House.<sup>1</sup> The balance of the spatial extent of the SCAR overlay applies to land with a variety of zones, including Business zones, Open Space zones, and the Healthcare zone.
11. The land owned by Ascot and the property at 92 Mountain Road (between Ascot’s landholdings at 90 and 94 Mountain Road) are the only land parcels which are subject to the SCAR overlay with an underlying Healthcare zone. These land parcels comprise 0.03% of the total land (in terms of area) which is subject to the SCAR overlay in the AUP. Therefore, the relationship between the SCAR overlay and the Healthcare zone is unique to Ascot’s landholdings (and 92 Mountain Road), and does not affect any other landholding in Auckland.
12. Under the AUP, land which is subject to a Special Character overlay is subject to both the provisions of the overlay and the underlying zoning, with the provisions of both having equal weighting and relevance. Such a structure recognises the different environmental effects that the overlays and zones are concerned with:
  - (a) The SCAR overlay is concerned with the effects of physical development on the identified special characteristics of an area which typically correspond to the era of development of surrounding buildings.
  - (b) The zone is concerned with the nature and pattern of land use and its efficient use and development, and the effects of physical development on the existing and planned character of the neighbourhood, and on amenity values of neighbouring land.
13. While the standards of the SCAR overlay closely resemble those standards of the underlying Residential – Single House zone, that is not the case when comparing the SCAR overlay to the Healthcare zone, where there is a distinct difference between the environmental outcomes that each layer is concerned with. This arrangement results in a unique situation where the underlying Healthcare zone and the SCAR overlay are (at times) seeking to achieve different built form outcomes.
14. Table 1 below provides a summary of the standards of the SCAR overlay under the AUP, the standards of the SCAR overlay as sought to be amended by PC26, and the standards of the Healthcare zone. The SCAR overlay standards for building coverage, landscaped area and impervious surfaces vary relative to the size of a site.

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<sup>1</sup> Section 32 Report, Attachment 1.

The summary of the standards in Table 1 reflects a site with an area greater than 1,000m<sup>2</sup>, being the size of the combined Ascot landholdings.

**Table 1**

<b>Standard</b>	<b>SCAR Overlay – current</b>	<b>SCAR Overlay – proposed</b>	<b>Healthcare zone – current</b>
<b>Building height</b>	8m plus 1m for roof forms	8m plus 1m for roof forms	Sites with a total site area up to 4ha: 16m  Sites with a total site area greater than 4ha: 26m
<b>Height in relation to boundary</b>	3m + 45 degrees	Sites with a frontage length <15m: 3m + 45 degrees  Rear sites or sites with a frontage length >15m: the height in relation to boundary standard of the underlying zone applies	The height in relation to boundary standard of an adjoining zone applies where a boundary adjoins a site in a different zone
<b>Front yard</b>	The average of existing setbacks of dwellings on adjacent sites, being the three sites on either side of the subject site or six sites on one side of the subject site	The average of existing setbacks of dwellings on adjacent sites, being the three sites on either side of the subject site or six sites on one side of the subject site	3m
<b>Side yard</b>	1.2m	1.2m	Only where the site adjoins a site in a residential zone, open space zone or the Future Urban zone: 3m
<b>Rear yard</b>	3m	N/A	Only where the site adjoins a site in a residential zone, open space zone or the Future Urban zone: 3m
<b>Building coverage</b>	25% maximum	25% maximum	N/A
<b>Landscaped area</b>	50% minimum	50% minimum	N/A

<b>Paved area/impermeable area</b>	25% maximum (impervious surfaces only)	50% maximum (includes building coverage and impervious surfaces)	80% (includes building coverage and impervious surfaces)
<b>Fences, walls and other structures</b>	Maximum 1.2m in height	Front fences: Maximum 1.2m in height  Other fences: Maximum 2m in height	Outdoor storage and rubbish areas shall be screened by a fence 1.8m in height

15. With those different standards in mind, relevantly a resource consent has been recently approved by Auckland Council for the redevelopment of the properties at 1 Gilgit Road, 90 and 94 Mountain Road. This involved the removal of a building from 1 Gilgit Road and the construction of a new modern healthcare facility. The approved development (which is under construction) comprises a building coverage of 25% of the combined site area, and impervious surface areas of 73%. While the building coverage complies with the SCAR overlay development standards, the area of impervious surfaces within the site exceeds the development standards for the overlay by 23% (but complies with the Healthcare zone standards). Such an outcome has been confirmed, by the granting of resource consent, as an appropriate scale and nature of development, having regard to the functional requirements for healthcare activities and the relationship of these sites with the wider neighbourhood and the character values of the area, relative to the outcomes that are intended by the SCAR overlay (in terms of the appearance of buildings) and the Healthcare zone (in terms of building mass and form).

### Summary of Plan Change 26

16. PC26 seeks to amend the provisions of Chapter D18 to clarify that the provisions of the SCAR overlay take precedence over the corresponding provisions of an underlying zone. This is to be achieved by adding explanatory provisions within Chapter D18 which explains that the provisions of the SCAR overlay “replace” the underlying zone provisions.
17. As it relates to the standards of Chapter D18, PC26 proposes to include the following explanatory provision (at D18.6.1(b)):

*Except where otherwise specified in this chapter, the development standards within D18.6.1 replace the following corresponding development standards within the underlying zone and the corresponding development standards within the underlying zone do not apply:*

- a) Building height*
- b) Height in relation to boundary*
- c) Yards*
- d) Building coverage*

- e) *Maximum impervious area*
- f) *Landscaped area or Landscaping*
- g) *Fences and walls*

18. PC26 also seeks to introduce purpose statements to each of the standards of Chapter D18, which generally correspond to achieving both special character outcomes and residential amenity outcomes. They do not relate to outcomes that are relevant to the Healthcare zone.

### **Implications of Plan Change 26 to Ascot's Landholdings**

19. The effect of PC26 will be to give precedence to the standards (and other provisions) of Chapter D18, which were originally crafted to manage the effects of built development on special character values. PC26 attempts to 'graft' other purposes to the standards to address other effects such as visual dominance and access to sunlight, to avoid a situation where such effects would not otherwise be considered in the event a proposal infringed the standards of the SCAR overlay (and those of the underlying zone).
20. PC26 does not seek to tailor the standards of the SCAR overlay further where the overlay applies to land with an underlying zone other than a residential zone.
21. With respect to the preparation of PC26:
- (a) The Section 32 analysis prepared by Auckland Council has assessed the environmental, economic and social costs and benefits associated with the identified options to achieve the purpose of PC26. This assessment has been undertaken for identified options which are categorised according to 'topics' which generally correspond to each rule and development standard of Chapter D18. The assessment undertaken is generic in nature, and is inherently focussed on the appropriateness of ensuring the Special Character overlay development standards prevail over the standards of an underlying residential zone. The preferred options have typically identified benefits of lower time-costs involved in interpreting the provisions and ensuring the Special Character overlay outcomes have a clear level of primacy.
  - (b) However, for land in the Healthcare zone, the amendments proposed by PC26 will create a significant level of uncertainty as to the manner in which the contrasting development standards of the SCAR overlay and the Healthcare zone are to be applied, and as to what scale of development is appropriate for the specific landholdings.
  - (c) The Section 32 Assessment has not addressed the implications of the proposed change to the outcomes that are specific to the Healthcare zone for the Ascot properties. The only references to the Healthcare zone in the Section 32 Assessment Report are to the yard standards that apply in the zone, and this

assessment is limited to stating that the yard standard of the SCAR overlay is “more enabling” than the corresponding yards standard of the Healthcare zone (which is incorrect as the yards standard only applies at the boundary of the zone with a residential zone, rather than to all site boundaries).

- (d) Beyond this, the Section 32 Assessment Report only refers to the Healthcare zone in the comparative summaries of the various development standards of the SCAR overlay and the respective underlying zonings that the overlay applies to. No assessment has been undertaken of PC26 as it relates to how the land owned by Ascot will be affected, or how the nuances of the provisions of the Healthcare zone integrate with (or do not integrate with) the SCAR overlay.

22. Ascot considers that the effect of PC26, as proposed, will therefore have unintended consequences for land within the Healthcare zone and SCAR overlay as:

- (a) The amendments proposed by PC26 will diminish the relevance of the standards of the Healthcare zone for the properties owned by Ascot, in respect of a proposal to use and develop the land for healthcare purposes in accordance with the intentions of the zoning. The properties owned by Ascot which are subject to the SCAR overlay do not display the typical characteristics of the SCAR Isthmus B overlay. The nature and scale of the development on the sites owned by Ascot reflects the use of this land for healthcare uses, and the functional and operational requirements of such uses. They do not reflect the ‘bulk and location’ outcomes that are anticipated by the SCAR overlay, particularly in respect of impervious surfaces with a large proportion of the land subject to the SCAR overlay occupied with at-grade parking.
- (b) It is not appropriate in this situation to give primacy to a set of development standards which are contrary to the stated Healthcare zone outcomes or the nature and scale of development already consented for sites within the Healthcare zone. Any further impervious surfaces or other development would trigger a resource consent and a further assessment of effects, despite the nature of such development on the site being appropriate to, and consistent with the standards of the Healthcare zone.
- (c) The proposed amendments will further derogate the ability to treat the Ascot properties collectively as a ‘site’ for the purposes of applying the standards of the zone, i.e. the properties at 1 and 3 Gilgit Road and 90 and 94 Mountain Road will no longer be included as part of the overall Mercy Hospital facility/site for the purposes of calculating impervious surfaces as a component of an integrated facility.
- (d) Ascot agrees that the demolition of existing buildings and construction of new buildings should be subject to a consent process which relates to design and appearance matters and the overall contribution of built form to special character values. However, it is appropriate that the development standards of the

Healthcare zone take primacy over those of the SCAR overlay, to recognise that the sites have not been developed in a manner that is reflective of the ‘bulk and location’ outcomes anticipated by the SCAR overlay development standards.

- (e) The form and scale of development that is anticipated by the Healthcare zone is significantly different to that anticipated in the SCAR overlay, with those overlay standards being concerned with ‘residential’ outcomes, with completely different effects. The built form outcomes that are anticipated by the Healthcare zone give effect to the direction of the AUP which provides for significant social facilities and infrastructure to respond to the social and economic needs and the health and wellbeing of people and communities. In this respect, it is not appropriate to require primacy for the SCAR overlay to the land owned by Ascot, which would derogate from the context of the underlying zoning and would be contrary to the outcomes that are intended by the AUP for healthcare facilities.

### **General Submission**

- 23. Ascot opposes PC26, particularly as it relates to the relationship of the SCAR overlay and the underlying Healthcare zone to its landholdings, on the basis that the Plan Change will not:
  - (a) promote the sustainable management of resources, nor will it achieve the purpose of the Resource Management Act 1991;
  - (b) promote social and economic wellbeing; or
  - (c) enable the appropriate development of the spatially and physically constrained landholdings owned by Ascot in a manner that balances the outcomes anticipated by the SCAR overlay and the Healthcare zone, and therefore will not enable the efficient use, development and intensification of significant healthcare infrastructure.
- 24. Ascot submits that its landholdings, together with the property at 92 Mountain Road, are most appropriately managed by exempting the landholdings from the standards of the SCAR overlay, and giving primacy to the standards of the Healthcare zone, to manage the bulk and location of built form. The activity rules for demolition and construction of buildings under the SCAR overlay should continue to apply to manage the effects of such activities on the character values of surrounding neighbourhoods.
- 25. Ascot is not a trade competitor for the purposes of section 308B of the Resource Management Act 1991.



## Decision Sought

26. Ascot Hospital and Clinics Limited seeks the following relief:

- (a) That PC26 be amended to provide an exclusion to the standards of the SCAR overlay in D18.6.1 for land which is subject to the Special Purpose – Healthcare Facility and Hospital zone by including a new Rule D18.6.1(c) as follows:

*c) Notwithstanding D18.6.1(b), the development standards within D18.6.1 do not apply to land with an underlying Special Purpose – Healthcare Facility and Hospital Zone. For the avoidance of doubt, only the development standards of the underlying Special Purpose – Healthcare Facility and Hospital Zone apply.*

OR

- (b) That PC26 be amended to provide an exclusion to the standards of the SCAR overlay in D18.6.1 for the landholdings owned by Ascot and the land at 92 Mountain Road by including a new Rule D18.6.1(c) as follows:

*c) Notwithstanding D18.6.1(b), the development standards within D18.6.1 do not apply to the properties legally described as Lot 1 Deeds Reg 149, Lot 2 DP 23279, Lot 1 DP 372460, Lot 1 DP 23279, and Lot 2 DP 22728. For the avoidance of doubt, only the development standards of the underlying Special Purpose – Healthcare Facility and Hospital Zone apply.*

OR

- (c) As an alternative, and less preferred outcome, that PC26 be amended to require the standards of the SCAR overlay and of the Special Purpose – Healthcare Facility and Hospital Zone to apply with equal weighting by including a new Rule D18.6.1(c) as follows:

*c) D18.6.1(b) above does not apply to land which is subject to an underlying Special Purpose – Healthcare Facility and Hospital zone. For the avoidance of doubt, the development standards within D18.6.1 and the standards of H25.6 apply to land with an underlying Special Purpose – Healthcare Facility and Hospital zone.*

OR

- (d) Such alternative relief that addresses the issues raised in this submission.

27. Ascot wishes to be heard in support of this submission.
28. If others make a similar submission, consideration would be given to presenting a joint case with them at any hearing.

Dated at Auckland, this 12th day of July 2019

**Signature**

**THE ASCOT HOSPITAL AND CLINICS LIMITED**

by its planning and resource management consultants Bentley & Co. Ltd.



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Anthony Blomfield

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**ATTACHMENT ONE**





## **Annexure B**

# Decision following the hearing of a Proposed Plan Change under the Resource Management Act 1991



Proposed change to the part operative Auckland Unitary Plan (2016) (**AUP**) to amend Chapters D18 and E38 to:

- (a) Ensure that the AUP appropriately specifies the relationship between the Special Character Areas Overlay and the underlying zone provisions; and
- (b) Ensure that the development standards that apply to sites in the SCA overlay are most appropriately targeted to managing the special character values of the areas to which they relate.

The plan change is **APPROVED IN PART WITH MODIFICATIONS**. The reasons of the Commissioners are set out below.

<b>Plan Change No:</b>	26
<b>Site address:</b>	N/A – applies extensively
<b>Type of Plan Change:</b>	Auckland Council initiated
<b>Hearing:</b>	24 and 28 July 2020
<b>Hearing panel:</b>	Kitt Littlejohn (Chair) Ian Munro Trevor Mackie
<b>Appearances:</b>	<p><u>For the Auckland Council:</u> Tony Reidy, Principal Planner Ciaran Power, Reporting Officer Teuila Young, Planner Rebecca Fogel, Planner Eryn Sheilds, Team Leader</p> <p><u>Submitters:</u> David Wren, Planner representing C &amp; J Weatherall, J Dillon, P &amp; S Wren and P Ng. Philip Brown, Planner representing Michael Snowden and the Roman Catholic Bishop of Diocese of Auckland Michael Snowden Tane Snowden Margot McRae representing Devonport Heritage Trish Deans representing Devonport Heritage and Lyndsay Brock. A R Bellamy representing South Epsom Planning Group</p>

	<p>Tania Mace and Graeme Burgess representing Grey Lynn Residents Association</p> <p>Craig Moriarty, Planner representing Somersby Trust</p> <p>David Haines, Planner representing Somersby Trust</p> <p>John Childs</p> <p>David Abbott representing St Mary's Bay Association</p> <p>Dirk Hudig representing Herne Bay residents Association</p> <p>Brian Putt representing St Mary's Bay Association and Herne Bay residents Association</p> <p>Anthony Blomfield representing Ascot Hospital</p> <p>Dr Claire Kirman, legal Counsel representing Kainga Ora</p> <p>Brendan Liggett, Planning Manager representing Kainga Ora</p> <p>Amelia Linzey, Planner representing Kainga Ora</p> <p>Brendan Kell</p> <p>Jeff Brown representing Samson Corporation, Galatea trust, R &amp; M Donaldson</p> <p>Janet Dickson</p> <p>Matthew Braikovich</p> <p><u>Other:</u></p> <p>Sidra Khan (hearings advisor)</p>
<b>Hearing adjourned:</b>	28 July 2020
<b>Hearing closed:</b>	24 August 2020

## INTRODUCTION

1. Proposed Plan Change 26 (**PC26**) is an Auckland Council-initiated change to the operative in part Auckland Unitary Plan (2016) (**AUP**) under cl 2 of Part 1 of Schedule 1 of the Resource Management Act 1991 (**Act**).<sup>1</sup> Its primary purpose is stated to be to clarify the interrelationship between the Special Character Area (**SCA**) overlay and its underlying zones.<sup>2</sup>
2. The plan change was approved for notification by the Auckland Council's Planning Committee on 6 November 2018 and subsequently notified on 30 May 2019. The closing date for submissions was extended to 12 July 2019, by which time 274 submissions had been received. A summary of submissions was notified on 5 September 2019 and further submissions sought. 23 were received.
3. As required by cl 8B, a hearing into PC26 and the submissions and further submissions received on it was held on 24 and 28 July 2020. The hearing was conducted by

<sup>1</sup> All references to sections, subsections, clauses, parts and schedules in this decision are references to sections, subsections, clauses, parts and schedules of the Resource Management Act 1991, unless otherwise stated.

<sup>2</sup> Section 32 Evaluation Report (**s32 Report**), p12.



Independent Commissioners Kitt Littlejohn (Chair), Ian Munro and Trevor Mackie by authority delegated to them for that purpose by the Council under s34A.

4. This decision is also made pursuant to the delegation given to the Independent Commissioners by the Council.

## **SUBMISSIONS**

5. A detailed summary of the 274 submissions and 23 further submissions made on PC26 was provided to us (as Appendices 4 and 5) with the s42A Hearing Report (**s42A Report**). Helpfully, Council officers analysed the issues and topics raised in the submissions into 34 specific themes.<sup>3</sup>
6. Council officers described themes 1 to 4 as comprising submissions addressing PC26 as a whole (i.e., accept; accept with amendment; decline if not amended; and decline). The other 30 themes were described as “more specific”.<sup>4</sup>
7. Fourteen submitters appeared and presented evidence to us at the hearing.

## **SITE VISIT**

8. We were invited by several submitters to undertake site specific visits to assist us in our deliberations on PC26. Council officers also recommended various locations around Auckland that we may wish to visit to understand the role of the SCA overlay and the potential effects of PC26.
9. During deliberations, the Commissioners determined that the issues raised by PC26 for consideration and determination would not be assisted by undertaking site visits, either generally or of specific sites. We were satisfied that our experience of and familiarity with the various special character areas across Auckland, gained from both our private professional practices and our commissioner delegations, provided a more than adequate information base and context to inform our assessment of PC26.

## **STATUTORY FRAMEWORK**

10. Sections 72 to 77D set out the matters that we (as the delegate of the Council) must have regard to when considering PC26. In combination, these provisions create a complex statutory framework for evaluation of a plan change, which in turn, invariably lead to the exercise of a “planning judgement” after hearing and considering all the evidence.<sup>5</sup>
11. In summary, PC26 must be in accordance with:
  - (a) the Council’s functions under s31 (s74(1)(a));

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<sup>3</sup> S42A Report, Table 1, p27.

<sup>4</sup> s42A Report, paras 1.5 – 1.6.

<sup>5</sup> *Gock v Auckland Council* [2019] NZHC 1603, at [29].

- (b) the provisions of Part 2 (s74(1)(b));
  - (c) the obligation to prepare and have particular regard to an evaluation report prepared under s32 (s74(1)(d) & (e));
  - (d) any relevant national policy statement, the NZCPS and any national planning standard (s74(1)(ea));
12. In addition, with respect to PC26, regard must be had to:
- (e) the Auckland Plan (as a management plan or strategy prepared under another act whose content potentially has a bearing on PC26) (s74(2)(b)(i));
  - (f) The regional policy statement for Auckland (Chapter B of the AUP) (**RPS**), being the ‘highest-order’ document of relevance to proposed changes to the AUP;
  - (g) The requirement that a district plan must give effect to the NPS:UDC and RPS (s75(3)(a) and (c)) and not be inconsistent with a regional plan (s75(4)(b)); and
  - (h) The actual or potential effects on the environment, including adverse effects, arising from any rules (s76(3)).
13. As the overall scope and purpose of PC26 is relatively confined, a number of these statutory requirements are not relevant to PC26 or, on the evidence, are not in contention. We discuss these below at the outset so that our assessment of PC26 can be focussed on the key statutory matters to be considered.

### **Statutory requirements not in issue**

#### Part 2

14. Consideration of Part 2 in a plan change process is only appropriate where there is invalidity, incompleteness or uncertainty in relation to the statutory planning instrument being applied.<sup>6</sup> Absent those features, the only “higher order” principles, objectives and policies that have to be considered on a plan change are those in the operative plan being changed.<sup>7</sup> We would add to this list any “higher order” principles etc set out in a relevant national policy statement, because of the requirements of s75(3)(a)).

#### National Policy Statements

15. When PC26 was notified five national policy statements were in effect, but the only one of potential relevance to PC26 was the NPS on Urban Development Capacity 2016 (**NPS-UDC**). The s32 Report considers that PC26 has limited implications for the NPS-UDC as neither the underlying zones nor the extent of the SCA overlay were being altered by the plan change. The report went on to note that the amendment proposed by PC26 to E38 Subdivision – Urban, Table E38.8.2.6.1 would result in a marginal

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<sup>6</sup> *Environmental Defence Society v New Zealand King Salmon* [2014] NZSC 38, [2014] NZLR 593, at [85] and [88]; *Royal Forest & Bird Protection Society of New Zealand Inc v Whakatane District Council* [2017] NZEnvC 51, at [34] and [35].

<sup>7</sup> *Appealing Wanaka Inc v Queenstown Lakes DC* [2015] NZEnvC 139.

increase in development capacity by confirming the smaller SCA overlay lot sizes as the sole minimum lot size. This outcome, again, was considered not to conflict with the directions of the NPS-UDC. We agree with this analysis.

16. On 20 August 2020, during the processing of PC26, the NPS-UDC was replaced with a new NPS, simply entitled “Development Capacity” (**NPS-UD**). Although the theme of the NPS-UDC and the NPS-UD is similar, there are some significant differences between them in terms of the nature and scale of the directions they give to local authorities and consent authorities dealing with Tier 1 urban environments such as Auckland. In their Closing Statement,<sup>8</sup> Council officers advised that the NPS-UD contained objectives and policies considered to be particularly relevant to our decision-making<sup>9</sup>, but provided no further assistance or advice as to whether or not PC26 gave effect to the NPS-UD.
17. PC26 was developed and notified well before the gazetting of the NPS-UD. Accordingly, none of the far-reaching directions to the Council as to the management of the urban land resource of Auckland (which in time will require the Council to establish whether the features protected by the SCA overlay are a qualifying matter exempting urban land from intensification), have been incorporated within it. This makes it difficult for us to reasonably evaluate PC26 alongside this NPS. Furthermore, the ‘reach’ of PC26 is fairly limited to the approach to be taken to the consenting of specific land use activities on existing sites in certain areas of Auckland, and has no significant implications for urban land intensification. Put another way, we have no scope at this stage of PC26 to modify it to achieve the intensification directions of the NPS-UD.
18. Despite those limitations, we confirm that we have undertaken our analysis of PC26 keeping in mind the NPS-UD requirement that our decision contribute to a well-functioning urban environment (Policy 1).

*NZCPS (and Hauraki Gulf Marine Park Act 2000)*

19. We find that neither the NZCPS nor those sections of the Hauraki Gulf Marine Park Act 2000 to be treated as a coastal policy statement are engaged for consideration by PC26.

*National Planning Standards*

20. The National Planning Standards (**Standards**) adopted<sup>10</sup> earlier this year set mandatory requirements for district plans including standardised zones and zone descriptions. The obligation to implement the Standards rests on the Council, and to do so within 10 years. The purpose of the Standards is to achieve national consistency for the structure, format, and content of plans. As far as we can tell, there is no duty on us to implement the Standards while determining PC26.

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<sup>8</sup> Closing Statement from Council officers, 7 August 2020.

<sup>9</sup> NPS-UD Objectives 1, 2, 4 and 5, Policies 1, 2, 3(d), 4, 6 and 9. Our attention was also drawn to sub-parts 3-11, 3-31, 3-32 and 3-33.

<sup>10</sup> The National Planning Standards were gazetted on the 5th of April 2019.

### Auckland Plan

21. Prepared under s79 of the Local Government (Auckland Council) Act 2009, the Auckland Plan is potentially a relevant strategy document. However, we agree with the s32 report that the amendments proposed to the AUP are generally technical in nature and do not change the way in which the AUP implements the strategic direction of the Auckland Plan (2012 or 2050). We consider it no further.

### Regional Plan

22. PC26 does not propose any changes to the regional plan provisions in the AUP and nor did we receive any evidence that the regional plan provisions of the AUP were incomplete or inadequate with respect to the control of the actual and potential effects of development that would be enabled by PC26 (if approved), which might have raised a concern for us with respect to s75(4)(b). We have therefore not considered PC26 in relation to any regional plan provisions.

### **Decision requirements**

23. A decision on the provisions of a plan change and the matters raised in submissions must be prepared in accordance with cl10. In considering PC26 we have taken into account:
  - (a) the plan change request and supporting s32 Report;
  - (b) the s42A Report;
  - (c) the submissions and further submissions made on PC26; and
  - (d) the submissions, statements and evidence presented by Auckland Council officers and the submitters who appeared at the hearing.
24. Our decision includes our findings about PC26 and its provisions, and on the submissions made on the proposed change.

### **SUBMISSION JURISDICTION AND RELIEF-SCOPE ISSUES**

25. Unsurprisingly for a proposed change to an operative plan, issues of submission jurisdiction and relief-scope arose with PC26. Our findings on these issues are set out below.
26. Under schedule 1 the potential outcomes from the submission and appeal process in relation to a plan change are limited by two important constraints.

### **Submissions must be “on” the plan change**

27. Under cl6(1) any submission lodged by a person must be “on” the plan change, with the effect that submissions made in breach of this requirement are not able to be

considered.<sup>11</sup> In *Motor Machinists* the High Court confirmed that a two-limbed test must be satisfied:

- (a) for a submission to be on a plan change it must address the proposed plan change itself, that is it must address the alteration of the status quo brought about by that change; and
- (b) the submission must also be considered from the perspective of whether there is a real risk that persons directly or potentially directly affected by the additional changes proposed in the submission have been denied an effective response to those additional changes in the plan change process.

28. In *Motor Machinists* the High Court described the first limb as the “dominant consideration”, involving consideration of both “*the breadth of alteration to the status quo entailed in the proposed plan change, and whether the submission then addresses that alteration.*” The Court noted two potential ways of analysing this. One way is to ask whether the submission raises matters that should have been addressed in the s32 evaluation and report. If so, the submission is unlikely to fall within the ambit of the plan change. Another way is to ask whether the management regime for a particular resource is altered by the plan change. If it is not, then a submission seeking a new management regime for that resource is unlikely to be “on” the plan change.

29. In relation to the second limb, the Court noted that overriding the reasonable interests of people and communities “*by a submissional side-wind would not be robust, sustainable management*”. Given the other options available, which include seeking resource consent, seeking a further public plan change, or seeking a private plan change, the Court determined that “a precautionary approach to jurisdiction imposes no unreasonable hardship.” However, the Court noted that there is less risk of offending the second limb if a change is merely consequential or incidental, and adequately assessed in the existing s32 report.

30. The s42A Report set out Council officers’ assessment of the submissions made to PC26 in relation to this primary jurisdictional threshold. Officers considered that submissions seeking:

- Alterations to the extent of the SCA overlay (including submissions seeking application of the SCA overlay to areas not presently subject to it (e.g., Howick));
- Modifications to the thresholds of the standards;
- Creation of a new zone;
- Rezoning of land; and

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<sup>11</sup> *Clearwater Resort Ltd v Christchurch City Council* HC Christchurch AP34/02, 14 March 2003 and *Palmerston North City Council v Motor Machinists Ltd* [2014] NZRMA 519.

- Amendments to resource consent processes, including notification,

were not 'on' PC26 and were therefore beyond scope.

31. We have reviewed the submissions identified by Council as falling into these categories and considered them by reference to the specific changes sought (and not sought) by PC26. We do not agree that submissions seeking modification to the upper or lower thresholds of the development standards proposed to be "refined" by PC26 are not "on" the plan change. To the extent that each of the standards in this category represent the 'status quo' for that development control, PC26's proposal to amend them (by way of "refinement") creates sufficient scope for submissions seeking alternative amendments to them to be legitimately "on" the plan change and within scope.
32. However, in all other respects we agree that submissions to PC26 seeking relief of the kind described in paragraph 28 above are not "on" PC 26 and we have no jurisdiction to consider them. This is because PC26 does not propose any amendments to the provisions of any underlying zone subject to the SCA overlay, or to the mapped extent of the SCA overlay in the AUP planning maps.<sup>12</sup> Nor does it propose any amendments to the following provisions of Chapter D18:
  - D18.2 Objectives.
  - D18.3 Policies.
  - Table D18.4.2 Activity table – Special Character Areas Overlay – Business.
  - D18.5 Notification.
  - D18.6.2 Standards for buildings in the Special Character Areas Overlay – Business.
  - D18.7 Assessment – controlled activities.
  - D18.9 Special Information Requirements.

### **Relief must be fairly and reasonably raised**

33. A submission having been determined as "on" a plan change, the second 'scope' threshold that arises for assessment is whether relief sought by a submitter is raised by, and within, the ambit of what was reasonably and fairly raised in submissions.<sup>13</sup> It is trite that this assessment should be approached in a realistic workable fashion rather than from the perspective of legal nicety.<sup>14</sup> This "*will usually be a question of degree to be judged by the terms of the proposed change and the content of the submissions*".<sup>15</sup>

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<sup>12</sup> Attachment 2 to the s32 Report identified 11 sites to be removed from the SCA overlay, but this proposal was not carried forward to notification and is therefore not an aspect of PC26 to be considered.

<sup>13</sup> *Vernon v Thames-Coromandel District Council* [2017] NZEnvC 2, at [11].

<sup>14</sup> *Ibid.*

<sup>15</sup> *Ibid.*

34. The limitations on the scope to modify a plan change after it has been notified are also designed to ensure that, procedurally, there is an opportunity for the matter to be addressed in a further s 32 evaluation, and that there has been an opportunity for those potentially affected by the change to participate.<sup>16</sup>
35. It is not necessary for the submission “matter” in question to be identified as a form of relief in the submission for it to be able to provide scope to amend the planning document on which the submission was made. Provided a submission, read as a whole, effectively raises the issue in substance,<sup>17</sup> and the proposed modification in response does not go beyond what was fairly and reasonably raised in the submissions,<sup>18</sup> then the decision maker will have scope to entertain it, subject to the further obligation to comply with s 32AA.
36. We will apply these principles later in this decision to:
- (a) any specific relief sought by submitters since the making of their submissions, but not explicitly sought in their written submission; and
  - (b) any further amendments proposed to PC26 by Council officers following the consideration of the submitters’ presentations,

where we are persuaded that the relief or further amendment is appropriate for inclusion in PC26, to determine whether accepting it is a lawful exercise of our decision-making powers.

## PROPOSED PLAN CHANGE 26

### Background

37. PC26 has been initiated by Auckland Council (**Council**) following a declaration made by the Environment Court in 2018 in the following terms:<sup>19</sup>

*Where a proposed activity:*

- (a) *is on a site located within both the Residential - Single House zone (“SHZ”) and the Special Character Areas Overlay - Residential (“SCAR”) of the partly operative [AUP]; and*
- (b) *is classed as a restricted discretionary activity either under Activity Table D18.4.1 or, due to its non-compliance with a SHZ or SCAR development standard, under Rule C1.9(2)-*

*then the relevant SHZ, SCAR and General Rules (and any relevant objectives and policies) apply, in the processing and determination of any resource consent application for the proposed activity, without the SCAR rules prevailing over or cancelling out other rules.*

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<sup>16</sup> Ibid.

<sup>17</sup> See *Johnston v Bay of Plenty RC* EnvC A106/03.

<sup>18</sup> Eg *Atkinson v Wellington RC* EnvC W013/99.

<sup>19</sup> *Auckland Council v Budden* [2018] NZEnvC 30, at [53].

(our emphasis)

38. Prior to the *Budden* proceedings, Council consents' processing officers had treated the development standards in the SCA overlay as effectively replacing the equivalent standards in the underlying zone, even where the former standards were more enabling than the latter (e.g., height in relation to boundary).
39. The Council's rationale for this was its view that the relationship between the provisions was unclear and as it had sought precedence for the SCA overlay provisions during the AUP IHP hearings, that was the approach it would take. As emphasised in the quote above, the *Budden* declaration rejected this practice, finding instead that properly interpreted, the AUP was clear in how the SCA overlay and underlying zone provisions were to be applied.
40. Although Council officers preferred to describe PC26 as 'clarifying' the position following the *Budden* declaration, the effect of PC26 is to amend the consenting and assessment approach to be taken under the AUP for certain activities on sites where the SCA overlay applies. Broadly, it does this by amending the provisions of Chapters D18 and E39 to ensure that the development standards for certain activities in the SCA Overlay – Residential and SCA Overlay – General (with a residential zoning) prevail over the equivalent standards for those activities in the underlying zones.
41. Council officers maintain the view that the 'SCA overlay has precedence' approach was always intended. They consider that the current 'equal relevance' approach results in unnecessary complexities and time costs for plan users, particularly with respect to the processing of resource consent applications. This, it is said, is because there is no clarity over which metric or activity status should take precedence for certain development applications on land within the SCA overlay.

### **Purpose of PC26**

42. Understanding the purpose of any proposed plan change that does not contain or state objectives is an important first step to considering it under the Act. This is because the s32 evaluation of such a plan change requires examination of the extent to which that purpose<sup>20</sup> is the most appropriate way to achieve the purpose of the Act (s32(1)(a)); and whether the provisions of the plan change are the most appropriate way to achieve that purpose (by identifying other reasonably practicable options and assessing the efficiency and effectiveness of the provisions (s32(1)(b)).
43. The purpose of PC26 for the purposes of s32 is:<sup>21</sup>

*... to amend Chapters D18 and E38 in order to:*

- (a) ensure that the AUP appropriately specifies the relationship between the Special Character Areas Overlay and the underlying zone provisions; and*

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<sup>20</sup> s32(6).

<sup>21</sup> s32 Report, p15.



- (b) *ensure that the development standards that apply to sites in the SCA overlay are most appropriately targeted to managing the special character values of the areas to which they relate.*

44. The first purpose - (a), is to 'appropriately specify' the relationship between the provisions in the SCA overlay and the equivalent provisions that apply in the underlying zone. By reference to PC26, the provisions in question appear to be confined to the rules and their associated standards that apply to the land use (development) activities set out in Table D18.4.1 and standard E38.8.2.6 Subdivision of sites identified in the Special Character Areas Overlay – Residential and Business.
45. On the face of the s32 report the relationship between this purpose and the second one – (b) - is unclear: are they linked, or stand-alone? That is, does the need for the second purpose - to ensure the development standards appropriately manage the special character values of the areas to which they relate - arise because they would become the only development standards for activities in the SCA overlay if the primary purpose of PC26 is accepted and, as the s32 Report notes,<sup>22</sup> they are "too general" for that purpose? Or is the second purpose intended as a separate review and refinement of the SCA overlay standards generally? Notably, the only SCA overlay standards that PC26 proposes substantive alterations to are those relating to height in relation to boundary, rear yards and fencing.
46. Some aspects of PC26 do not appear to have a link to either of its two expressed purposes. We refer here to the proposal to add 'purpose statements' to each of the SCA overlay development standards and to introduce a matter of discretion and assessment criterion referring back to the relevant matters of discretion/assessment criteria for the standard (or equivalent standard) in the underlying zone. We have assumed that the drafters of PC26 have considered the reference to 'development standards' in the second purpose as encompassing the matters of discretion and assessment criteria that would be engaged in considering an application which engaged those standards.
47. We will return to these issues later in this decision following our analysis of the s32 report and the evidence proffered in support of PC26 by Council officers.
48. The amendments proposed by PC26 to achieve the first purpose of PC26 are:

### **Chapter D18**

1. *Amend the introductory text preceding Activity Table D18.4.1 Special Character Areas Overlay – Residential to state:*
  - a) *That Activity Table D18.4.1 does not apply to land use activities;*
  - b) *That the activity status of activities in Activity Table D18.4.1 takes precedence over the activity status of that activity in the underlying zone;*
  - c) *That the activity status in the relevant zone applies to land use activities and to development activities that are not specified in Table D18.4.1; and*

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<sup>22</sup> S32 Report, p19.

- d) *That all other relevant overlay, precinct and Auckland-wide rules apply unless otherwise specified.*
2. *Amend D18.6.1 Standards for buildings in the Special Character Areas Overlay – Residential to:*
- a) *Clarify that the development standards listed within D18.6.1 apply to all activities undertaken in the Special Character Areas Overlay – Residential, whether they are listed in Activity Table D18.4.1 or in the relevant zone; and*
- b) *State that the following development standards in D18.6.1 prevail over the equivalent development standards in the underlying zone (except where otherwise specified):*
- *building height*
  - *height in relation to boundary*
  - *yards*
  - *building coverage*
  - *maximum impervious area*
  - *landscaped area*
  - *fences and walls*

#### **Chapter E38: Subdivision - Urban**

3. *Amend Standard E38.8.2.6 to state that the minimum net site area standards in Table E38.8.2.6.1 prevail over the zone-specific standards in Table E38.8.2.3.1.*
49. The amendments proposed by PC26 to achieve the second purpose are:

#### **Chapter D18**

4. *Amend Activity Table D18.4.1 Special Character Areas Overlay – Residential to:*
- a) *Insert a new activity rule to provide for the construction of new fences and walls, and alterations to fences and walls that comply with Standard D18.6.1.7(1) as a permitted activity; and*
- b) *Insert a new activity rule to state that the construction of new fences and walls, or alterations to fences and walls, that do not comply with Standard D18.6.1.7(1) is a restricted discretionary activity.*
5. *Include a purpose statement for the following development standards:*
- a) *building height*
- b) *height in relation to boundary*
- c) *yards*
- d) *building coverage*
- e) *landscaped area*
- f) *maximum impervious area*

- g) fences and walls
6. Amend Standard D18.6.1.2 Height in relation to boundary to specify that:
    - a) The control (3m + 45 degree recession plane) only applies to sites with a frontage length of less than 15m;
    - b) The underlying zone height in relation to boundary standard applies:
      - To sites that have a frontage length of 15m or greater; or
      - Rear sites.
    - c) Standard D18.6.1.2 only applies to side and rear boundaries (not front boundaries)
    - d) Standard D18.6.1.2 does not apply to site boundaries with an existing common wall between two buildings on adjacent sites or where a common wall is proposed;
    - e) Standard D18.6.1.2 applies from the farthest boundary of legal rights of way, entrance strips, access sites or pedestrian access ways; and
    - f) That gable ends, dormers or roofs may project beyond the recession plane in certain circumstances.
  7. Delete the rear yard requirement from D18.6.1.3; and state that the underlying zone yard standards apply for all other yards.
  8. Amend the reference to 'maximum paved area' in D18.6.1.6 to 'maximum impervious area'; along with associated amendments to the maximum levels in Table D18.6.1.6.1.
  9. Amend the standard that relates to fences and walls in D18.6.1.7 to the effect that fences constructed between the front facades of houses and the street are limited to 1.2m in height, but can be up to 2m in height elsewhere on a site.
  10. Amend D18.8 to require an assessment of resource consents against the matters of discretion and assessment criteria set out in D18.8 as well as the matters of discretion and assessment criteria in the underlying zone (for infringements to equivalent standards only).

50. We now turn to evaluate these purposes of PC26 in light of the materials and evidence we have been presented.

## **CONSIDERATION OF PC26 – PURPOSE 1 – APPROPRIATE SPECIFICATION OF RELATIONSHIP BETWEEN SCA OVERLAY AND UNDERLYING ZONE**

### **Background**

51. The background to this purpose of PC26 is helpfully set out in “*Auckland Unitary Plan Overlays Analysis Working Paper*” prepared by Kath Coombes and Miriam Williams published after the final decision in the *Budden* proceedings.<sup>23</sup> The authors note:

*The SCAR overlay seeks to retain and manage the special character values of specific residential and business areas identified as having collective and cohesive*

<sup>23</sup> December 2018, ISBN 978-1-98-856471-5 (PDF), pp8-9.

values, importance, relevance and interest to the communities within the locality and wider Auckland region. The overlay applies to 50 different areas of Auckland. The SCAR provisions focus on external building works, not on the use of those buildings. The SCAR seeks to retain and manage the character of traditional town centres and residential neighbourhoods by enhancing existing traditional buildings, retaining intact groups of character buildings, and designing compatible new building infill and additions that do not replicate older styles and construction methods, but reinforce the predominant streetscape character.

The SHZ and SCAR have several provisions which overlap, including the activity status for various works relating to buildings (e.g. construction, alteration, demolition, relocation), and the related standards (e.g. building height, yards, height in relation to boundary, building coverage and fences). The SCAR requires resource consent for some activities (e.g. demolition or construction of a new dwelling) that would be a permitted activity in the SHZ if it complied with the relevant standards. Some standards in the SCAR are more permissive compared to the corresponding standard in the SHZ, while others are more restrictive. The SCAR provisions provide for a larger building envelope than the SHZ (through the height in relation to boundary and front yard standards), but also requires a wider rear and side yard than the SHZ, reflecting the historical built form in some of the older residential areas of Auckland. These areas often have small narrow sites with development closer to front boundaries than what generally occurs in more recent suburbs. Each special character area has a 'character statement' summarising the particular values and qualities of that area.

There are extensive areas of SHZ in the Auckland Region, including areas of more recent development. Only part of the SHZ is also subject to the SCAR overlay. A key difference between the SCAR and SHZ is that one of the matters of discretion for the SHZ relates to managing effects on the amenity values of neighbouring sites. There is no equivalent matter of discretion for the SCAR.

52. In *Budden* the Court examined the application of AUP General rules C1.6 and C1.8(1) and how they applied to the SCA overlay relationship with the underlying zone. The rules state:

**C1.6. Overall activity status**

(1) The overall activity status of a proposal will be determined on the basis of all rules which apply to the proposal, including any rule which creates a relevant exception to other rules.

(2) Subject to Rule C1.6(4), the overall activity status of a proposal is that of the most restrictive rule which applies to the proposal.

(3) The activity status of an activity in an overlay takes precedence over the activity status of that activity in a precinct, unless otherwise specified by a rule in the precinct applying to the particular activity.

(4) Where an activity is subject to a precinct rule and the activity status of that activity in the precinct is different to the activity status in the zone or in the Auckland-wide rules, then the activity status in the precinct takes precedence over the activity status in the zone or Auckland-wide rules, whether that activity status is more or less restrictive.

### **C1.8 Assessment of restricted discretionary, discretionary and non-complying activities**

*(1) When considering an application for resource consent for an activity that is classed as a restricted discretionary, discretionary or non-complying activity, the Council will consider all relevant overlay, zone, Auckland-wide and precinct objectives and policies that apply to the activity or to the site or sites where that activity will occur.*

53. In relation to these rules, the Working Paper notes:<sup>24</sup>

*The general rule C1.6 refers to only 'activity status' and it is not explicit whether the same approach applies to standards where there are equivalent standards applying to a proposal (e.g. two 'height in relation to boundary' standards). The council had an internal practice notice that considered that the SCAR had a complete set of development standards which represent a 'replacement package' for the corresponding set of development standards in the SHZ. As a result, construction of new buildings and additions to existing buildings in the SCAR required consent as a restricted discretionary activity, with the larger building envelope provided for in the SCAR standards, and the consent assessment did not include an assessment of effects on the amenity values of neighbouring sites (which was in the SHZ provisions). The consent process considered the effects on the streetscape and character of the area, but not the full range of matters which would have been considered under the SHZ provisions if a zone standard had been infringed.*

54. A consequence of the *Budden* declaration (set out at paragraph 33 above) is that rules that provide for development within overlays, zones or Auckland-wide provisions do not prevail over (or cancel out) other rules applying to that activity in the underlying zone: all applicable rules must be considered. Furthermore, the most restrictive activity status arising from the rules must be applied to the proposal (unless a rule creates a relevant exception to other rules). As observed in the Working Paper:<sup>25</sup>

*Applying all the relevant rules means that the activity status of an activity is taken from all the relevant activity tables, and that all the applicable standards apply to an activity. Where the activity status from two relevant provisions (under an overlay and a zone) is the same, all the standards relating to the relevant rules apply. The most constraining standard will limit the application of an equivalent standard from another provision. For example, a height limit of 10m in an overlay will restrict the height of a proposed building, even though the underlying zone provides for a 15m height limit, as all relevant rules must be applied.*

*The result of the decisions is that consent applications must be considered against the provisions of both the SCAR and the SHZ. As a consequence, it appears that the SCAR provisions that are 'more enabling' than a zone provision may not function as they were intended. For example, the standard setting a relatively narrow front yard (where the adjacent dwellings are close to the street) may not be applied if the zone requires a wider front yard and is therefore a 'more restrictive' provision in determining the appropriate building envelope.*

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<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

55. The starting point for PC26 therefore is a desire ensure that more enabling SCA overlay provisions apply despite more restrictive underlying zone provisions, and that more restrictive SCA overlay provisions apply despite more enabling underlying zone provisions (such that the provisions in the SCA overlay always prevail). The issue for us to determine is whether this specification of the relationship<sup>26</sup> in the manner proposed by PC26 is appropriate. This requires an understanding of the reasons put forward by Council for its 'SCA overlay has precedence' approach.

### **The section 32 report**

56. In formulating the approach to be taken to achieving its primary purpose the s32 Report for PC26 started with three 'high-level' options:

- Option 1: Retain the status quo.
- Option 2: Amend the AUP to stipulate that SCA overlay provisions take precedence (with four sub-options identified to achieve that).
- Option 3: Undertake a wider review of the entire SCA overlay and the management of the resources it applies to.<sup>27</sup>

57. In rejecting Option 1, the s32 Report cites three disadvantages with the current position under the AUP:

- (a) It does not allow the SCA overlay to function as intended, because of "conflicts" between provisions;
- (b) These conflicts create complexity in consent assessment;
- (c) This complexity results in inefficiency.

58. As advantages of implementing its preferred Option 2, the s32 Report cites:

- (a) The removal of the "conflicts" will allow the SCA overlay to function as intended;
- (b) Greater clarity and certainty will be given to plan users, thus reducing consent requirements and assessment, and compliance costs.

59. The disadvantages of Option 1 and the advantages of Option 2 are relied on extensively in the s32 Report as the rationale for PC26. They also permeated the s42A Report and were the consistent answer given by Council officers to our questions about the basis for PC26 at the hearing. In a written response to the direct question: "Is there a problem that requires fixing?" they were again repeated.<sup>28</sup> In their Closing Statement, Council

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<sup>26</sup> s32 Report, Purpose 1.

<sup>27</sup> This option is rejected in the s32 Report on the grounds of insufficient resources to complete, delay in providing a solution to the problem identified by Council, unnecessary to achieve a simple solution and cost.

<sup>28</sup> Closing Statement, 7 August 2020.

officers further advised that:<sup>29</sup> *“the Auckland Council’s Regulatory Services team confirms that having two metrics for many standards (e.g. height in relation to boundary) is problematic. If one or more of the standards is encroached, applicants will require a restricted discretionary resource consent which may be subject to limited notification.”*

60. As the rationale for PC26 is fundamentally based on the premises of unintended outcome and perceived problems, we have found it necessary to undertake a detailed assessment of each.

*SCA overlay – what was intended?*

61. The s 32 report advises that during the AUP IHP Hearings, Council’s intention was that the SCA Residential overlay provisions would take precedence over the underlying zone provisions, in instances where both the SCA Residential overlay and the underlying zone contain a rule relating to the same issue (e.g. a height in relation to boundary control). This was because the standards differed for special character areas to reflect (and maintain) the character values that were evident in these areas. We were told that this was reflected in the Council’s closing position through the IHP Hearings process.<sup>30</sup>
62. The s32 Report lays the blame for Council’s intention not being manifested in the final recommended provisions of the AUP at the feet of the IHP. It notes that *“Council’s tailored approach was amended through the IHP recommendations, and the standards were generalised across the SCA Residential; particularly the HIRB control for example. Ultimately, there was a lack of clarity about the status of the overlay and chapter C generally, and how the corresponding underlying zone standards should apply.”*<sup>31</sup>
63. We were not directed to any report of the IHP that supported the s32 Report’s assertion that the provisions of the SCA overlay were intended to prevail over the equivalent underlying zone provisions. On the face of the AUP, overlay provisions only take precedence over precinct provisions (unless a precinct rule says otherwise) (General rule C1.6(3)). Notwithstanding the view of the s32 Report as to what the Council intended, as far as we know, the current relationship between the SCA overlay and the underlying zones represents an implicit rejection of Council’s preference and an approach, preferred by the IHP, that best integrates the objective of maintaining and enhancing special character while also maintaining and enhancing residential amenity. We note that the Council accepted the IHP’s recommendations as to the relationship between overlays and underlying zone in its 2016 decision.
64. Nor were we presented with any detailed ‘higher order’ policy analysis that supported the ‘SCA overlay takes precedence’ approach. The s32 Report confined its assessment to a summary of the objective and policies in RPS B5.3 Special character and the statement that the “largely technical nature” of the changes proposed by PC26 will not change the policy direction of the AUP or result in any inconsistencies with the RPS.<sup>32</sup>

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<sup>29</sup> Ibid, paragraph 11.

<sup>30</sup> s32 Report, pp8-9.

<sup>31</sup> Ibid.

<sup>32</sup> s32 Report, pp26-27.

While that may be true with respect to the SCA overlay provisions, the implications for the balance of the RPS or the environmental outcomes sought to be achieved in the underlying zones are not considered at all. In fact, from our review of the relevant provisions of the RPS there is no indication that the maintenance and enhancement of special character values<sup>33</sup> is to be given more weight than ensuring a high quality urban environment.<sup>34</sup> Rather, at B11.1, the RPS records:

*The objectives and policies in each section of the regional policy statement, together with these environmental results anticipated, should be read as a whole. Where resource management issues in different sections are related and overlap, those sections should also be read together so that all relevant objectives, policies and environmental results anticipated are considered in respect of each issue. In this way, the complexity of the environment and its many parts (including people, communities and ecosystems) can be assessed in an integrated way.*

65. In the result, we do not accept the assertion that in failing to adopt Council's position at the IHP hearings the AUP is somehow in error in its approach to development on land within the SCA overlay and needs rectification. On the face of it, the AUP is operating entirely as intended – with the SCA overlay and the underlying zone provisions working together in an integrated manner to achieve multiple development outcomes and aspirations. Nor do we accept that in seeking to make the SCA overlay provisions prevail over the equivalent underlying zone provisions, PC26 is fixing a failing by the AUP to comply with the requirements of s75(3)(c).
66. These findings are sufficient in our view to lead to the rejection of PC26. However, because clarity and administrative efficiency are important features of integrated management, we have decided to investigate in further detail the other implementation issues identified by the s32 Report to ascertain whether amendments are reasonably required in order to ensure the AUP is user-friendly. It may be, as well, that changes could reasonably be made to ensure that the district plan gives better effect to the RPS, if we are satisfied that the current regime of provisions is resulting in outcomes that are in conflict with the relevant provisions of that policy statement.

*Conflict, complexity, confusion, and cost?*

67. Our analysis of these supporting reasons for PC26 focuses on the SCA overlay provisions and the SHZ (as the most extensive zone underlying the SCA overlay) and has involved looking in detail at the areas where the provisions in D18 intersect with equivalent and applicable provisions in the underlying zones and considering how the Act, the General rules in the AUP, and planning caselaw inform the approach to be taken to their interpretation and application.

Purpose, objectives and policies

68. The SCA overlay seeks to retain and manage the special character values of specific residential and business areas identified as having collective and cohesive values,

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<sup>33</sup> See B5.3(2).

<sup>34</sup> See B2.2.1(1)(a).



importance, relevance and interest to the communities within the locality and wider Auckland region.<sup>35</sup> The purpose of the SHZ is to maintain and enhance the amenity values of established residential neighbourhoods in a number of locations. The amenity values of a neighbourhood may be based on special character informed by the past, spacious sites with some large trees, a coastal setting or other factors such as established neighbourhood character.<sup>36</sup>

69. The SCA overlay and SHZ objectives focus on these respective purposes and represent the 'statements of intent' for how development within the overlay area and SHZ will be managed. There is no obvious conflict between these provisions in our view: no objective in the SCA overlay expressly contradicts an SHZ objective, or vice versa. In fact, there is a significant degree of overlap.
70. However, as these provisions are expressed at a general level it is necessary to consider closely the resource management provisions that are tasked with achieving them: policies and methods (including rules).
71. Like their founding objectives, the SCA overlay and SHZ policies are also concerned with different tasks, albeit in relation to the same physical resources (land and buildings), and in areas that overlap.
72. Looking at the SCA overlay residential policies relating to development (D18.3(1), (2), (6) and (7)) alongside those of the SHZ (H3.3(1), (2), (3) and (4)), it is possible to imagine situations where development seeking to achieve the policies in the SCA overlay might conflict with an SHZ policy.
73. For example, where redevelopment of a site aims to achieve a streetscape focussed built form consistent with the special character values of the immediate locality, which happens to result in adverse privacy or visual dominance effects on adjoining sites. The risk of conflict arising in such scenarios would be high if the development activities in both the overlay and the zone were permitted, but subject to development standards that required different outcomes. However, the AUP avoids such potential conflict by requiring all development in the SCA overlay to obtain resource consent as a restricted discretionary (**RD**) activity,<sup>37</sup> regardless of the status of that activity in the underlying zone. This method ensures that no actual conflict can arise in practice and that the outcomes sought by the policies and objectives can be achieved on a case by case basis in the context of a resource consent application.
74. We acknowledge that such a case by case assessment approach within the framework of an RD consent application does not deliver the 'tick-box' type of certainty that users of the AUP might prefer. However, this is the approach universally adopted by the AUP

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<sup>35</sup> D18.1 Background.

<sup>36</sup> H3.1 Zone description.

<sup>37</sup> Together, the effect of s87A(3)(a) and s104C, is that when considering whether to decline a 'restricted discretionary' resource consent, or to grant the consent and impose conditions, the consent authority must consider only the matters over which it has restricted the exercise of its discretion in its plan or proposed plan.

to manage competing resource management issues in an integrated way. The appropriate process to revisit that approach is the review of the AUP, not by way of plan changes seeking piecemeal revisions to specific provisions.

### Rules

75. In the SCA overlay, development that involves external alterations or additions to an existing building,<sup>38</sup> construction of a new building, or relocation of a building onto a site<sup>39</sup> require an RD resource consent under Table D18.4.1. For the most part, those same activities are classified as permitted in the underlying zones.<sup>40</sup> On the face of it therefore there is a difference of activity status for the same activity. However, s9 states that no person may use land in a manner that contravenes a district rule unless, *inter alia*, a resource consent is obtained. This means that the district rule specifying permitted activity status for external additions and alterations and new dwellings etc in the underlying zones is effectively 'overruled' by the district rule requiring resource consent for the same activities if the site is within the SCA overlay.
76. This position is confirmed by General rule C1.6 which states that "*the overall activity status of a proposal is that of the most restrictive rule which applies to the proposal*". This means that in the case of the development activities in question (RD in the SCA overlay and permitted in the underlying zone), the RD consent status applies. There is therefore no activity status 'conflict' between the SCA overlay and the underlying zone – the activities are all wholly RD; and the matters of discretion are confined to those in D18.8.1.1(2).
77. The need for the development activity to obtain resource consent also engages General rule C1.8(1) which confirms (for the purposes of s104(1)(b)), that all relevant zone, Auckland-wide and precinct objectives and policies that apply to the activity or to the site or sites where that activity will occur will be considered. In this way, the objectives and policies of the underlying zone become matters for consideration on an RD application under the SCA overlay, even though the activity would be permitted if the site in question was not within the SCA overlay.
78. RD development activities in the SCA overlay, as well as permitted development activities in the underlying zones, are required to achieve certain "standards". AUP A1.6.6 Standards notes that permitted, controlled or RD classified activities are "*normally subject to standards*". Standards "*set limits on the extent to which an activity is permitted or may be assessed as a controlled or restricted discretionary activity*" and exceedance of a standard "*normally results in the activity being considered as a more restrictive class of activity*". For the purpose of considering any conflict between rules, the 'rule' encompasses the activity, the activity status given to it in the activity table, and any standards that apply to the activity in order for it to rely on the listed activity status. These features can be distinguished from matters for control or discretion, and

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<sup>38</sup> Table D18.4.1 Rule (A4).

<sup>39</sup> Table D18.4.1 Rule (A5).

<sup>40</sup> See for example Table H4.4.1 (A32) and (A34); Table H3.4.1 (A35) and (A36).

assessment criteria, which are provisions of the plan that are directed at the consideration of the activity upon lodgement of a resource consent application.

79. Together, Table D18.4.1 and D18.6.1 classify building works in the SCA overlay that comply with standards D18.6.1.1 to D18.6.1.7 as RD.
80. A similar method applies to activities in the SHZ. Together, Table H3.4.1 and H3.6.1 classify building works as permitted provided they “*comply with the standards listed in the column in Table H3.4.1 Activity table called Standards to be complied with*”.
81. If a development proposal in the SCA overlay does not comply with one or more of the standards listed in D18.6.1, the status of the application does not become more restrictive (i.e., discretionary or non-complying). Rather, by operation of General rule C1.9(2) the non-compliance with the standard(s) simply requires an additional RD consent, and the matters for discretion in relation to that consent requirement listed at C1.9(3) apply in addition to those set out within the SCA overlay (D18.8.2.1(4)) and the SHZ (H3.8.1(2)). In this scenario, the overall (i.e., “bundled”) activity status remains the same (RD), but the range of matters of discretion is enlarged.
82. A similar consenting framework applies when it comes to development in the underlying zones. The development activities covered by SCA overlay rules A4 and A5 are permitted provided they comply with the standards in H3.6, which cover the same building ‘metrics’ as in the SCA overlay (albeit expressed slightly differently). For a site in the SHZ not affected by the SCA overlay, where the proposed development works in this zone do not comply with one or more of the permitted activity standards, an RD consent requirement is triggered (per the operation of General rule C1.9(2)) and the matters for discretion in relation to that consent requirement listed at C1.9(3) apply in addition to those set out within the SHZ (H3.8.1(2)). In this scenario, again, the overall (i.e., “bundled”) activity status remains the same (RD), but the range of matters of discretion is enlarged.
83. As an aside, we consider it relevant to note that in the case of development proposals in the SCA overlay (as opposed to RD applications in the SHZ not subject to the SCA overlay), there is no ability for an applicant to assert a permitted baseline of adverse effect in reliance on s104(2). This is because development within the SCA overlay is not permitted and all relevant rules must be considered in determining whether the plan permits the activity for the purposes of s104(2).<sup>41</sup> It follows that the permitted activity development standards of the SHZ have no substantive effects assessment role to play for applications within the SCA overlay, although they can still be considered (if relevant) in the overall assessment of the application (s104(1)(b)(iv)).
84. The ‘conflict’ of concern described in the s32 Report is said to arise in situations where different standards in D18 and the underlying zone both apply to the same development activity. Using the SHZ as the underlying zone, we can envisage the following scenarios:

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<sup>41</sup> See for example *Panuku Development Auckland Limited v Auckland Council* [2020] NZEnvC 024, at [70].

- A** New development achieving all SCA overlay and SHZ standards. This assumes that the development does not take advantage of the more permissive SCA overlay standards and complies with the more stringent ones (and thus complies with the SHZ equivalent standards).
- B** New development using all SCA overlay standards and in doing so infringing equivalent SHZ standards.
- C** New development infringing SCA overlay standards but complying with SHZ standards.
- D** New development infringing SCA overlay standards and equivalent SHZ standards.

85. The four possible situations are shown in the following table:

	STANDARDS INFRINGED		ACTIVITY STATUS		
	SCA OVERLAY	SHZ	SCA OVERLAY	SHZ	OVERALL
<b>A</b>	Nil	Nil	RD	P	RD (C1.6(1))
<b>B</b>	Nil	Yes – eg HIRB, Yard or Coverage	RD	RD (C1.9(2))	RD (C1.6(1))
<b>C</b>	Yes (eg fencing)	Nil	RD (C1.9(2))	P	RD (C1.6(1))
<b>D</b>	Yes	Yes	RD (C1.9(2))	RD (C1.9(2))	RD (C1.6(1))

86. In all of the possible development scenarios involving the SCA overlay and the SHZ, a number of RD consent applications will need to be made, with the overall application status being RD.

87. Notably, compliance or not with the standards in either the SCA overlay, or the SHZ, or both, makes no difference to activity status. The only provisions which change, depending on the scenario involved, are the matters for discretion and assessment criteria, as set out in the following table:

	RELEVANT OBS & POLS		MATTERS FOR DISCRETION		ASSESSMENT CRITERIA	
	SCA OVERLAY	SHZ	SCA OVERLAY	SHZ	SCA OVERLAY	SHZ
<b>A</b>	D18.2 D18.3	H3.2 H3.3 (Rule C1.8(1))	D18.8.1.1(2)	Nil	D18.8.2.1(2) & (3)	Nil
<b>B</b>	D18.2 D18.3	H3.2 H3.3	D18.8.1.1(2)	H3.8.1(2) & C1.9(3)	D18.8.2.1(2) & (3)	H3.8.2(3), (4), (6)
<b>C</b>	D18.2 D18.3	H3.2 H3.3 (Rule C1.8(1))	D18.8.1.1(2), (3) & C1.9(3)	Nil	D18.8.2.1(2) & (3)	Nil
<b>D</b>	D18.2 D18.3	H3.2 H3.3	D18.8.1.1(2), (3) & C1.9(3)	H3.8.1(2) & C1.9(3)	D18.8.2.1(2) & (3)	H3.8.2(3), (4), (6) etc

*Summary of issue and assessment*

88. Against this background it appears to us that the ‘conflict’ that PC26 is concerned with is the situation where, in the context of a wholly RD application, different standards for the same development activity in the SCA overlay and the underlying zone have to be considered. As noted, some of the applicable standards in the SCA overlay are more restrictive than their equivalent in the underlying zone, while others are more enabling. These differences are summarised in Attachment 4 to the s32 Report.
89. We accept that such a situation (different development standards for the same activity) is likely to be confusing to plan users because it is unclear which standard should be given the most weight. This in turn makes assessing the application against the building metrics comprising the standards difficult and open to debate. In this regard we acknowledge the general theme of much of the evidence we heard in support of PC26 was that clarifying the position to remove this confusion would be helpful to applicants. However, we have not been persuaded that the structural changes proposed to the AUP by PC26, specifically the “replace” and “do not apply” construct, are appropriate or necessary to address this issue. In our view, much of the confusion arises from a misunderstanding as to the role that the development standards play in the case of an activity that is classified, overall, as RD, and a failure to appreciate the role of s104C in the assessment and determination process.
90. As noted earlier, for development applications in the SCA overlay there is no “permitted baseline” under s104(2). Therefore, neither the SCA overlay nor underlying zone standards have any substantive role in the assessment of effects process; their role is limited to triggering which restrictions of discretion apply. Any difference between them therefore is inconsequential. It follows, assuming they are relevant, that for the purposes of the assessment of the application under the Act, the standards are simply “provisions of a plan” (s104(1)(b)(vi)), to which regard must be had, along with the other s104(1) matters. As the established caselaw is that the directive “must have regard to” simply requires decision-makers to give genuine attention and thought to the matters set out, but not “give effect to them”, it means that the weight to be given to the standards will vary according to the circumstances of the case.
91. It is for this reason that we respectively disagree with the authors of the Working Paper where they say: *The most constraining standard will limit the application of an equivalent standard from another provision.*<sup>42</sup> We find there to be no legal or plan interpretation basis for this conclusion. In an RD application in which both sets of standards are engaged for consideration both are prima facie relevant (as the ‘triggers’ that gave rise to the need for an RD consent), with the circumstances of the application providing the context for an assessment of weight. The complexity of this situation is overstated in our view.
92. More relevantly, s104C creates the situation whereby it is the restricted matters of discretion that are the ‘engine room’ for RD applications. With a simple RD application

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<sup>42</sup> fn 25.

(e.g., scenarios A or C above), the matters for discretion are set out in D18.8.1.1(2) and (3). No SHZ or general matters of discretion are engaged. But even when they are, (i.e., in scenarios B and D where multiple RD consents may be needed for the same proposal), there should be no cause for alarm. The matters from all relevant rules are to be read as a composite, conjunctive list of matters of discretion, including those within C1.9(3) of the AUP where one or more standards is infringed.<sup>43</sup> Any one of the matters can lawfully be used as a basis to refuse the consent, or to grant it and impose conditions. Situations could exist where, despite a proposal's compliance with the SCA overlay standards, its adverse effects on the residential amenity of a neighbouring site were significant enough to warrant refusal.

93. We have carefully reviewed the matters for discretion that would be engaged (as a composite list) in scenarios B and D, and cannot envisage a situation of conflict that would frustrate the completion of the processing of a resource consent application. We accept that there will be applications when the SCA overlay matters may seem to pull in different directions to the underlying zone matters,<sup>44</sup> but we consider that by paying "close attention" to the language, as suggested by the Supreme Court,<sup>45</sup> the solution to reconciling both will become obvious. Sustainable resource management requires effort, and the prospect of applications raising potentially competing considerations that require finely-balanced or otherwise nuanced decision-making is neither novel nor unusual.
94. Allegations of inefficiencies leading to excessive costs as a result of this complexity were another factor that Council officers relied on to support PC26, with one of the plan change's advantages stated to be the reduction in these inefficiencies and costs. However, we were provided with no probative evidence to support either proposition. No comparative cost study of "simple" non-SCA overlay, and "complex" SCA overlay applications was provided to us. We have no basis to find that the cost of obtaining a resource consent for additions or alterations, or a new building, in the SCA overlay would reduce if we amended the AUP as proposed by PC26. We accept that the Council incurred costs in the aftermath of the *Budden* decision and as a result of a 'squaring-up' process of the consents it had granted prior to that decision being released. But we do not regard those costs as relating to the stated purpose of PC26.
95. We are left therefore with only two possible reasons to amend the AUP to revisit the relationship between the SCA overlay and the underlying zone provisions: to provide clarity and make life easier for plan users; or because a change is needed to ensure the policy outcomes desired by the AUP for the SCA overlay are achieved.
96. The second of these two reasons does not provide a sound basis to change the AUP in our view. It is premised on an assumption that the current relationship is failing to maintain or enhance the special character values of special character areas. However,

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<sup>43</sup> See *Panuku Development Auckland Limited v Auckland Council* [2020] NZEnvC 024, at [149].

<sup>44</sup> A similar observation was made by the Environment Court in *Panuku Development Auckland Limited v Auckland Council* [2020] NZEnvC 024, at [68].

<sup>45</sup> *Environmental Defence Society Inc v New Zealand King Salmon Co Ltd* [2014] NZSC 38, at [129].

we are not satisfied from the evidence presented to us by Council officers and submitters that this is a significant problem throughout the SCA overlay areas. While there will always be site specific examples of architectural forms that are not favoured by those who view the world through a heritage lens, we are not in a position to ‘second-guess’ the assessment and consenting process of those outcomes. In the absence of evidence of widespread diminution of special character values caused by the different standards that apply between the SCA overlay and its underlying zones, there is no logical basis to recraft the provisions of the AUP in the manner proposed by Purpose 1 of PC26. Indeed, our collective experience is that in any ‘contest’ between the SCA overlay provisions and those of the underlying zone, the former invariably attract the greatest weight in the assessment process, because they enjoy the most specific and directive wording compared to the more general zone ones.

97. We acknowledge the s32 Report’s insistence that PC26 is necessary to ensure that the SCA overlay provisions function as intended. However, we consider this to be a statement that describes the Council’s mindset, rather than the reality of the AUP.
98. By the narrowest of margins though, we have decided that providing some clarity to plan users in relation to the standards is appropriate and that we should use the opportunity provided by PC26 to do that. We are not satisfied that PC26’s approach of, effectively, making the SCA overlay function as a zone is appropriate (i.e., the “replace” and “do not apply” construct). In this regard, we agree with the submissions presented by counsel for Kainga Ora. The issue that we have identified does not warrant the structural change to the relationship between the SCA overlay and the underlying zones proposed by PC26. We are also concerned that making this change would have a variety of other structural and practical implications across Auckland’s ‘newly minted’ unitary plan.
99. The alternative that we consider to be suitable to assist plan users is a simple statement inserted in D18.6. as follows:

*The following standards take precedence over the standards in the underlying zone for Building height, Height in relation to boundary, Yards, Building coverage, Maximum impervious area, Landscaped area or Landscaping, and Fences and walls.*

100. This insertion mirrors the structure and language of similar General rules in C1.6, albeit crafted to sit within D18, and acknowledges the fact that the standards in D18 are not expressed in precisely the same language as they are in the underlying zones. This statement would be relevant in all of the four consent scenarios set out above and would make it clear that in the course of considering all of the relevant standards relevant to an application under s104(1)(b)(iv), the plan is indicating that those within the SCA overlay are to be given precedence (or greater weight). But it does not go so far as to delete or set aside the underlying zone provisions (and the outcomes they envisage) and any need for consent that may be required as a result of responding to the SCA overlay on that land.

## Conclusions on s32 report – Purpose 1

101. Under s74(1)(e) we are required to “have particular regard” to the s32 Report prepared for PC26. The direction to “have regard to” means to give “material consideration”<sup>46</sup>, or “genuine attention and thought” to the matters set out.<sup>47</sup> The addition of the adjective “particular” has been said to indicate a difference in emphasis rather than one of substance (when compared to the phrase “have regard to”<sup>48</sup>), and in the case of s74(1), that the s32 evaluation report must be given a higher weighting than the other matters listed.<sup>49</sup>
102. We have undertaken a detailed review of the s32 Report prepared for PC26 (as supplemented by the additional evidence presented by Council officers at the hearing) and have concluded that the primary purpose of PC26 as proposed, to “appropriately clarify” the relationship between the SCA overlay and the underlying zones, is:
- (a) premised on a Council mindset that the AUP is not written the way sought by Council at the IHP hearings and ought to be changed to match its original intention, rather than on evidence that the relationship between the SCA overlay and the underlying zones conflicts with the IHPs recommendations;
  - (b) based on a misunderstanding as to the role and relevance of the development standards in the situation of an RD application to undertake development activities in the SCA overlay;
  - (c) is not based on any probative evidence of, inter alia, the current situation giving rise to concerns as to the integrity of the SCA overlay.
103. As drafted, we are also concerned that Purpose 1 of PC26 will result in more implementation and application issues than it claims it will solve.
104. However, we have determined that, for the benefit of plan users, a simple provision identifying that in cases of different development standards applying to the same activity, those in the SCA overlay take precedence over those in the underlying zone in terms of assessments under s104(1)(b), is appropriate.

## CONSIDERATION OF PC26 – PURPOSE 2 – OTHER AND CONSEQUENTIAL AMMENDMENTS TO AUP

105. We have considered in detail the first purpose of PC26 (to ‘appropriately specify’ the relationship between the provisions in the SCA overlay and the equivalent provisions that apply in the underlying zone) and set out our conclusions and findings above. We now turn to the various other changes proposed by PC26 to D18 and E38 that we described as falling within the ‘second purpose’.

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<sup>46</sup> *Winstone Aggregates Ltd v Papakura DC EnvC* A096/98.

<sup>47</sup> *Foodstuffs (South Island) Ltd v Christchurch CC* (1999) 5 ELRNZ 308; [1999] NZRMA 481 (HC).

<sup>48</sup> *Marlborough Ridge Ltd v Marlborough DC* [1998] NZRMA 73.

<sup>49</sup> Brookers Resource Management Commentary, A74.03.



106. Earlier we queried the relationship between the first purpose of PC26 and the second one – (b): are they linked, or stand-alone? After considering each of the changes in detail we have come to the view that some are proposed as a consequence of Council’s proposed restructuring of D18 into a de-facto zone, some are a substantive stand-alone review of the SCA overlay provisions, and the balance are grammatical or cross referencing ‘tidy-ups’ with no substantive implications.
107. By way of summary, as we have decided not to accept the structural changes proposed by PC26 to achieve its first purpose, the consequential changes to D18 are generally no longer appropriate or necessary. In relation to the other two classes of proposed change (provisions review and tidy-up), we have decided to accept some of the former, and all of the latter. We set out our analysis and findings on these aspects below.

### **Consequential changes no longer required**

#### *Purpose statements*

108. Unlike its underlying zones the D18 Standards do not include purpose statements. In the context of a resource consent application purpose statements operate as a further matter of discretion in situations where the standard they relate to is infringed, triggering an additional RD consent requirement under General rule C1.9(2). C1.9(3)(b) lists: “*the purpose (if stated) of the standard and whether that purpose will still be achieved if consent is granted*”.
109. The purpose statements proposed by PC26 to the D18.6 Standards have been crafted to effectively provide a dual purpose for the standards: one relating to the purpose of the standard in the context of the SCA overlay generally; the other to state certain, non-SCA overlay, residential amenity purposes (e.g., “*maintain a reasonable level of sunlight access to minimise visual dominance effects*”).
110. We find that there is no need for the proposed purpose statements. The matters for discretion identified for applications in the SCA overlay are myriad and we see little being gained by specifying more. Moreover, we find that the purpose statements are mostly designed as a consequential change to ensure appropriate residential amenity outcomes are still ‘in the frame’ within the Council’s proposed ‘de facto’ SCA overlay zone. As we have rejected that re-structuring proposal, it follows that the purpose statements serve no useful purpose.

#### *Matters of discretion and assessment criteria*

111. The insertion of a cross reference to the matters of discretion and assessment criteria in the underlying zone were intended in our view to ensure that relevant underlying zone considerations that are currently engaged on applications for development in the SCA overlay would continue to be engaged despite the de-coupling of the SCA overlay provisions from those of the underlying zone. These changes are no longer necessary as we have decided not to accept that part of PC26.

## Review of SCA overlay standards

### *Height in relation to boundary*

112. PC26 proposes a number of amendments to D18.6.1.2 Height in relation to boundary (**HIRB**) as follows:
- (a) Addition of a purpose statement;
  - (b) Remove its applicability to the front boundary of sites; and
  - (c) Clarifications as to how the standard will be applied in relation to:
    - corner sites
    - sites with street frontages less than 15m in length
    - rear sites
    - common wall boundaries
    - access ways
    - rights of way
    - entrance strips
    - access sites
    - pedestrian accessways
    - gable ends, dormer and roof projections.
113. We have addressed the proposed addition of purpose statements generally earlier in this decision and do not repeat our reasons for rejecting such statements again here.
114. In relation to the other proposed amendments, the s32 Report focusses its assessment exclusively on the proposal to limit use of the SCA overlay HIRB standard (3m + 45°) to sites that have a frontage of less than 15m. No assessment of any of the other proposed clarifications is provided. From the analysis of submissions in the s42A Report though, it can be discerned that the rationale for most of them is to ensure that the standard can apply as the sole applicable HIRB standard for sites in the SCA overlay, given the intention of PC26 to replace the underlying zone HIRB standard. This is why rules specifying the application of the HIRB standard for sites in the underlying zones, that are not included in D18.6.1.2, are 'imported' into the D18 standard by PC26.
115. Proposed new standards D18.6.1.2(3), (4), (5) and (6) are the simplest examples of imported provisions that fall into this category. However, it is unclear to us whether the inclusion of these additional application criteria in D18.6.1.2 is strictly necessary. This is because they already exist in the equivalent underlying zone standard and any application to rely on the SCA overlay HIRB would trigger an RD consent requirement

to infringe the equivalent underlying zone standard in any event, thereby bringing them into consideration. Equally, it might be argued that their absence from D18.6.1.2 means that they are not applicable to the application of the SCA overlay HIRB. For this reason, we find that their inclusion in D18.6.1.2 would clarify this issue and potentially avoid unnecessary disputes.

116. The three remaining qualifications to the application of the SCA overlay HIRB are potentially more substantive in their reach, however. We refer here to the exclusion of the HIRB standard from applying to rear sites, front boundaries, and sites with a frontage greater than 15m in length. Of these, the proposed change that was subjected to the most s32 assessment, raised the most submission points, and was the subject of significant evidence to us, was the last of the three.
117. In relation to the first of these three proposed additions to the standard, in response to various submissions, the s42A Report notes: *“Development on rear sites may only be partially visible to streetscapes by elevated height or through side yards of front sites so their contribution to streetscapes are minimal compared to that of development on front sites. The underlying zone version of the standard is more appropriate to rear sites as it manages the inter-site amenity effects. Furthermore, the coverage standards will be the same for front and rear sites therefore any additional bulk generated by the additional 500mm in height to the standard on front sites, would be commensurate with the Special character values of the area.”*<sup>50</sup>
118. In relation to the second exclusion, we observe that excluding application of the HIRB standard from front boundaries would serve to bring the SCA overlay HIRB standard into line with its equivalent in the underlying zones, which apply solely to side and rear boundaries.
119. Beyond these observations, and a plethora of general submissions in support and opposition, we have been left to consider these two matters with limited evidence. Accordingly, we have taken guidance from the purposes of PC26 and our other statutory obligations to reach a view as to their appropriateness. Because:
- (a) they provide clarity to plan users as to the application of the specific SCA overlay HIRB standard;
  - (b) do not threaten the objectives and policies of the SCA overlay; and
  - (c) would operate in tandem with the HIRB standards in the underlying zones,
- we have decided to accept them as appropriate amendments to D18 via PC26.
120. We have reached a different outcome though with respect to the third exclusion – for sites with a frontage greater than 15m. From our review of the s32 Report and other materials provided in support, it is clear that this exclusion is considered necessary because PC26’s notified purpose is to replace the underlying zone HIRB with a bespoke

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<sup>50</sup> S42A report, p140; see also p130.

set of standards and the 3m + 45° standard is considered too general (or liberal) to apply throughout the entire SCA overlay. This concern implicitly acknowledges how the dual requirements of the underlying zone and SCA overlay HIRB standards play an important role in achieving an acceptable development outcome on a case by case basis. As we have decided not to accept the “replace” aspect of PC26, there is no need to address this concern by way of segregating sites into those that are able to rely on the 3m + 45° standard and those that are not. Both standards will continue to apply to all sites in the manner that we have discussed at length earlier in this decision.

121. Furthermore, the evidence presented by submitters persuaded us that a 15m site frontage threshold for application of the more permissive HIRB standard would be an arbitrary and blunt technique, given the range of site sizes throughout the SCA overlay. We accept that the current standard could be criticised on similar grounds; but we do not think that introducing further arbitrariness into it, revising a long-standing standard as a result, is a better or more appropriate outcome.

### *Yards*

122. PC26 does not propose amending the minimum front and side yard depths set out in Table D18.6.1.3.1, only the rear yard standard. It also proposes two specific rules to clarify where the yards do not apply (i.e., where common boundary walls exist or are proposed), and when the underlying zone yard applies. Submitters sought amendments to the depths of the front and side yards (generally to align them with the underlying zone yards), as well as the retention of the rear yard. One submitter (The Somersby Trust) also sought an increase of the depth of the rear yard where the site affected by the SCA overlay was adjacent to Cornwall Park.
123. As we have rejected that aspect of PC26 that sought to recraft the SCA overlay as a de facto zone, we do not consider it necessary to revise the existing front or side yard depths within D18. We fully expect that there will be cases where, based on historic site circumstances, or adjacent site development, front and side yard depths that do not comply with the D18.6 standards may be appropriate and better serve the objectives and policies of the SCA overlay. We find that the current situation, whereby such issues are dealt with on a case by case basis, is to be preferred to a ‘one size fits all’ approach.
124. The issue with the rear yard is somewhat more vexed. There is no dispute that the core focus of the SCA overlay is streetscape character and we have found no reference to the role of rear yards in contributing to that streetscape character in any of the Special Character Area Statements in the AUP. However, we accept that, depending on topography, landscaped rear yards may occasionally contribute to streetscape character. It is also plausible that historically, rear yard requirements contributed to the streetscape by pushing the house closer to the street frontage and provided an opportunity for larger trees to develop and open space to be retained. As was depicted in the aerial photographic studies provided to us in evidence, this has undoubtedly led to areas in the city where, absent infill housing, adjacent rear yards combine to provide a passive space and setback area on either side of the rear boundary that is likely prized by residents for its neighbourhood amenity value.

125. The s32 Report considers that the yard control “*seeks to retain the relationship of built form to the street in special character areas*”.<sup>51</sup> In response to submissions seeking retention of the 3m rear yard, the s42A Report notes that the SCA overlay: “*is concerned only with those features which contribute to the streetscape appearance of the area; or the relationship of a building with the streetscape*”.<sup>52</sup> Based on these statements, it appears incongruous that the rear yard amenity that is evident in some special character areas is maintained by a standard the focus of which is only the streetscape. However, when questioned about this the author of the s42A Report agreed that relationship of built form to open space was a part of special character.
126. We have carefully reviewed the objectives, policies, matters of discretion and assessment criteria to ascertain whether this is a simple case of a standard remaining in the SCA overlay serving a purpose that is no longer a focus of that overlay, such that it is an anomaly that ought to be removed to avoid confusion. We are not satisfied that we can make that finding. This is because we are not persuaded that ‘streetscape’ is the singular focus of the SCA overlay. Although effects on streetscape character are a specific consideration for development activities in the SCA overlay, so is consideration of special character context, as described in the applicable Special Character Area Statements. Importantly, objective D18.2(2)(c) seeks retention of the “*physical attributes that define, contribute to, or support the special character of the area*” including “*the relationship of built form to landscape qualities and/or natural features including topography, vegetation, trees, and open spaces*”. We find that the 3m rear yard setback provided for in the SCA overlay is more likely than not to play a role in achieving that objective.
127. We conclude therefore that the 3m rear yard standard in the SCA overlay is not an anomaly and should be retained. Where the circumstances of a specific proposal are such that a development outcome can be achieved that does not imperil the special character qualities of an area, despite not providing for a 3m rear yard, we expect it will be approved without demur.
128. Finally, we are satisfied that the proposed rules clarifying that the side yard does not apply where there is an existing or proposed common boundary wall, and that the underlying zone standards apply for yards not specified in the table, are appropriate and will provide clarity to plan users.

#### *Building coverage, Landscaped and Maximum paved area*

129. The s32 Report notes that standards D18.6.1.4 Building coverage, D18.6.1.5 Landscaped area and D18.6.1.6 Maximum paved area “*seek to retain the physical attributes that define, contribute and support the special character of areas, including the relationship of built form to landscape qualities and open space*”.<sup>53</sup>

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<sup>51</sup> S32 Report, p49.

<sup>52</sup> S42A Report, p163

<sup>53</sup> S32 report, p52.

130. Two substantive changes are proposed to these standards. First, for all three standards, it is proposed to include a qualification to the effect that for sites within the Rural and Coastal Settlement Zone (**RCSZ**), the SCA overlay building coverage, landscaped and maximum paved area standards do not apply. Sites in this zone would simply have to comply with standard H2.6.9 Building coverage. Second, for D18.6.1.6 it is proposed to change the standard to apply to “impervious area” (rather than “paved area”), consequentially to amend the percentages in the second column of Table D18.6.1.6.1, and to change the reference in that table from “net site area” to “site area”.
131. The reasoning for the first proposed change is that the RCSZ *“is considered to be significantly different in character to the other residential zones and it has significantly lower coverage controls due to larger lot sizes”*. Excluding application of the SCA overlay standards for these matters to the RCSZ is therefore argued as being “more appropriate”.<sup>54</sup>
132. Neither the s32 Report nor the s42A Report provide any further analysis of the ‘different character’ basis relied on to support this change. Regardless, it appears that this aspect of the changes to these standards is consequential on the s32 Report’s preferred changes being made to ensure that the D18 standards prevail over the underlying zone standards, and this is a case where the SCA standards would be more enabling than the underlying zone standards. As we have rejected that aspect of PC26, preferring to retain the current structural relationship between the SCA overlay and the underlying zones, we do not find it necessary to be concerned with this issue. It appears that an application in the RCSZ relying on the more generous SCA overlay standards for building coverage, landscaped and maximum paved area standards will require RD consent under the underlying zone for infringement of standard H2.6.9. In this way, the competing issues will be assessed in relation to the specific circumstances and context of that site. This addition to the standards in question is therefore unnecessary.
133. The reasoning in support of the other changes to standard D18.6.1.6 is also relatively lean. The s32 Report asserts that the changes will assist in either providing greater clarity or consistency with the underlying zone terminology. In analysing (and eventually rejecting) certain submissions, the s42A Report notes that all three of these standards: *“are intended to work together on individual sites to manage building bulk, impervious areas and pervious/landscaped areas. The coverage minimums and maximums in the special character overlay differ from the underlying zone versions because they need to be reflective of the traditional building bulk and locations of special character area developments. A key feature of the special character areas is that on smaller sites, there will be smaller areas of landscaping and impervious areas while buildings tend to be larger, relative to the size of site.”*
134. This analysis tends to support retention of the existing “package” of the SCA overlay building coverage, landscaped and maximum building area standards as being crafted to the circumstances of historic built development in the SCA overlay areas. While making these aspects of the standards consistent with how they are expressed in the

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<sup>54</sup> S32 report, p54.

underlying zones is no doubt a worthy objective, we are not persuaded on the evidence that these amendments are needed to ensure that the SCA overlay is functioning as intended. In the result, we prefer retaining the standards as currently drafted in the AUP with any site-specific issues to be addressed on a case by case basis.

### *Boundary fences and walls*

135. The changes proposed for the rules applying to boundary fences and walls in the SCA overlay comprise, first, an addition to Table D18.4.1 Activity table – Special Character Areas Overlay – Residential, to include ‘New fences and walls, and alterations to existing fences and walls’ as a permitted activity and, second, a standard for such fences and walls to meet. Notably, the standard represents a substantive review of the current boundary fencing and wall standard in the SCA overlay, which limits such structures on all boundaries to 1.2m in height.

136. The rationale for this change is expressed in the s32 Report as follows:<sup>55</sup>

*While inappropriate fencing can have adverse effects on the special character values of an area, the particular focus relates to walls and fences on the front boundary of a site, and side boundaries where they are adjacent to the street.*

*The application of the 1.2m height limit on all fences and walls is triggering unnecessary consent requirements. Fencing of up to 2m in height on the rear and side boundary (where it is not adjacent to the street) is not considered to adversely affect special character values, in particular the streetscape values of an area.*

137. The evidence to us at the hearing supported this aspect of PC26.<sup>56</sup> Submitters considered that the 1.2m fencing standard on every boundary in the SCA overlay was unnecessary and frustrated the ability for landowners to provide for the security of occupants and their property, contrary to s5. With the focus of the SCA overlay said to be streetscape character, a standard for fences on boundaries that were generally not visible from the street, was submitted to be anomalous and inappropriate.

138. Of all of the non-consequential yet substantive standards reviewed by PC26, the boundary fencing standard appeared to us to be the worthiest of review. No doubt the SCA overlay fencing standard served a purpose in some earlier legacy rule from which it was derived, but in our view the standard is no longer appropriate for general application to every site in the SCA overlay. It needs to be reviewed to ensure it assists in achieving the objectives and policies of the SCA overlay as well as broader AUP policies in relation to quality urban environments that enable people and communities to provide for their health and well-being.

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<sup>55</sup> S32 report, p56

<sup>56</sup> See evidence from Jeanette Heilbronn 254.2 (lay presentation on security); Philip Brown for Roman Catholic Bishop of the Diocese of Auckland 220.3 and Michael Snowden 182.3; and David Wren for Colin and Jocelyn Weatherall 96.6, John Dillon 127.7, Peter and Sarah Wren 128.7, and Peter Ng 97.6.

139. We have considered in detail the Council's proposed revisions to D18.6.1.7 and have accepted most of them. However, based on the evidence we heard, we find that a different approach to that proposed is warranted for front fences for corner sites. This is because such sites have two front boundaries presenting two façades to the adjacent streets. One of these is generally a principal façade facing the more significant of the two streets and contains the front entrance door. It has a traditional fence to the street, low and/or visually permeable, to present the house features. The other, the secondary façade, generally faces the less significant of the two streets. Consequently, we consider that when not directly in front of the principal façade, the fence or hedge may be taller, to 2.0m or so, providing privacy and security to the 'back yard' without preventing presentation of the house to the street frontage.
140. Therefore, we are satisfied that the fencing standard should be further amended to allow that type and scale of fencing on the secondary frontage, along those parts of the front boundary that are not directly in front of the house.
141. Finally, we have not acceded to the request of the Herne Bay Residents Association and others, to reinstate reference to "other structures" into the standard. Rather, we have clarified that the standard applies to 'boundary' fences and walls. Any structure proposed to be erected on the boundary that does not solely serve that purpose will be caught by other rules in D18 that will require compliance with the various other building related standards.

### **Special Purpose – Healthcare Facility and Hospital Zone**

142. This proposed change, to include a new rule in D18.6.1 specifying that the SCA overlay standards do not apply to land with an underlying Special Purpose – Healthcare Facility and Hospital Zone (**HFHZ**), was not part of PC26 when notified and nor was it evaluated in the s32 Report. Rather, the change arises from a submission by The Ascot Hospital and Clinics Limited, owner of Mercy Hospital in Epsom. The submitter sought exclusion from the SCA overlay standards on the grounds, generally, that the HFHZ was an important zone for an important purpose and thus ought not to be subject to the character and place based building standards of the SCA overlay. It appears that parts of the submitter's land is zoned HFHZ and subject to the SCA overlay, and this creates a conflict for future development of the hospital in those intersecting locations in its view.
143. Although the s42A Report for the hearing supported the relief sought in this submission (essentially adopting its reasoning), no further evaluation report as required by s32AA was included. Mr Blomfield, consultant planner representing the submitter at the hearing, provided a brief of evidence in support of the submission, but also omitted to assist us with a further evaluation report under s32AA.
144. The relief sought in the submission stops short of seeking that this specific HFHZ zone be relieved of the SCA overlay partially mapped over it. However, we are not entirely satisfied that in doing so, the submission avoids falling foul of the obligation that it must be 'on' the plan change. In effect, the submission seeks to exclude the application of the SCA overlay standards from development activities on all land zoned HFHZ



throughout Auckland, where that land is subject to the SCA overlay. PC26 as notified did not propose that the provisions of the SCA overlay be excluded from applying to any specific underlying zones: simply that the SCA overlay become a bespoke set of provisions for all of the underlying zones. No evaluation of such an exclusionary proposal was undertaken as part of the s32 evaluation of PC26, and none has been provided.

145. We have reflected on our earlier legal analysis in relation to submission scope and find that the relief sought by this submitter is not properly 'on' PC26. This is not to say that addressing the relationship between the SCA overlay and the HFHZ might not have planning merit, for all the reasons put forward by Mr Blomfield, and that this objective could be achieved in a number of ways. However, we do not consider that PC26 is the appropriate vehicle for this task, especially as it affects a zone that exists in other locations throughout the city and because we have had no evidence as to what the effects on the environment of such a proposal would be at each of these locations.
146. Even if we are wrong in that conclusion, and notwithstanding the evidence we heard, we would still not have acceded to the relief request. The premise of the submission is that there is a conflict between the SCA overlay provisions and the HFHZ provisions. We have undertaken a detailed analysis of this claim of conflict in the case of the SCA overlay and its underlying residential zones and consider that our reasoning and findings in that regard apply equally to the case of the SCA overlay and the HFHZ. In essence, a case by case assessment is required.

#### *Subdivision*

147. For the same reasons that we have set out above in relation to D18, we consider it appropriate, for the purpose of providing clarity to plan users, to include a similar rule within E38.8.2.6 Subdivision of sites identified in the Special Character Areas Overlay – Residential and Business, specifying that on an application to subdivide, the subdivision controls in Table E38.8.2.6.1 take precedence.

#### **Drafting tidy-ups**

148. We have highlighted in our PC26 Commissioners' Decision Version the D18 drafting tidy-ups that we find to be appropriate. These changes do not affect the substantive reach of D18 or alter its relationship with the underlying zones and will assist plan users to navigate through the provisions in D18 with better clarity.

#### **OTHER STATUTORY MATTERS**

##### **Actual and potential effects of activities on the environment**

149. We have had regard to the actual and potential effects on the environment of the changes we have proposed to the rules in D18 and E38 and consider them to be appropriate and in accordance with s5(2)(c).

##### **Council's functions under s 31 of the RMA**

150. We are satisfied that the changes we have proposed to PC26 accord with and will assist the Council to carry out its functions so as to achieve the purpose of the Act,<sup>57</sup> namely those set out in s 31(1)(a) and (b).

### Section 75(3)

151. We are satisfied that the changes we have proposed to PC26 will ensure that the relevant provisions of the district plan (in the case, D18 and E38) will continue to “give effect to” the RPS. As the current relationship between the SCA overlay and underlying zones is assumed to “give effect to” the RPS, and we propose only to modify D18 to provide clarity for plan users without changing the current relationship in a substantive way (as was sought by PC26 as notified), we find this statutory obligation is met.

### Scope

152. We consider that all of the changes we have proposed to PC26 as notified are within scope (by reference to our earlier analysis).

### Section 32AA

153. Our detailed analysis of the s32 report and reasoning set out above comprises our s32AA assessment of the modifications we have proposed to PC26.

### DECISION ON SUBMISSIONS

154. For the reasons set out above we have decided to approve PC26 with the modifications shown in Schedule 1.

155. The submissions on PC26 are accepted and rejected in part in accordance with the reasons set out above. Our decision on each of the submissions made on PC26 is included in Schedule 2.



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**Commissioner K Littlejohn (Chair)**



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**Commissioner T Mackie**



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**Commissioner I Munro**

**Date: 17 December 2020**

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<sup>57</sup> *Colonial Vineyards Ltd v Marlborough DC* [2014] NZEnvC 55.

**SCHEDULE 1 – COMMISSIONERS’ REVISED PC26 PROVISIONS**

## Explanatory note

This appendix sets out the amendments to D18. Special Character Areas Overlay – Residential and Business and E38. Subdivision – Urban made by the Commissioners following their evaluation of and findings on Plan Change 26 – Clarifying the relationship Between the Special Character Areas Overlay and underlying Zone Provisions Within the Auckland Unitary Plan (Operative in part).

Amendments are shown in black text in underline and ~~striketrough~~. The use of ‘...’ indicates that there is more text, but it is not being changed.

Amendments further **highlighted** are amendments accepted by the Commissioners as ‘tidy-ups’.

## **D18. Special Character Areas Overlay – Residential and Business**

### **D18.1 Background**

The Special Character Areas Overlay – Residential and Business seeks to retain and manage the special character values of specific residential and business areas identified as having collective and cohesive values, importance, relevance and interest to the communities within the locality and wider Auckland region.

Each special character area, other than Howick, is supported by a Special character area statement identifying the key special character values of the area. Assessment of proposals for development and modifications to buildings within special character areas will be considered against the relevant policies and the special character area statements and the special character values that are identified in those statements. These values set out and identify the overall notable or distinctive aesthetic, physical and visual qualities of the area and community associations.

Standards have been placed on the use, development and demolition of buildings to manage change in these areas.

Special character areas are provided for as follows:

- (1) Special Character Areas - Business; and
- (2) Special Character Areas – Residential; and
- (3) Special Character Areas - General (both residential and business).

Areas in the Special Character Areas Overlay - General may contain a mix of sites zoned residential or business. In such cases, for any site/s in a residential zone, the Special Character Areas Overlay - Residential provisions will apply and for any site/s in a business zone, the Special Character Areas Overlay - Business provisions will apply.

The following areas...

### **D18.2 Objectives**

- (1) The special character values of the area, as identified in the special character area statement are maintained and enhanced.
- (2) .....

### **D18.3 Policies**

#### *Special Character Areas Overlay - Residential*

- (1) Require all development and redevelopment to have regard and respond positively to the identified special character values and context of the area as identified in the special character area statement.
- (2)....

## D18.4 Activity table

Table D18.4.1 Activity table Special Character Areas Overlay – Residential specifies the activity status of **land use and development for** activities in the Special Character Area Overlay – Residential pursuant to section 9(3) of the Resource Management Act 1991.

Areas in the Special Character Areas Overlay - General may contain a mix of sites zoned residential or business. In such cases, for any site/s in a residential zone, the Special Character Areas Overlay - Residential rules in Table D18.4.1 Activity table will apply and for any site/s in a business zone, the Special Character Areas Overlay - Business rules in Table D18.4.2 Activity table will apply.

Rules for network utilities and electricity generation in the Special Character Areas Overlay – Residential and Business are located in E26 Infrastructure.

**Table D18.4.1 Activity table – Special Character Areas Overlay - Residential**

Activity		Activity status
<b>Development</b>		
(A1)	Restoration and repair to a building on all sites in the Special Character Areas Overlay–Residential or the Special Character Areas Overlay - General (with a residential zoning)	P
(A2)	Minor alterations to the rear of a building on all sites in the Special Character Area Overlay – Residential or Special Character Areas Overlay - General (with a residential zoning) where works to the building use the same design and materials to the existing building	P
(A3)	Total demolition or substantial demolition (exceeding 30 per cent or more, by area, of wall elevations and roof areas) of a building, or the removal of a building (excluding accessory buildings), or the relocation of a building within the site on: <ul style="list-style-type: none"> <li>(a) all sites in all the following Special Character Areas Overlay - Residential: <ul style="list-style-type: none"> <li>(i) Special Character Area Overlay – Residential: Isthmus A;</li> <li>(ii) Special Character Areas Overlay – Residential: Pukehana Avenue;</li> <li>(iii) Special Character Area Overlay – General: Hill Park (those sites with a residential zone); and</li> <li>(iv) Special Character Area Overlay – General: Puhoi (those sites with a residential zone); and</li> </ul> </li> <li>(b) all other sites identified as subject to demolition, removal or relocation rules as shown in the maps in the Special Character Areas Overlay Statements.</li> </ul>	RD

(A4)	External alterations or additions to a building on all sites in the Special Character Areas Overlay–Residential or Special Character Areas Overlay - General (with a residential zoning), <b>except as provided for by Activity (A2).</b>	RD
(A5)	Construction of a new building or relocation of a building onto a site on all sites in the Special Character Area Overlay–Residential or Special Character Areas Overlay - General (those sites with a residential zone)	RD
(A5A)	<u>New boundary fences and walls, and alterations to existing boundary fences and walls</u>	<u>P</u>

Table D18.4.2 Activity table – Special Character Area – Business specifies the activity status of land use and development for activities in the Special Character Area Overlay – Business pursuant to section 9(3) of the Resource Management Act 1991.

Areas in the Special Character Areas Overlay - General may contain a mix of sites zoned residential or business. In such cases, for any site/s in a residential zone, the Special Character Areas Overlay - Residential rules in Table D18.4.1 Activity table will apply and for any site/s in a business zone, the Special Character Areas Overlay - Business rules in Table D18.4.2 Activity table will apply.

**Table D18.4.2 Activity table – Special Character Areas Overlay – Business**

Activity		Activity status
<b>Development</b>		
Special Character Areas Overlay – Business with identified character defining buildings		
(A6)	External redecoration and repair to a character defining building	P
(A7)	....	
Special Character Areas Overlay – Business with no identified character defining or character supporting buildings <b>and Special Character Areas Overlay – General (with a business zoning)</b>		
(A8)	External redecoration and repair of a building in the Special Character Areas Overlay – Business with no identified character defining or character-supporting buildings	P
(A9)	....	

**D18.5 Notification**

(1) Any application for resource consent for an activity listed in Table D18.4.1 or Table D18.4.2 will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.

(2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

## D18.6 Standards

### D18.6.1 Standards for buildings in the Special Character Areas Overlay - Residential **and in the Special Character Areas Overlay – General (with a residential zoning)**

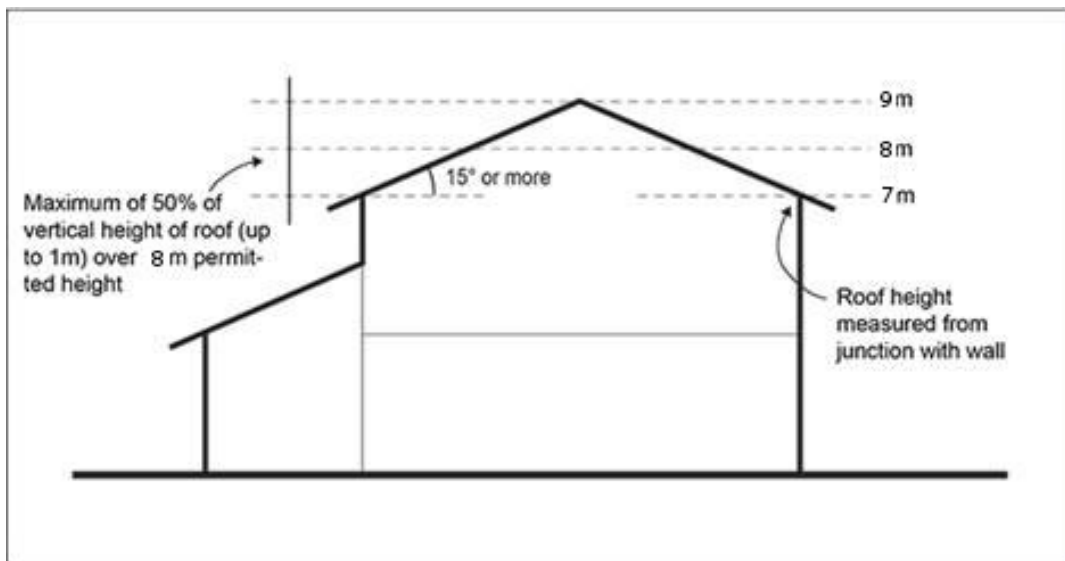
All activities listed in Table D18.4.1 Activity table – undertaken within the Special Character Areas Overlay – Residential or Special Character Areas Overlay – General (with a residential zoning), whether they are listed in Table D18.4.1 or in the underlying zone, must comply with the following standards.

The following standards take precedence over the standards in the underlying zone for Building height, Height in relation to boundary, Yards, Building coverage, Maximum impervious area, Landscaped area or Landscaping, and Fences and walls.

#### D18.6.1.1 Building height

- (1) Buildings in the Special Character Areas Overlay – Residential must not exceed 8m in height except that 50 per cent of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1m, where the entire roof slopes 15 degrees or more. This is shown in Figure D18.6.1.1.1 Building height in the Special Character Areas Overlay – Residential.

**Figure D18.6.1.1.1 Building height in the Special Character Areas Overlay - Residential**

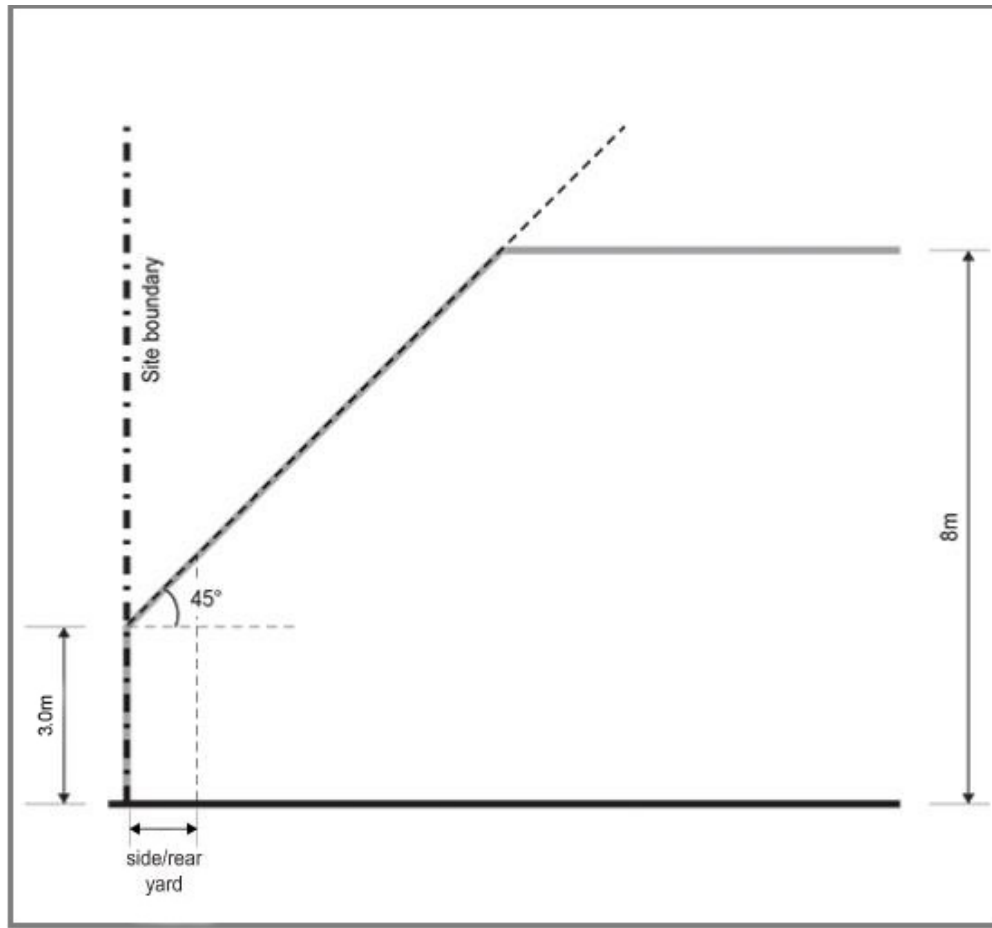




### D18.6.1.2 Height in relation to boundary

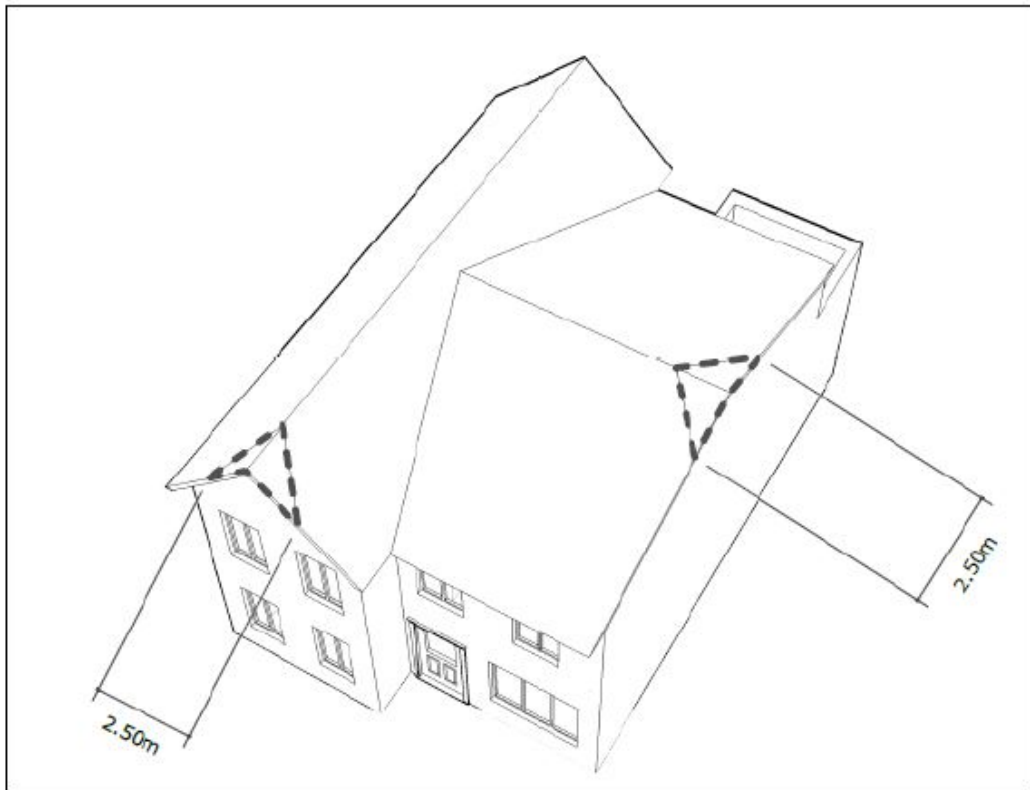
- (1) Buildings in the Special Character Areas Overlay – Residential must not project above a 45-degree recession plane measured from a point 3m above the ground level along any side and rear boundaries of the site.

**Figure D18.6.1.2.1 Height in relation to boundary**



- (2) The underlying zone height in relation to boundary standard applies where the site is a rear site.
- (3) Standard D18.6.1.2(1) above does not apply to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed.
- (4) Where the boundary forms part of a legal right of way, entrance strip, or access site, Standard D18.6.1.2(1) applies from the farthest boundary of the legal right of way, entrance strip, access site or pedestrian accessway.
- (5) A gable end, dormer or roof may project beyond the recession plane where that portion beyond the recession plane is:
- (a) no greater than 1.5m<sup>2</sup> in area and no greater than 1m in height; and
  - (b) no greater than 2.5m cumulatively in length measured along the edge of the roof.

**Figure D18.6.1.2.2 Exceptions for gable ends and dormers and roof projections**



**(6) No more than two gable ends, dormers or roof projections are allowed for every 6m length of site boundary.**

**D18.6.1.3 Yards**

(1) A building or parts of a building in the Special Character Overlay – Residential must be set back from the relevant boundary by the minimum depth listed in Table D18.6.1.3.1 Yards below:

**Table D18.6.1.3.1 Yards**

Yard	Minimum depth
Front	The average of existing setbacks of dwellings on adjacent sites, being the three sites on either side of the subject site or six sites on one side of the subject site
Side	1.2m
Rear	3m

(2) Standard D18.6.1.3.1 does not apply to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed.

(3) The underlying zone yard standards apply for all other yards not specified within Table D18.6.1.3.1.

#### **D18.6.1.4 Building coverage**

(1) The maximum building coverage for sites in the Special Character Areas Overlay – Residential must not exceed the percentage of net site area listed in Table D18.6.1.4.1 Building coverage in the Special Character Areas Overlay – Residential below:

**Table D18.6.1.4.1 Building coverage in the Special Character Areas Overlay – Residential**

Site area	Building coverage
Up to 200m <sup>2</sup>	55 per cent of the net site area
200m <sup>2</sup> – 300m <sup>2</sup>	45 per cent of the net site area
300m <sup>2</sup> – 500m <sup>2</sup>	40 per cent of the net site area
500m <sup>2</sup> – 1,000m <sup>2</sup>	35 per cent of the net site area
Greater than 1,000m <sup>2</sup>	25 per cent of the net site area

#### **D18.6.1.5 Landscaped area**

(1) The minimum landscaped area for sites in the Special Character Areas Overlay – Residential is the percentage of net site area listed in Table D18.6.1.5.1 Landscaped area in the Special Character Areas Overlay – Residential below:

**Table D18.6.1.5.1 Landscaped area in the Special Character Areas Overlay – Residential**

Site area	Landscaped area
Up to 200m <sup>2</sup>	28 per cent of the net site area
200m <sup>2</sup> – 500m <sup>2</sup>	33 per cent of the net site area
500m <sup>2</sup> – 1,000m <sup>2</sup>	40 per cent of the net site area
Greater than 1,000m <sup>2</sup>	50 per cent of the net site area

(2) The front yard must comprise at least 50 per cent landscaped area.

### D18.6.1.6 Maximum paved area

- (1) The maximum paved area for sites in the Special Character Areas Overlay – Residential must not exceed the percentage of net site area listed in Table D18.6.1.6.1 Maximum paved area in the Special Character Areas Overlay – Residential below:

**Table D18.6.1.6.1 Maximum paved area in the Special Character Areas Overlay – Residential**

Site area	Paved area
Up to 200m <sup>2</sup>	17 per cent of the net site area
200m <sup>2</sup> – 500m <sup>2</sup>	20 per cent of the net site area
500m <sup>2</sup> – 1,000m <sup>2</sup>	25 per cent of the net site area
Greater than 1,000m <sup>2</sup>	25 per cent of the net site area

### D18.6.1.7 Boundary Fences and walls and other structures

- (1) Boundary Fences and walls and other structures, or any combination of these, in the Special Character Areas Overlay - Residential must not exceed a the height specified below, measured from of 1.2m above ground level:

(a) On the front boundary or between the front façade of the house and the front boundary, 1.2m in height.

(b) On the side boundary of the front yard, or between the house and the side boundary, where the fence or wall is located forward of the front façade of the house, 1.2m in height.

(d) On any other boundary or within any other yard not described above, 2m in height.

- (2) For the purposes of this standard, the front façade of the house means the front wall of the main portion of the house facing a street, and shall exclude bay windows, verandahs, stairs, attached garages and similar projecting features.

- (3) For houses on corner sites, D18.6.1.7(1)(a) applies to the boundary adjacent to the principal façade of the house facing the more significant street and containing the front entrance door, and to the part of the secondary front boundary which is directly in front of the secondary façade. D18.6.1.7(d) applies to the remainder of the secondary front boundary, which is not directly in front of the secondary façade.

**D18.6.2 Standards for buildings in the Special Character Areas Overlay – Business and in the Special Character Areas Overlay – General (with a business zoning)**

.....

**D18.7 Assessment – controlled activities**

.....

**D18.8 Assessment – Restricted discretionary activities**

.....

**D18.9 Special information requirements**

.....

**E38. Subdivision - Urban**

**E38.1. Introduction**

Subdivision is the process of dividing a site or a building into one or more additional sites or units, or changing an existing boundary location.

Objectives, policies and rules in this section apply to subdivision in all zones except for the Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone, Rural – Rural Conservation Zone, Rural – Countryside Living Zone, Rural - Waitākere Foothills Zone, Rural - Waitākere Ranges Zone, Future Urban Zone, and Special Purpose – Quarry Zone which are located in E39 Subdivision – Rural.

...

**E38.8. Standards for subdivisions in residential zones**

Subdivision listed in Table E38.4.2 Subdivision in residential zones must comply with the applicable standards for the proposed subdivision in E38.6 General standards for subdivision and E38.8.1 General standards in residential zones.

...

**E38.8.2.6. Subdivision of sites identified in the Special Character Areas Overlay – Residential and Business**

- (1) Proposed sites identified in the Special Character Areas Overlay – Residential and Business must comply with the minimum net site area in Table E38.8.2.6.1 Special Character Overlay – Residential and Business subdivision controls.
- (2) Proposed sites identified in the Special Character Areas Overlay – Residential and Business that are not listed in Table E38.8.2.6.1 must comply with the relevant minimum net site area for that site's zone in Table E38.8.2.3.1 Minimum net site area for subdivisions involving parent sites of less than 1 hectare.
- (3) The minimum net site area controls within Table E38.8.2.6.1 Special Character Areas Overlay – Residential and Business subdivision controls take precedence over those

within Table E38.8.2.3.1 Minimum net site area for subdivisions involving parent sites of less than 1 hectare.

**Table E38.8.2.6.1 Special Character Areas Overlay – Residential and Business subdivision controls**

<b>Special Character Areas Overlay – Residential and Business – Sub area</b>	<b>Minimum net site area</b>
Isthmus A	400m <sup>2</sup> or 500m <sup>2</sup> where the site does not comply with the shape factor
Isthmus B1 and B3	1,000m <sup>2</sup>
Isthmus B2	600m <sup>2</sup>
Isthmus C1	400m <sup>2</sup> or 500m <sup>2</sup> where the site does not comply with the shape factor
Isthmus C2	600m <sup>2</sup>
Isthmus C2a (refer to Figure E38.8.2.6 below)	1,000m <sup>2</sup> on sites identified in Figure E38.8.2.6 below
North Shore Area A*	450m <sup>2</sup>
North Shore Area B*	500m <sup>2</sup>
North Shore Area C*	600m <sup>2</sup>

\*The maps showing North Shore Area A, North Shore Area B, and North Shore Area C can be found in Schedule 15 Special Character Schedule, Statements and Maps.

**GIS viewer (i.e planning maps)**

**Amend the GIS viewer so that the business zoned sites within the Overlay – Residential: North Shore – Devonport and Stanly Point refer to:**

- **Special Character Areas Overlay - General**

## **SCHEDULE 2 – SPECIFIC DECISIONS ON SUBMISSIONS**

<b>Theme 1: Submissions seeking that PC26 be accepted</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
2.1	Louise Anne Malone	Accept the plan modification		Accepted in part
5.1	Camly Sun	Accept the plan modification		Accepted in part
9.1	Raymond John Turner and Robin Anne Turner	Accept the plan modification		Accepted in part
14.1	Yanping Hu and Zhijian Li	Accept the plan modification		Accepted in part
15.1	Steven Colson	Accept the plan modification with amendments		Accepted in part
18.1	Tony Batterton	Accept the plan modification		Accepted in part
19.1	Zhiming Yang	Accept the plan modification	FS1 Zhiming Yang - Support	Accepted in part
28.1	Katrina King	Accept the plan modification		Accepted in part
32.1	Colin Lucas	Accept the plan modification		Accepted in part
33.1	Peter Antony Radich	Accept the plan modification		Accepted in part
40.1	Andrew Cox	Accept the plan modification		Accepted in part
47.2	Jamie Ward	Support amendments that provide simplification, clarification and greater certainty to the current process	FS15 Housing New Zealand Corporation – Support in part	Accepted in part
53.1	Gerard Robert Murphy	Accept the proposed plan change		Accepted in part
54.1	Freemans Bay Residents Association David Alexander Alison	Accept the proposed plan change		Accepted in part
55.1	Wong Liu Shueng	Retain the special character of Freemans Bay		Accepted
58.1	Peter Ronald Harrison	Accept the proposed plan change		Accepted in part
59.1	Wayne Alexander Edward Knight	Accept the proposed plan change		Accepted in part
60.1	William Andrew Tipping	Accept the proposed plan change		Accepted in part
61.1	Mary Peters	Accept the proposed plan change		Accepted in part
64.1	Ross Thorby	Accept the proposed plan change		Accepted in part
65.1	Lesley Christiansen-Yule	Accept the proposed plan change		Accepted in part
66.1	Philip Yule	Accept the proposed plan change		Accepted in part
82.1	Stephen Hudson	Support the objective of the change in clarifying the interaction of rules relating to Special Character Area Overlay and those zoned residential		Accepted in part
83.1	David Roberton	Support the objective of the change in clarifying the interaction of rules relating to Special Character Area Overlay and those zoned residential		Accepted in part



Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
85.1	Joanna Keane	Accept the proposed plan change		Accepted in part
87.1	Maria Poynter	Accept the plan modification		Accepted in part
92.1	Jenny Granville	Accept the proposed plan change		Accepted in part
98.1	Mary Helen Hare	Accept the proposed plan change		Accepted in part
101.1	Keen Trusts Partnership	Accept the plan change		Accepted in part
112.1	Peter Desmond Withell	Accept the plan change		Accepted in part
113.1	Sheng Yun Nie	Accept the plan change		Accepted in part
116.1	Tricia Reade	Accept the Plan Change		Accepted in part
118.1	Joanne Riha Crowley	Accept the plan change		Accepted in part
119.1	Melanie Abernethy	Accept the plan change		Accepted in part
120.1	Ken Chang	Accept the plan change		Accepted in part
123.1	V H Bull c/- Gael McKitterick 4Sight Consulting Limited	Accept the plan change		Accepted in part
125.1	David Duncan	Accept the plan change		Accepted in part
126.1	Graham Campbell Wall	Accept the plan change		Accepted in part
127.1	John Dillon c/- David Wren	Accept the plan change	FS12 K Vernon – Oppose in part	Accepted in part
135.1	Dr Rachel Harry	Accept the plan change		Accepted in part
138.1	Lynne Butler and Trevor Lund	Accept the plan change		Accepted in part
140.1	Amit Sood	Accept the plan change		Accepted in part
143.1	Nicola Campbell	Accept the plan change		Accepted in part
144.1	Wendy Alison Harrex	Accept the plan change		Accepted in part
145.1	Patrick Reddington and Letitia Reddington	Accept the plan change		Accepted in part
146.1	Z Energy Limited BP Oil NZ Limited Mobil Oil NZ Limited c/- Gael McKitterick - 4Sight Consulting Limited	Accept the plan change		Accepted in part
147.1	Annette Mason	Support special consideration for historical character areas such as Ponsonby - important to ensure there is ongoing guidelines to retain the		Accepted in part

<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
		integrity of history into the future		
148.1	Roger Henstock	Accept the plan change		Accepted in part
163.1	Rosemay Brown	Accept the plan change		Accepted in part
167.1	Beryl Jack	Accept the plan change		Accepted in part
168.1	Janelle Costley	Accept the plan change		Accepted in part
174.1	Kevin Bligh	Accept the whole plan change		Accepted in part
185.1	Sonya Marx	Accept the plan modification		Accepted in part
187.1	Michael Craddock	Accept the plan change		Accepted in part
193.1	Jackie Daw	Accept the plan modification		Accepted in part
194.1	Jim Donald	Accept the plan change		Accepted in part
202.1	Sue Cooper, Remuera Heritage	Support the intention to clarify the difficulty and confusion that exists around having two sets of standards, activities and provisions applying where there is both the Special Character Areas Residential Overlay and an underlying zone	FS15 Housing New Zealand Corporation – Support in part	Accepted in part
203.1	Sally Hughes, Character Coalition	Support the intention to clarify the difficulty and confusion that exists around having two sets of standards, activities and provisions applying where there is both the Special Character Areas Residential Overlay and an underlying zone	FS15 Housing New Zealand Corporation – Support in part	Accepted in part
204.1	Mount St Johns Residents' Group Inc c/- Catherine Peters	Supportive of Plan Change 26.		Accepted in part
210.1	Heritage New Zealand Pouhere Taonga c/- Susan Andrews	Accept the plan modification	FS12 K Vernon – Oppose in part	Accepted in part
212.1	Julia Foster	Accept the plan modification		Accepted in part
213.1	Grey Power Howick Pakuranga & Districts Association Inc c/- Peters Bankers	Accept the proposed Plan Change with the amendments outlined		Accepted in part
232.1	Carolyn French Blaker	Accept the plan modification		Accepted in part
245.1	R & M Donaldson c/- J A Brown	Accept the proposed plan change		Accepted in part
262.1	Simon Nicolaas Peter ONNEWEER	Accept the plan modification		Accepted in part
270.1	Adele Joanne White	Accept the proposed plan change		Accepted in part

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
271.1	John Ross Spiller	Accept the proposed plan change		Accepted in part
274.1	Sarah Elizabeth Withell	Accept the plan change		Accepted in part

### Theme 2: Submissions seeking that PC26 be accepted with amendments

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
17.1	Kimberley McLean	Accept the plan modification with amendments		Accepted in part
20.1	Amrit Jagayat	Accept the plan modification with amendments		Accepted in part
24.1	Steven Lloyd Francis	Accept the plan modification with amendments		Accepted in part
26.1	Elisabeth Sullivan	Accept the plan modification with amendments		Accepted in part
35.1	Heritage Landscapes Attn : Amanda McMullin	Accept the plan modification with amendments		Accepted in part
37.1	Sheryll Diane Mitchell	Modify the proposed change so that it only applies to dwellings that are of special character within the affected zone	FS15 Housing New Zealand Corporation – Support in part	Rejected
43.1	Frank William Frazer and Mary Catherine Frazer	Accept the plan modification with amendments		Accepted in part
44.1	Jennifer Anne Clark	Accept the plan modification with amendments		Accepted in part
45.1	Peter Stone	Accept the plan modification with amendments		Accepted in part
46.1	Vinod Vyas	Accept the plan modification with amendments		Accepted in part
47.1	Jamie Ward	Accept the plan modification with amendments		Accepted in part
52.1	Christina Chua	Accept the plan modification with amendments		Accepted in part
57.1	Jae Ellis	Accept the plan modification with amendments		Accepted in part
63.1	Teresa Lyndsay Marene Davis	Accept the plan modification with amendments		Accepted in part
71.1	Shamal Charan	Accept the plan change with amendments		Accepted in part

<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
74.1	Dean Tony Turner	Accept the plan modification with amendments		Accepted in part
79.1	Janet Dickson	Accept the plan modification with amendments		Accepted in part
84.1	Lambert Hoogeveen	Accept the plan modification with amendments		Accepted in part
91.1	Raymond Johnston	Accept the plan modification with amendments		Accepted in part
93.1	Donald James Lyon Catherine Elizabeth Lyon and Professional Trustee Services Ltd	Accept the plan modification with amendments		Accepted in part
94.1	Stephen A Nielsen	Accept the plan modification with amendments		Accepted in part
96.1	Colin and Jocelyn Weatherall Attn: David Wren	Accept the plan modification with amendments	FS12 K Vernon – Oppose in part	Accepted in part
97.1	Peter Ng Attn: David Wren	Accept the plan modification with amendments	FS12 K Vernon – Oppose in part	Accepted in part
104.1	Praveen Bondili	Accept the plan change		Accepted in part
108.1	Gull NZ Ltd C/- Tracy Hayson, Hayson Knell Ltd	Accept the plan change with amendments		Accepted in part
110.1	KTW Systems LP c/- Rachel Dimery	Accept the plan change with amendments		Accepted in part
115.1	David Barber	Accept the Plan Change with amendments		Accepted in part
128.1	Peter and Sarah Wren c/- David Wren	Accept the plan change with amendments	FS12 K Vernon – Oppose in part	Accepted in part
132.1	Michael and Jennifer Ballantyne	Accept the plan change with amendments		Accepted in part
137.1	Robyn Gandell	Accept the plan change with amendments		Accepted in part
139.1	Anna Dales	Accept the plan change with amendments		Accepted in part
142.1	Somersby Trust C/- Craig Moriarity - Haines Planning Consultants Limited	Accept the plan modification with amendments		Accepted in part
150.1	B Dayal c/- Vijay Lala - Tattico Limited	Accept the plan change with amendments	FS12 K Vernon – Oppose in part	Accepted in part

<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
155.1	Alan Stokes	Accept the plan change with amendments		Accepted in part
156.1	Brent Swain	Accept the plan change with amendments		Accepted in part
157.1	Roy Koshy	Accept the plan change with amendments		Accepted in part
158.1	Robert G Felix	Accept the plan change with amendments		Accepted in part
161.1	Anthony Chapman	Accept the plan change with amendments		Accepted in part
169.1	Mary and Jonathan Mason	Accept the plan change with amendments		Accepted in part
173.1	John Childs c/- John Childs Consultants Limited	Accept the plan change with amendments	FS3 Colin Hardacre - Support	Accepted in part
176.1	Margot Jane McRae	Accept the plan modification with amendments		Accepted in part
178.1	KCH Trust and Ifwersen Family Trust c/- Bianca Tree, Minter Ellison Rudd Watts	Accept with amendments and conditions	FS12 K Vernon – Oppose in part	Accepted in part
180.1	Glen Frost, Hillpark Resident's Association	Accept the plan change with amendments		Accepted in part
182.1	Michael Snowden c/- Philip Brown - Campbell Brown Planning	Accept the plan modification with amendments	FS12 K Vernon – Oppose in part	Accepted in part
186.1	Tom Ang	Accept the plan modification with amendments		Accepted in part
190.1	Mari Petterson	Accept the plan modification with amendments		Accepted in part
195.1	Sally Cooper	Accept the plan modification with amendments		Accepted in part
196.1	Grace Hood-Edwards	Accept the plan modification with amendments		Accepted in part
198.1	Naomi Maureen Forrester	Accept the plan modification with amendments		Accepted in part
199.1	Western Bays Community Group Inc c/- Bryan Bates	Accept the plan modification with amendments		Accepted in part
200.1	Wendy Gray	Accept the proposed plan change with amendments as outlined below		Accepted in part

<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
211.1	Stephanie Jane Barnett	Accept the plan modification with amendments		Accepted in part
215.1	Catherine Linton	Accept the proposed Plan Change with amendments as outlined		Accepted in part
216.1	Don Huse	Support PC26 on conditions		Accepted in part
219.1	Mark Crosbie, Heid Crosbie and Adeux Trustee Limited	Accept with amendments	FS12 K Vernon – Oppose in part	Accepted in part
220.1	Roman Catholic Bishop of the Diocese of Auckland c/- Michael Campbell	Supports the amended provisions, but seeks some amendments to the following standards	FS12 K Vernon – Oppose in part	Accepted in part
221.1	Auckland Grammar School (AGS) c/- Sarah Burgess	Accept with amendments	FS12 K Vernon – Oppose in part	Accepted in part
222.1	Rachael and Jonathan Sinclair	Accept the plan modification with amendments	FS12 K Vernon – Oppose in part and Support in part	Accepted in part
223.1	Grant Dickson	Accept the plan change with amendments		Accepted in part
226.1	Herne Bay Residents Association Incorporated c/- Dirk Hudig and Don Mathieson	Accept the plan change with amendments		Accepted in part
227.1	Eden Park Neighbours' Assoc c/- Mark Donnelly	Accept the plan modification with amendments		Accepted in part
228.1	The University of Auckland c/- Sarah Burgess	Accept with amendments	FS12 K Vernon – Oppose in part	Accepted in part
229.1	Laurence Slee	Accept the plan modification with amendments		Accepted in part
230.1	Natasha Markham	Accept the plan modification with amendments		Accepted in part
231.1	Tom Rowe	Accept the plan change with amendments		Accepted in part
233.1	Birkenhead Residents Associations	Accept the plan change with modifications		Accepted in part
235.1	Megan Reeves	Accept the plan modification with amendments		Accepted in part
236.1	Samson Corporation Ltd and Sterling Nominees Ltd	Accept the plan change with amendments		Accepted in part

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
	(Samson) c/- J A Brown			
238.1	Andrew Body and Karen Paterson (Galatea) c/- J A Brown	Accept the proposed plan change with amendments		Accepted in part
239.1	Marian Kohler	Accept the proposed plan change with amendments		Accepted in part
240.1	The St Mary's Bay Association Inc c/- David Abbott	Accept the proposed plan change with amendments	FS12 K Vernon – Oppose in part and Support in part	Accepted in part
243.1	Michael Fitzpatrick	Accept the plan modification with amendments		Accepted in part
244.1	Julie Raddon Raddon	Accept the plan modification with amendments		Accepted in part
247.1	Grey Lynn Residents Association c/- Tania Fleur Mace	Accept the proposed plan change/variation with amendments as outlined in the submission	FS2 BA Trusties Limited – Oppose	Accepted in part
253.1	Barbara Cuthbert and Michael Ashmore	Accept the plan modification with amendments		Accepted in part
256.1	Bruce Lotter	Accept the proposed Plan Change with the amendments		Accepted in part
259.1	Matthew Stephen John Brajkovich	Accept the proposed Plan Change with the amendments		Accepted in part
260.1	Yolande Wong	Accept the plan modification with amendments		Accepted in part
261.1	Friends of Cockle Bay Domain	Accept the proposed Plan Change with the amendments outlined		Accepted in part
266.1	Iain Rea	Accept the plan modification with amendments		Accepted in part
267.1	Civic Trust Auckland c/- Audrey van Ryn	Supports in principle the intention of clarifying the relationship between the Special Character Area (SCA) Overlay and the underlying Zoning provisions in so far as that may help achieve the purpose of the SCA overlay	FS15 Housing New Zealand Corporation - Support	Accepted in part
273.1	Robin Rive	Accept the proposed plan change with amendments		Accepted in part

<b>Theme 3: Submissions seeking to decline PC26 if not amended</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
11.2	Sherrie Ann Wallace	Amend the plan change if it is not declined		Accepted in part
21.1	Martin Evans	Amend the plan modification if it is not declined		Accepted in part
38.1	Peter Lucas	Amend the plan modification if it is not declined		Accepted in part
49.1	Wing Cheuk Chan	Amend the plan modification if it is not declined		Accepted in part
73.1	Catherine Spencer	Amend the plan modification if it is not declined		Accepted in part
105.1	Neil Harnisch	Amend the plan change if it is not declined		Accepted in part
106.1	Dougall Kraayvanger	Amend the plan change if it is not declined		Accepted in part
133.1	Steve Gareth Lewis	Amend the plan modification if it is not declined		Accepted in part
134.1	Ting Kwok Cheung and Man Ngo Johnson Cheung and Suet Fan Ma	Amend the plan change if it is not declined		Accepted in part
162.1	Kirsty Gillon, Buchanan House Trust c/- Grant Gillon	Amend the plan change if it is not declined		Accepted in part
164.1	Alex Findlay, Expanse Ltd	Amend the plan modification if it is not declined		Accepted in part
166.1	John Andrew Silva	Amend the plan modification if it is not declined		Accepted in part
170.1	Joe Martin	Amend the plan change if it is not declined		Accepted in part
191.1	Catherine Wade	Amend the plan modification if it is not declined		Accepted in part
207.1	South Epsom Planning Group Inc c/- Alfred Richard Bellamy	Amend the plan change with suggested amendments if it is not declined	FS12 K Vernon – Support in part and Oppose in part	Accepted in part
209.1	John and Sarah Walker	Amend the plan modification if it is not declined		Accepted in part
217.1	Melissa Pearce	Amend the plan modification if it is not declined		Accepted in part
234.1	The Ascot Hospital and Clinics Limited c/- Anthony Blomfield	Amend the plan modification if it is not declined		Accepted in part



Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
237.1	Matthew Douglas Easton	Amend the plan change if not declined		Accepted in part
242.1	Carolyn Fay Martin	Amend the plan modification if it is not declined		Accepted in part
246.1	Nyo Ban Liong & Henny Widijanti Sawang	If the plan change is not declined, then amend it as per submission		Accepted in part
254.1	Jeanette Heilbronn	Amend the plan modification if it is not declined		Accepted in part
257.2	Housing New Zealand c/- Alex Devine	If the Plan Change is not declined, that the proposed provisions of the Plan Change be deleted or amended to address the matters raised in this submission	FS12 K Vernon – Oppose in part FS13 Southern Cross Hospitals Limited – Support FS22 South Epsom Planning Group Inc – Oppose	Accepted in part
258.1	Parnell Heritage Inc c/- Julie M Hill	Amend the plan modification if it is not declined	FS8 Peter Ng – Oppose FS9 Peter and Sarah Wren – Oppose FS10 John Dillon – Oppose FS11 Colin and Jocelyn Weatherall - Oppose	Accepted in part
264.1	Debbie Holdsworth	Amend the plan modification if it is not declined		Accepted in part

<b>Theme 4: Submissions seeking to decline PC26</b>				
Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
1.1	Mei Zheng and Xiaoyu Wang	Decline the plan modification	FS15 Housing New Zealand - Support	Accepted in part
4.1	Eldon Roberts	Decline the plan modification		Accepted in part
6.1	Neale Jackson	Decline the plan modification		Accepted in part
10.1	John Mark Jones	Decline the plan modification		Accepted in part
11.1	Sherrie Ann Wallace	Oppose the plan change		Accepted in part
12.1	Yuan Cheng	Decline the plan change		Accepted in part
13.1	Sue Elgar	Decline the plan modification		Accepted in part
22.1	Rodger Anderson	Oppose the plan change		Accepted in part
23.1	Bakers Delight New	Decline the plan modification		Accepted in part

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
	Lynn Shuangqian Huang			
25.1	Johan Willem Barend van der Maas	Decline the plan modification		Accepted in part
27.1	Ross George Stanley	Decline the plan modification		Accepted in part
29.1	Liza Roberta Clark	Decline the plan modification		Accepted in part
30.1	Weimin Tan	Decline the plan modification		Accepted in part
31.1	Robert Begg	Decline the proposed plan change		Accepted in part
34.1	William Wu	Decline the plan modification		Accepted in part
39.1	Simon Angelo	Decline the plan modification		Accepted in part
42.1	Ui Young Byun	Decline the plan modification		Accepted in part
48.1	Melissa Anne Brown	Decline the plan modification		Accepted in part
48.2	Melissa Anne Brown	Oppose the changes to the plan as they are unclear and would severely penalise us financially in the future		Accepted in part
50.1	Dr.Ralf Schnabel	Decline the proposed plan change		Accepted in part
51.1	Janet Digby	Decline the plan modification		Accepted in part
56.1	Charles Laurence Digby	Oppose the specific provisions identified		Accepted in part
62.1	Hui Chen	Decline the plan modification		Accepted in part
67.1	Brendan Christopher Kell	Decline the plan modification		Accepted in part
68.1	Darren Pang	Decline the plan modification		Accepted in part
69.1	Ying Chen	Decline the plan modification		Accepted in part
70.1	Lyndsay and Lianne Brock	Do not support the provisions of PC 26 as it applies to yards, building coverage, height in relation to boundary, maximum impervious area & landscaped area or landscaping		Accepted in part
70.9	Lyndsay and Lianne Brock	Request that Plan Change 26 be withdrawn and the Special Character Overlay be retained in its current form		Accepted in part
72.1	Fred Koke	Decline the plan modification		Accepted in part

<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
76.1	Dame Denise L'Estrange-Corbet	Decline the plan modification		Accepted in part
77.1	Christopher and Louise Johnstone	Decline the plan modification		Accepted in part
78.1	Lim Che Cheung Chan	Decline the plan modification		Accepted in part
80.1	Philip Wood	Decline the plan modification		Accepted in part
81.1	Nicole Helen Joyce	Decline the plan modification		Accepted in part
86.1	Patrick Noel Joseph Griffin	Decline the plan modification		Accepted in part
89.1	Kathy Prentice	Decline the plan modification		Accepted in part
99.1	Isabella Huihana Tedcastle	Decline the proposed plan change		Accepted in part
100.1	Xiaoli Jing	Decline the plan modification		Accepted in part
102.1	M.Carol Scott	Decline the plan modification		Accepted in part
107.1	Robyn Rosemary Cameron	Decline the plan change		Accepted in part
114.1	Graeme Cummings	Decline the plan change		Accepted in part
117.1	Victoria Toon	Decline the plan change		Accepted in part
121.1	Darcy McNicoll	Decline the plan modification		Accepted in part
122.1	Robyn McNicoll	Decline the plan modification		Accepted in part
124.1	Stephen John Mills	Decline the Plan Change		Accepted in part
130.1	Ross William Macdonald	Decline the plan change		Accepted in part
131.1	Alastair George McInnes Fletcher	Decline the Plan Change		Accepted in part
136.1	Kah Keng Low	Decline the plan change		Accepted in part
141.1	Susan and John Moody	Decline the plan change		Accepted in part
149.1	Philip John Mayo	Decline the plan change		Accepted in part
151.1	Bronwyn Hayes	Decline the plan change	FS15 Housing New Zealand Corporation – Support in part	Accepted in part

<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
153.1	Michael Neil Hayes	Decline the plan change		Accepted in part
160.1	Helen Louise Phillips-Hill	Decline the plan change		Accepted in part
165.1	Margaret Mary Neill	Decline the Plan Change		Accepted in part
171.1	Linda Whitcombe Devonport Heritage	Decline the plan change		Accepted in part
172.1	Sam and Rhonda Mojel	Opposed to the proposed changes to the Unitary Plan		Accepted in part
175.1	Coralie Ann van Camp	Decline the plan change		Accepted in part
177.1	Francesca Wilson and William Porter	Decline the plan change		Accepted in part
179.1	Rachel Scott Wilson	Decline the plan change		Accepted in part
181.1	Alison McMinn	Decline the plan change		Accepted in part
183.1	Stephanie Mary May	Decline the plan change		Accepted in part
188.1	Rhys Armstrong	Decline the plan change		Accepted in part
189.1	Andrea Lee Blondel	Decline the plan modification		Accepted in part
192.1	Shona Stilwell	Decline the plan modification		Accepted in part
197.1	Jennifer Ivy Helander	Decline the plan modification		Accepted in part
201.1	Jesma Leigh Magill	Decline the plan modification		Accepted in part
205.1	Richard Graham Poole	Decline the plan modification		Accepted in part
208.1	Frank and Celia Visser, Celia Visser Design	Decline the plan modification		Accepted in part
214.1	John O'Grady c/- Ashleigh O'Grady	Decline the plan modification		Accepted in part
218.1	Leighton Haliday	Oppose to proposed changes (inferred from comments but not specified)		Accepted in part
224.1	Hume Architects Ltd c/ - Chris Hume	Oppose the plan change	FS12 K Vernon – Oppose in part	Accepted in part
225.1	Dirk Hudig	Decline the plan modification		Accepted in part

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
241.1	Patricia Grinlinton	Decline the proposed plan change		Accepted in part
248.1	Jacqui Goldingham	Decline the plan modification		Accepted in part
251.1	Jean Dorothy Day	Decline the plan modification		Accepted in part
252.1	Brendan Kell	Decline the plan modification		Accepted in part
257.1	Housing New Zealand c/- Alex Devine	Decline the plan change	FS12 K Vernon – Oppose in part FS13 Southern Cross Hospitals Limited – Support FS22 South Epsom Planning Group Inc - Oppose	Accepted in part
263.1	Fiona Bower	Decline the plan modification		Accepted in part
265.1	Jennifer Anne Strange	Decline the plan modification		Accepted in part

#### Theme 5: Submissions on the plan change process

##### Sub-theme: Section 32 report

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
70.8	Lyndsay and Lianne Brock	Full assessment of the effects of the policies contained in the Plan Change		Accepted
207.4	South Epsom Planning Group Inc c/- Alfred Richard Bellamy	S.32 report not fully considered plan change against objectives and policies & proposed amendments to obs and pols	FS12 K Vernon – Support in part and Oppose in part	Accepted in part

#### Theme 5: Submissions on the plan change process

##### Sub-theme: Existing consents

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
82.2	Stephen Hudson	Proper consultation with those landowners who have existing resource consents		Accepted in part
83.2	David Roberton	Proper consultation with those landowners who have existing resource consents		Accepted in part

<b>Theme 5: Submissions on the plan change process</b>				
<b>Sub-theme: Submission process and documentation</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
159.1	Dinah Holman	Information associated with the plan change (and future plan changes) to be comprehensible and sufficient to adequately inform potential submitters and sufficient time be available		Accepted
159.6	Dinah Holman	Information associated with the plan change (and future plan changes) to be comprehensible and sufficient to adequately inform potential submitters and sufficient time be available		Accepted
186.6	Tom Ang	Information associated with the plan change (and future plan changes) to be comprehensible and sufficient to adequately inform potential submitters and sufficient time be available		Accepted
200.6	Wendy Gray	Information associated with the plan change (and future plan changes) to be comprehensible and sufficient to adequately inform potential submitters and sufficient time be available		Accepted
233.8	Birkenhead Residents Associations	Information associated with the plan change (and future plan changes) to be comprehensible and sufficient to adequately inform potential submitters and sufficient time be available		Accepted
233.9	Birkenhead Residents Associations	Information associated with the plan change (and future plan changes) to be comprehensible and sufficient to adequately inform potential submitters and sufficient time be available		Accepted
247.7	Grey Lynn Residents Association c/- Tania Fleur Mace	Information associated with the plan change (and future plan changes) to be comprehensible and sufficient to adequately inform potential submitters and sufficient time be available	FS15 Housing New Zealand Corporation – Support in part	Accepted

<b>Theme 6: Submissions on the SCA Overlay and Zone Relationship</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
25.2	Johan Willem Barend van der Maas	Oppose the change that the 'special character area' overlay prevails over corresponding other provisions in the underlying zone	FS15 Housing New Zealand Corporation – Support in part	Accepted in part
90.2	Sharyn Qu	Council should put greater focus on the existing character of the individual houses and the immediate affected neighbours to determine which provisions of the SCA Overlay would prevail. This shouldn't be a one rule for all approach because every site and proposal are different	FS4 Sharyn Qu – Support	Accepted in part
109.1	Abbie Blacktopp	Provide further clarity, guidance and allowances are provided for properties that are not currently (and never have been) in line with the special character of the area that you (Council) are trying to preserve	FS15 Housing New Zealand Corporation – Support in part	Accepted in part
169.4	Mary and Jonathan Mason	Support that the Special Character Area Overlay should prevail over	FS15 Housing New Zealand	Accepted in part

<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
		corresponding provisions but do not relax any of the SCAR provisions	Corporation – Oppose	
184.1	Denny Boothe	The Special Character overlay provisions should remain but be considered with all the provisions of the Single House zone provisions		Accepted in part
184.6	Denny Boothe	Where there are corresponding provisions, such as site coverage, heights, maximum impervious areas, the most restrictive individual conditions on building should prevail in order to protect the natural and built heritage of the area and amenity values of immediate neighbours		Accepted in part
202.6	Sue Cooper, Remuera Heritage	The more restrictive requirements should apply regarding rules, standards and provisions which affect these environmental factors in our communities		Accepted in part
202.7	Sue Cooper, Remuera Heritage	Do not support anything which will make special character and heritage buildings more easily able to be demolished and special character areas to be eroded		Accepted
203.5	Sally Hughes, Character Coalition	The more restrictive requirements should apply regarding rules, standards and provisions which affect these environmental factors in our communities		Accepted in part
203.6	Sally Hughes, Character Coalition	Do not support anything which will make special character and heritage buildings more easily able to be demolished and special character areas to be eroded		Accepted
214.2	John O'Grady c/- Ashleigh O'Grady	The current equal weighting of the special character areas and the provisions of the underlying residential zone need to be maintained with each property/development assessed on its merits.		Accepted in part
265.2	Jennifer Anne Strange	The Special Character Areas Overlay should not prevail over the corresponding provisions of the Single House zone provisions, which should remain, and applications should consider all the provisions of both the underlying zone and the SCA overlay provisions		Accepted in part
267.2	Civic Trust Auckland c/- Audrey van Ryn	That Council specify elsewhere in the chapter, the areas in Auckland with comparative design parameters for SAR overlay and underlying Zoning (where relevant), and further include a rule that states the more restrictive standard will apply	FS15 Housing New Zealand Corporation – Support in part	Accepted in part
272.2	Diana Renker	That the heritage provisions take precedence wherever the special character area interfaces with the single house zone, at 70, 76, 80, 90 & 92 Stanley Point Road		Rejected

### Theme 7: Submissions on the Mapping of the Special Character Area Overlay

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
13.2	Sue Elgar	Marama Avenue and Cecil Road should remain Residential 1-Heritage- Special character		Accepted
14.2	Yanping Hu and Zhijian Li	St Andrews Road does not have any special character		Rejected
15.2	Steven Colson	Retain special character for Normans Hill Road (between 26-32 Normans Hill Road)		Accepted
49.3	Wing Cheuk Chan	Special character zone (overlay) should not be applied to 26 St Andrews Road	FS21 Lim Che Cheung Chan – Support	Rejected
49.4	Wing Cheuk Chan	21 & 21A St Andrews Road do not have historical or special character		Rejected
49.5	Wing Cheuk Chan	19 & 19A and 17 7 17A St Andrews Road would not meet the minimum net site area of 600sqm		Rejected
49.6	Wing Cheuk Chan	22A St Andrews Road is a property that was built in the 1990's and again does not have any historical special character	FS21 Lim Che Cheung Chan – Support	Rejected
49.8	Wing Cheuk Chan	Remove the special character zone overlay from 26 St Andrews road, as existing zoning already has more than adequate provision to protect the aesthetic and physical quality of the local area	FS21 Lim Che Cheung Chan – Support	Rejected
68.5	Darren Pang	There is a necessity to reduce character protection. Defining Wairiki Road with Special Character Area Overlay was not right		Rejected
78.3	Lim Che Cheung Chan	Special character zone (overlay) should not be applied to 26 St Andrews Road	FS19 Wing Cheuk Chan - Support	Rejected
78.4	Lim Che Cheung Chan	21 & 21A St Andrews Road do not have historical or special character		Rejected
78.5	Lim Che Cheung Chan	19 & 19A and 17 7 17A St Andrews Road would not meet the minimum net site area of 66 sqm		Rejected
78.6	Lim Che Cheung Chan	22A St Andrews Road is a property that was built in the 1990's and again does not have any historical special character		Rejected
78.7	Lim Che Cheung Chan	Remove the special character zone overlay from 26 St Andrews Road, as existing zoning already has more than adequate provision to protect the aesthetic and physical quality of the local area	FS19 Wing Cheuk Chan - Support	Rejected
79.4	Janet Dickson	Expand the Special Character notation on the Planning Maps to include the areas identified on the attached plan	FS15 Housing New Zealand Corporation – Oppose	Rejected
90.3	Sharyn Qu	My site (location not specified) should be removed from the overlay map	FS4 Sharyn Qu – Support	Rejected
93.2	Donald James Lyon Catherine Elizabeth Lyon and	Remove Special Character Area Overlay from 42A Kitenui Avenue as the Overlay is inappropriate for this large rear site which already contains a four unit development		Rejected



Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
	Professional Trustee Services Ltd			
95.4	Adam and Sue Berry	Reconsider not including Herne Bay or this part of Herne Bay into the proposed plan change 26 but keep this area as a unique part of Auckland district	FS15 Housing New Zealand Corporation - Oppose	Rejected
103.1	Rosemary McElroy	The special character of Arney Road continue to be recognized as valuable to Auckland and that the status quo as a Character Area be retained		Accepted
105.2	Neil Harnisch	Mapping to show extent of SCAR overlay		Accepted
130.2	Ross William Macdonald	Exempt this part of Remuera Rd (182 Remuera Road) from the overlay as adjoining apartment blocks are not of Special character		Rejected
133.2	Steve Gareth Lewis	Remove overlay from rear site		Rejected
134.2	Ting Kwok Cheung and Man Ngo Johnson Cheung and Suet Fan Ma	Remove the SCAR overlay from 56 Epsom Avenue & 90 Owens Road		Rejected
143.2	Nicola Campbell	Would like the Special Character overlay and underlying zone provisions to also influence planning provisions, rules and regulations for future development of the HNZ Bayard St Property	FS15 Housing New Zealand Corporation - Oppose	Rejected
151.2	Bronwyn Hayes	Retain the SCAO in heritage suburbs		Accepted
165.2	Margaret Mary Neill	Remove 11 Dudley Road, Mission Bay from SCAR overlay		Rejected
177.2	Francesca Wilson and William Porter	Remove property at 16 Dudley Road, Mission Bay from SCAR overlay		Rejected
206.1	Johnathan Hardie-Neil	Oppose zoning and overlay on 53 Kelvin Road, Remuera		Rejected
208.2	Frank and Celia Visser, Celia Visser Design	Protect the special character of cottages on College Hill		Accepted
233.6	Birkenhead Residents Associations	Request that the zoning of the harbour-side of Tizard Road be included in the Special Character Overlay		Accepted in part  (to the extent that some of the harbourside properties are already included in the SCAR)
242.2	Carolyn Fay Martin	Exclude 18 Massey Avenue, Greenlane, Auckland from the Special Character overlay rules/conditions		Rejected
247.6	Grey Lynn Residents Association	Commit to conducting a survey of residential streets in Grey Lynn to identify additional areas that are not	FS15 Housing New Zealand	Rejected

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
	c/- Tania Fleur Mace	currently covered by the Special Character overlay but that warrant being included. Then prepare and notify a plan change to add the overlay to these areas	Corporation – Oppose FS20 Heritage New Zealand Pouhere Taongā	
255.1	Tunncliffe Investment Limited and Tunncliffe Glass Family Trust c/- Kenneth Tunncliffe and Esther Glass	Remove the special character overlay from 62 Onslow Avenue, Epsom		Rejected
257.4	Housing New Zealand c/- Alex Devine	Re-apply the SCA Overlay so that it applies to the geographic extent of resource values (rather than being zone specific)	FS12 K Vernon – Oppose in part FS13 Southern Cross Hospitals Limited – Support FS22 South Epsom Planning Group Ltd – Oppose	Rejected
257.5	Housing New Zealand c/- Alex Devine	Undertake a review, and re-zone the underlying land, in accordance with the maps attached to this submission or in accordance with the proximity criteria presented to the IHP (as outlined above)	FS12 K Vernon – Oppose in part FS13 Southern Cross Hospitals Limited – Support FS22 South Epsom Planning Group Inc – Oppose	Rejected
257.18	Housing New Zealand c/- Alex Devine	Consideration needs to be given to applying the spatial extent of the SCA Overlay not just to residential and business zones, but also to aspects of the wider 'streetscape environment' (e.g. such as roads / road reserves and open spaces)	FS12 K Vernon – Oppose in part FS13 Southern Cross Hospitals Limited – Support FS22 South Epsom Planning Group Inc – Oppose	Rejected

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
257.19	Housing New Zealand c/- Alex Devine	Undertake a full, wider review of the SCA Overlay so that it functions and operates as a 'true' overlay (to manage specifically identified resource values), rather than operating as a 'zone', or 'sub-zone' of the Single House zone	FS12 K Vernon – Oppose in part FS13 Southern Cross Hospitals Limited – Support FS22 South Epsom Planning Group Inc – Oppose	Rejected
272.1	Diana Renker	That the ROW portions of 70, 76, 80, 90 & 92 Stanley Point Road be included in the special character area		Rejected

<b>Theme 8: Submissions on Howick</b>				
Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
79.2	Janet Dickson	Make provision to include Howick as soon as its Special Character Area Statement has been finalised to the satisfaction of the local people		Rejected
79.3	Janet Dickson	Amend Part D18.1 by removing the words "other than Howick"		Rejected (Note: this matter was addressed by PC34)
79.5	Janet Dickson	Amend the exception which states – There is no Special Character Overlay – Business: Howick. These words under Note 1 are to be deleted	FS15 Housing New Zealand Corporation – Oppose	Rejected (Note: this matter was addressed by PC34)
79.6	Janet Dickson	Provide an insertion in the tables in Part D18.1 to cover the special character Area Overlay in Howick for Business and Residential purposes	FS15 Housing New Zealand Corporation - Oppose	Rejected
79.7	Janet Dickson	Provide a clear description in Schedule 15 at Part 15.1.6.1 of the special character values attributable to Howick for both Business and Residential purposes		Rejected (Note: this matter was addressed by PC34)
187.2	Michael Craddock	Howick's lack of protection and absence of special character area overlay needs to be addressed		Rejected
188.2	Rhys Armstrong	Howick needs to be classed as a special character area overlay		Rejected
189.2	Andrea Lee Blondel	Howick must be included in Plan Change 26		Rejected
190.2	Mari Pettersson	Howick must be included in Plan Change 26		Rejected
191.2	Catherine Wade	Howick must be included in PC26		Rejected
193.2	Jackie Daw	Howick needs to be added to the PC 26		Rejected

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
194.2	Jim Donald	Plan Change 26 must include Howick,		Rejected
195.2	Sally Cooper	That Howick, specifically the area that fully surrounds Stockade Hill, should also be included in Special Character Area overlay	FS15 Housing New Zealand Corporation - Oppose	Rejected
196.2	Grace Hood-Edwards	Include Howick and Howick Village in PC26 and grant Howick a Special Character Overlay		Rejected
198.2	Naomi Maureen Forrester	Add Howick (to the Special Character Area overlay)		Rejected
201.2	Jesma Leigh Magill	Howick must be included in Plan Change 26		Rejected
205.2	Richard Graham Poole	Howick must be included in Plan Change 26		Rejected
211.2	Stephanie Jane Barnett	Howick needs to be included as a special character area		Rejected
212.2	Julia Foster	Include Stockade Hill in PC 26 to save the views		Rejected
213.2	Grey Power Howick Pakuranga & Districts Association Inc c/- Peters Bankers	Amend Part D18.1 by removing the words "other than Howick".		Rejected  (Note: this matter was addressed by PC34)
213.3	Grey Power Howick Pakuranga & Districts Association Inc c/- Peters Bankers	Expand the Special Character notation on the Planning Maps to include the areas identified on the attached plan (Howick)		Rejected
213.4	Grey Power Howick Pakuranga & Districts Association Inc c/- Peters Bankers	Amend the exception which states – There is no Special Character Overlay – Business: Howick. These words under Note 1 are to be deleted		Rejected  (Note: this matter was addressed by PC34)
213.5	Grey Power Howick Pakuranga & Districts Association Inc c/- Peters Bankers	Provide an insertion in the tables in Part D18.1 to cover the special character Area Overlay in Howick for Business and Residential purposes		Rejected
213.6	Grey Power Howick Pakuranga & Districts Association Inc c/- Peters Bankers	Provide a clear description in Schedule 15 at Part 15.1.6.1 of the special character values attributable to Howick for both Business and Residential purposes		Rejected  (Note: this matter was addressed by PC34)

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
215.2	Catherine Linton	Amend Part D18.1 by removing the words "other than Howick		Rejected  (Note: this matter was addressed by PC34)
215.3	Catherine Linton	Expand the Special Character Area at Howick over those parts of the adjoining Mixed Housing Urban Zone in close proximity to Stockade Hill.		Rejected
215.4	Catherine Linton	Amend the exception which states – There is no Special Character Overlay – Business: Howick. These words under Note 1 are to be deleted		Rejected  (Note: this matter was addressed by PC34)
215.5	Catherine Linton	Provide an insertion in the tables in Part D18.1 to cover the special character Area Overlay in Howick for Business and Residential purposes		Rejected
215.6	Catherine Linton	Provide a clear description in Schedule 15 at Part 15.1.6.1 of the special character values attributable to Howick for both Business and Residential purposes		Rejected  (Note: this matter was addressed by PC34)
217.2	Melissa Pearce	Add Howick to PC 26		Rejected
217.3	Melissa Pearce	Stockade Hill should not be developed		Rejected
223.2	Grant Dickson	Amend Part D18.1 by removing the words "other than Howick		Rejected  (Note: this matter was addressed by PC34)
223.3	Grant Dickson	Expand the Special Character Area at Howick over those parts of the adjoining Mixed Housing Urban Zone in close proximity to Stockade Hill	FS15 Housing New Zealand Corporation - Oppose	Rejected
223.4	Grant Dickson	Amend the exception which states – There is no Special Character Overlay – Business: Howick. These words under Note 1 are to be deleted		Rejected  (Note: this matter was addressed by PC34)
223.5	Grant Dickson	Provide an insertion in the tables in Part D18.1 to cover the special character Area Overlay in Howick for Business and Residential purposes as per submission		Rejected
223.6	Grant Dickson	Provide a clear description in Schedule 15 at Part 15.1.6.1 of the special character values attributable to Howick for both Business and Residential purposes		Rejected  (Note: this matter was addressed by PC34)
229.2	Laurence Slee	Howick should be subject to the same protections as all other special character areas		Rejected
232.2	Carolyn French Blaker	Amend Part D18.1 by removing the words "other than Howick"		Rejected  (Note: this matter was addressed by PC34)
232.3	Carolyn French Blaker	Expand the Special Character notation on the Planning Maps, to include the areas of Howick identified on the plan in submission		Rejected
232.4	Carolyn French Blaker	Amend the exception which states – There is no Special Character Overlay – Business: Howick. These words under Note 1 are to be deleted.		Rejected  (Note: this matter was addressed by PC34)

<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
232.5	Carolyn French Blaker	Provide an insertion in the tables in Part D18.1 to cover the special character Area Overlay in Howick for Business and Residential purposes		Rejected
232.6	Carolyn French Blaker	Provide a clear description in Schedule 15 at Part 15.1.6.1 of the special character values attributable to Howick for both Business and Residential purposes.		Rejected (Note: this matter was addressed by PC34)
256.2	Bruce Lotter	Amend Part D18.1 by removing the words "other than Howick		Rejected (Note: this matter was addressed by PC34)
256.3	Bruce Lotter	Expand the Special Character notation on the Planning Maps to include the areas identified on the attached plan (see submission)		Rejected
256.4	Bruce Lotter	Amend the exception which states – There is no Special Character Overlay – Business: Howick. These words under Note 1 are to be deleted		Rejected (Note: this matter was addressed by PC34)
256.5	Bruce Lotter	Provide an insertion in the tables in Part D18.1 to cover the special character Area Overlay in Howick for Business and Residential purposes		Rejected
256.6	Bruce Lotter	Provide a clear description in Schedule 15 at Part 15.1.6.1 of the special character values attributable to Howick for both Business and Residential purposes		Rejected (Note: this matter was addressed by PC34)
259.2	Matthew Stephen John Brajkovich	Amend Part D18.1 by removing the words "other than Howick		Rejected (Note: this matter was addressed by PC34)
259.3	Matthew Stephen John Brajkovich	Expand the Special Character notation on the Planning Maps to include the areas identified on the attached plan (see submission)		Rejected
259.4	Matthew Stephen John Brajkovich	Amend the exception which states – There is no Special Character Overlay – Business: Howick. These words under Note 1 are to be deleted		Rejected (Note: this matter was addressed by PC34)
259.5	Matthew Stephen John Brajkovich	Provide an insertion in the tables in Part D18.1 to cover the special character Area Overlay in Howick for Business and Residential purposes		Rejected
259.6	Matthew Stephen John Brajkovich	Provide a clear description in Schedule 15 at Part 15.1.6.1 of the special character values attributable to Howick for both Business and Residential purposes		Rejected (Note: this matter was addressed by PC34)
261.2	Friends of Cockle Bay Domain	Amend Part D18.1 by removing the words "other than Howick		Rejected (Note: this matter was addressed by PC34)
261.3	Friends of Cockle Bay Domain	Expand the Special Character notation on the Planning Maps to include the areas identified on the attached plan (see submission)		Rejected
261.4	Friends of Cockle Bay Domain	Amend the exception which states – There is no Special Character Overlay – Business: Howick. These words under Note 1 are to be deleted		Rejected (Note: this matter was addressed by PC34)

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
261.5	Friends of Cockle Bay Domain	Provide an insertion in the tables in Part D18.1 to cover the special character Area Overlay in Howick for Business and Residential purposes		Rejected
261.6	Friends of Cockle Bay Domain	Provide a clear description in Schedule 15 at Part 15.1.6.1 of the special character values attributable to Howick for both Business and Residential purposes		Rejected (Note: this matter was addressed by PC34)
268.1	Gail Russell	Include Howick in PC26 as a special (character) area		Rejected

<b>Theme 9: Submissions on a New Zone</b>				
Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
96.11	Colin and Jocelyn Weatherall Attn: David Wren	Give consideration to inserting the overlay as a new zone rather than continuing with the zone and overlay combination, especially in respect of properties currently zoned residential	FS12 K Vernon – Oppose in part FS15 Housing New Zealand Corporation – Support in part FS20 Heritage New Zealand Pouhere Taongā – Support FS23 Remuera Heritage Inc – Support	Rejected
97.11	Peter Ng Attn: David Wren	Give consideration to inserting the overlay as a new zone rather than continuing with the zone and overlay combination, especially in respect of properties currently zoned residential	FS12 K Vernon – Oppose in part FS15 Housing New Zealand Corporation – Support in part FS20 Heritage New Zealand Pouhere Taongā - Support	Rejected
127.11	John Dillon c/- David Wren	Give consideration to inserting the overlay as a new zone rather than continuing with the zone and overlay combination	FS12 K Vernon – Oppose in part FS20 Heritage New Zealand Pouhere Taongā - Support	Rejected
128.11	Peter and Sarah Wren c/- David Wren	Give consideration to inserting the overlay as a new zone rather than continuing with the zone and overlay combination	FS12 K Vernon – Oppose in part FS20 Heritage New Zealand Pouhere Taongā - Support	Rejected
209.4	John and Sarah Walker	Amend SCAR and make it a different zone	FS20 Heritage New Zealand Pouhere	Rejected

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
			Taongā - Support	
257.20	Housing New Zealand c/- Alex Devine	De-couple the SCA Overlay from underlying zoning and consider likely re-zoning of the residential land which is currently impacted by the SCA Overlay consistent with Housing New Zealand's submissions put before the Independent Hearings Panel ("IHP") during the proposed Auckland Unitary Plan submissions and hearing process	FS12 K Vernon – Oppose in part FS13 Southern Cross Hospitals Limited – Support FS22 South Epsom Planning Group Inc - Oppose	Rejected

#### Theme 10: Submissions on the North Shore Residential 3 Zone

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
160.2	Helen Louise Phillips-Hill	Retain the rules and policies of the North Shore District Plan Residential 3 zone		Rejected
179.2	Rachel Scott Wilson	That the rules and policies of the North Shore City District Plan Residential 3 Zone be retained unchanged		Rejected
183.2	Stephanie Mary May	That the rules and policies of the North Shore City District Plan Residential 3 Zone be retained unchanged		Rejected
192.2	Shona Stilwell	That the rules and policies of the North Shore City District Plan Residential 3 Zone be retained unchanged		Rejected

#### Theme 11: Submissions on General Zoning Matters

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
19.2	Zhiming Yang	Change the zoning of 89 King George Avenue to Mixed Housing Suburban	FS2 Zhiming Yang – Support	Rejected
20.2	Amrit Jagayat	Change zoning of 22 Hill Road, Hill Park to Mixed Housing Suburban or allow multiple lot subdivision		Rejected
100.2	Xiaoli Jing	Change the zoning (of 130 Balmoral Road, Mt Eden) to Mixed Housing Urban and remove special character overlay to enable subdivision		Rejected
257.21	Housing New Zealand c/- Alex Devine	The underlying residentially zoned land should be re-zoned, consistent with the best practice re-zoning principles which Housing New Zealand's planning experts presented to the IHP during the Topic 080 and 081 hearings or in accordance with the proposed re-zoning maps which were presented to the IHP, on behalf of Housing New Zealand, during Hearing Topic 081	FS12 K Vernon – Oppose in part FS13 Southern Cross Hospitals Limited – Support FS22 South Epsom Planning Group Inc - Oppose	Rejected



<b>Theme 12: Submissions on D18.1 Background</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
170.2	Joe Martin	170.2 Amend D18.1 - Background so that business zoned sites within the Overlay – Residential : North Shore – Devonport and Stanley Point are treated in the same manner as in the 'General' overlay	FS14 Hayson Knell Ltd – Support	Accepted in part
170.3	Joe Martin	170.3 Amend D18.1 Background by adding text 'General and Special Character Areas Overlay – Residential : North Shore – Devonport and Stanley Point'	FS14 Hayson Knell Ltd - Support	Accepted in part

<b>Theme 13: Submissions on D18.2 &amp; D18.3 Objectives and Policies</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
110.4	KTW Systems LP c/- Rachel Dimery	Either include relevant objectives and policies in the overlay to address broader amenity values and other effects; or clarify that the objectives and policies of the underlying zone apply in addition to those in the Special Character Areas Overlay		Accepted in part

<b>Theme 14: Submissions on D18.4 Activity Table</b>				
<b>Sub-theme: Support for Changes</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
123.2	V H Bull c/- Gael McKitterick 4Sight Consulting Limited	Adopt the amendments proposed in PC26 to standard D18 Special Character Area Overlay as notified including the amendments to D18 Activity Table (Explanation)		Accepted in part
146.2	Z Energy Limited BP Oil NZ Limited Mobil Oil NZ Limited c/- Gael McKitterick - 4Sight Consulting Limited	Adopt the amendments to standard D18 Activity Table (Explanation) as notified		Accepted in part
224.2	Hume Architects Ltd c/ - Chris Hume	Supports changes clarification of activity status in activity table D18.4.1	FS12 K Vernon – Oppose in part	Accepted in part

<b>Theme 14: Submissions on D18.4 Activity Table</b>				
<b>Sub-theme: Oppose changes</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
257.9	Housing New Zealand c/- Alex Devine	Oppose the new text in the introduction to Activity Table D.18.4	FS12 K Vernon – Oppose in part FS13 Southern Cross Hospitals Limited – Support FS22 South Epsom Planning Group Inc – Oppose	Accepted in part

<b>Theme 14: Submissions on D18.4 Activity Table</b>				
<b>Sub-theme: D18.4 Activity table – 1<sup>st</sup> Paragraph</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
249.1	Keith Vernon	D18.4 Activity Table - Retain the wording “..land use and..” in the first paragraph and amend the activity Table to ensure the following activities that are permitted in the underlying zone (based on the Single House zone “SHZ”) are a Discretionary activity within the SCA overlay - Residential (A4, A10, A12, A14), Commerce (A19), Community (A21, A27) & Rural (A30)	FS2 BA Trusties Limited - Oppose	Accepted in part

<b>Theme 14: Submissions on D18.4 Activity Table</b>				
<b>Sub-theme: D18.4 Activity table – 2<sup>nd</sup> Paragraph “Takes Precedence v Replaces”</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
96.2	Colin and Jocelyn Weatherall Attn: David Wren	Replace the words "takes precedence over" with "replaces" in D18.4 Activity Table	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited - Support FS6 Auckland Grammar School – Support FS7 The University of Auckland – Support FS12 K Vernon – Oppose in part FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support	Rejected

			FS17 R & M Donaldson – Support FS18 Andrew Body and Karen Paterson as trustees of Galatea – support	
97.2	Peter Ng Attn: David Wren	Replace the words "takes precedence over" with "replaces" in D18.4 Activity Table		Rejected
110.6	KTW Systems LP c/- Rachel Dimery	Amend the wording of preamble to Activity Table D18.4 (second paragraph) in accordance with the submission	FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support FS17 R & M Donaldson – Support FS18 Andrew Body and Karen Paterson as trustees of Galatea – Support FS23 Remuera Heritage Inc - Support	Rejected
127.2	John Dillon c/- David Wren	Amend D18.4 Activity table by amending the clause 'take precedence' to 'replace'	FS12 K Vernon – Oppose in part FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support FS17 R & M Donaldson – Support FS18 Andrew Body and Karen Paterson as trustees of Galatea - support	Rejected
128.2	Peter and Sarah Wren c/- David Wren	Amend D18.4 Activity table by amending the clause 'take precedence' to 'replace'	FS12 K Vernon – Oppose in part FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support FS17 R & M Donaldson – Support FS18 Andrew Body and Karen Paterson as trustees of Galatea - support	Rejected
150.2	B Dayal c/- Vijay Lala -	Amend preamble to activity table - change wording as per submission	FS12 K Vernon – Oppose in part	Rejected

	Tattico Limited		FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support FS17 R & M Donaldson – Support FS18 Andrew Body and Karen Paterson as trustees of Galatea - support	
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**Theme 14: Submissions on D18.4 Activity Table**  
**Sub-theme: Activity Status Legend**

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
105.3	Neil Harnisch	Add Activity status legend to explain the significance of the letters "P", "RD" etc		Accepted in part (There is already a legend in the Unitary Plan)

**Theme 14: Submissions on D18.4 Activity Table**  
**Sub-theme: Table D 18.4 – 3rd Paragraph**

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
110.7	KTW Systems LP c/- Rachel Dimery	Retain the third paragraph under the heading D18.4 - Activity table		Rejected

**Theme 14: Submissions on D18.4 Activity Table**  
**Sub-theme: Table D 18.4 Activity A1 Restoration and Repair**

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
94.2	Stephen A Nielsen	Modify D18.4.1(A1) to say "Restoration and repair (including re-cladding) to a building on all sites in the Special Character Areas Overlay is a permitted activity		Rejected

**Theme 14: Submissions on D18.4 Activity Table**  
**Sub-theme: Table D 18.4 Activity A2 – Additions and Alterations**

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
150.3	B Dayal c/- Vijay Lala - Tattico Limited	Amend additions and alterations in D18.4.1 - Activity table - change wording to A2 as per submission: <del>Minor</del> Additions and alterations to the rear of a building on all sites in the Special Character Area Overlay – Residential or Special Character Areas Overlay - General (with a residential zoning) <del>where</del>	FS12 K Vernon – Oppose in part	Rejected

		<del>works to the building use the same design and materials to the existing building</del>		
224.3	Hume Architects Ltd c/ - Chris Hume	Requests clarification of 'Minor' alterations require definition note 'redecorated' is noted in Special Character Area Business but not defined	FS12 K Vernon – Oppose in part	Rejected

**Theme 14: Submissions on D18.4 Activity Table  
Sub-theme: Table D 18.4 Activity A3 – Demolition**

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
150.4	B Dayal c/- Vijay Lala - Tattico Limited	Amend demolition controls in D18.4.1 - Activity table - change wording as per submission:  Total demolition or substantial demolition (exceeding 30 per cent or more, by area, of <del>front and side</del> wall elevations <del>and roof areas</del> ) of a building, or the removal of a building (excluding accessory buildings), or the relocation of a building within the site on: (a) ...	FS12 K Vernon – Oppose in part	Rejected
157.6	Roy Koshy	Additional/Alternation and up to 40% demolition is suggested to be a permitted activity		Rejected
157.7	Roy Koshy	If the house is damaged and unable to restored to its former glory shall be permitted to be demolished		Rejected
247.2	Grey Lynn Residents Association c/- Tania Fleur Mace	Tighten the rules relating to demolition within the Special Character overlay and ensure that decision making is robust and includes people with the relevant expertise	FS2 BA Trusties Limited – Oppose FS15 Housing New Zealand Corporation - Oppose	Rejected

**Theme 14: Submissions on D18.4 Activity Table  
Sub-theme: Table D 18.4 Activity A4 - External Alterations and Additions**

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
150.5	B Dayal c/- Vijay Lala - Tattico Limited	Amend additions and alterations in D18.4.1 - Activity table - change wording to A4 as per submission: External alterations or additions to a building on all sites in the Special Character Areas Overlay– Residential or Special Character Areas Overlay - General (with a residential zoning), <u>except as provided for by Standard D18.4.1(A2).</u>	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Support FS6 Auckland Grammar School – Support FS7 The University of Auckland – Support FS12 K Vernon – Oppose in part	Accepted

<b>Theme 14: Submissions on D18.4 Activity Table</b>				
<b>Sub-theme: Table D 18.4 Activity A5A &amp; A5B (new fences and walls)</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
110.8	KTW Systems LP c/- Rachel Dimery	Amend Activity Table (A5A) by deleting reference to compliance with Standard D18.6.1.7(1)		Accepted
110.9	KTW Systems LP c/- Rachel Dimery	Amend Activity Table (A5B) by deleting A5B in its entirety		Accepted
123.3	V H Bull c/- Gael McKitterick 4Sight Consulting Limited	Adopt the amendments proposed in PC26 to standard D18 Special Character Area Overlay as notified including the amendments to Table D18.4.1 Activity table		Accepted in part
221.2	Auckland Grammar School (AGS) c/- Sarah Burgess	Supports the proposed inclusion of the activity statuses - (A5A) and (A5B) (Activity statuses – fencing) in Table D18.4.1	FS12 K Vernon – Oppose in part	Accepted in part
224.4	Hume Architects Ltd c/ - Chris Hume	Opposes A5a & A5b fences and walls	FS12 K Vernon – Oppose in part	Accepted in part
249.2	Keith Vernon	Table D18.4.1 - support the proposed addition of activities (A5A) and (A5B) subject to proposed amendments to standard D18.6.7(1) and changing the description to "Front, side and rear fences and walls"		Accepted in part

<b>Theme 14: Submissions on D18.4 Activity Table</b>				
<b>Sub-theme: Table D 18.4 Activity A6 &amp; A8 External Redecoration</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
224.5	Hume Architects Ltd c/ - Chris Hume	Clarification required for (A6) & (A8) - 'External redecoration'	FS12 K Vernon – Oppose in part	Rejected

<b>Theme 14: Submissions on D18.4 Activity Table</b>				
<b>Sub-theme: D18.4.2 Activity Table – Special Character Areas Overlay – Business</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
170.4	Joe Martin	Amend D18.4.2 - Activity table (Introduction) by adding text 'General and Special Character Areas Overlay – Residential : North Shore – Devonport and Stanley Point'	FS14 Hayson Knell Ltd - Support	Accepted in part
170.5	Joe Martin	Amend D18.4.2 Activity table by adding text ' and Special Character Areas Overlay – Residential: North Shore – Devonport and Stanley Point'	FS14 Hayson Knell Ltd – Support	Accepted in part

**Theme 15: Submissions on the Resource Consent Process (D18.5 Notification)**  
**Sub-theme: Notification of neighbours**

<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
88.5	Passion Fruit Trust	All neighbours in special character areas to be notified when there is development proposed on their boundary	FS8 Peter Ng – Oppose FS9 Peter and Sarah Wren – Oppose FS10 John Dillon – Oppose FS11 Colin and Jocelyn Weatherall – Oppose FS15 Housing New Zealand Corporation - Oppose	Rejected
175.3	Coralie Ann van Camp	Oppose a change in the rules for building expansion on a property without notification to neighbours		Rejected
186.5	Tom Ang	Object to any reduction in the threshold for notifying consents		Rejected
200.5	Wendy Gray	Object to any reduction in the threshold for notifying consents		Rejected
202.8	Sue Cooper, Remuera Heritage	All neighbours in special character areas to be notified when there is development proposed on their boundary	FS15 Housing New Zealand Corporation – Oppose FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Oppose FS17 R & M Donaldson – Oppose FS18 Andrew Body and Karen Paterson as trustees of Galatea – Oppose	Rejected
203.7	Sally Hughes, Character Coalition	All neighbours in special character areas to be notified when there is development proposed on their boundary	FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Oppose FS17 R & M Donaldson – Oppose FS18 Andrew Body and Karen Paterson as trustees of Galatea – Oppose	Rejected
216.4	Don Huse	That in any event, no AC consent to proceed with any construction (new or renovation) in the applicable special character area be granted, without reasonable prior advice being given to all the property owners in the immediate	FS15 Housing New Zealand Corporation - Oppose	Rejected

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
		vicinity (or such owners who may be reasonably expected to be affected by or have an interest in such construction) such that they may seek clarification from the AC or lodge an objection with AC, in connection with the proposed construction		
247.3	Grey Lynn Residents Association c/- Tania Fleur Mace	Notify resource consents in situations where there are any matters that are contentious	FS2 BA Trusties Limited – Oppose FS15 Housing New Zealand Corporation – Oppose FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Oppose FS17 R & M Donaldson – Oppose FS18 Andrew Body and Karen Paterson as trustees of Galatea – Oppose	Rejected
249.7	Keith Vernon	Any breach of this HIRB standard should require a notified consent with neighbours given the opportunity to be heard	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Oppose FS6 Auckland Grammar School – Oppose FS7 The University Of Auckland – Oppose FS8 Peter Ng – Oppose FS9 Peter and Sarah Wren – Oppose FS10 John Dillon – Oppose FS11 Colin and Jocelyn Weatherall – Oppose FS15 Housing New Zealand Corporation – Oppose FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Oppose FS17 R & M Donaldson – Oppose	Rejected



Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
			FS18 Andrew Body and Karen Paterson as Trustees of Galatea – Oppose	

**Theme 15: Submissions on the Resource Consent Process (D18.5 Notification)**  
**Sub-theme: Other Matters**

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
237.3	Matthew Douglas Easton	Want more time to make a detailed submission to a land use application: LUC603033362		Rejected
264.3	Debbie Holdsworth	Provide some certainty around the costs, timeframes for resource consents for fences and walls in addition to streamlining the process		Accepted in part

**Theme 16: Submissions on D18.6. Standards**  
**Sub-theme: Support Changes**

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
110.10	KTW Systems LP c/- Rachel Dimery	Retain D18.6.1 subclauses (a) and (b)	FS23 Remuera Heritage Inc – Support in part	Rejected
123.4	V H Bull c/- Gael McKitterick 4Sight Consulting Limited	Adopt the amendments proposed in PC26 to standard D18 Special Character Area Overlay as notified including the amendments to D18.6.1 Standards for Buildings in Special Character Areas Overlay		Rejected
123.12	V H Bull c/- Gael McKitterick 4Sight Consulting Limited	Adopt the amendments proposed in PC26 to standard D18 Special Character Area Overlay as notified including the amendments to D18.6.2 Standards for Buildings		Rejected
146.3	Z Energy Limited BP Oil NZ Limited Mobil Oil NZ Limited c/- Gael McKitterick - 4Sight Consulting Limited	Adopt the amendments to standard D18.6.1 Standards for Buildings in Special Character Areas Overlay as notified		Rejected
167.2	Beryl Jack	SCAR rules should replace underlying zone rules		Accepted in part
168.2	Janelle Costley	SCAR rules should replace underlying zoning rules		Accepted in part
207.5	South Epsom Planning Group Inc c/- Alfred	Change text for Standards in accordance with submission  D18.6 <u>Development</u> Standards	FS12 K Vernon – Support in part and Oppose in part	Rejected

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
	Richard Bellamy	D18.6.1 Development Standards for buildings in the ...	FS23 Remuera Heritage Inc - Support	

<b>Theme 16: Submissions on D18.6. Standards</b>				
<b>Sub-theme: Oppose Changes</b>				
Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
18.2	Tony Batterton	Do not loosen or dilute the special character provisions		Accepted in part
107.2	Robyn Rosemary Cameron	Decline the plan change in respect of D18.6.1 Standards		Accepted in part
111.2	Alexander and Julia Cowdell	Plan 26, which seeks to change measurements, will have a detrimental effect on the quality of life of residents, not to mention the heritage value of properties. Building so close to boundaries inevitably means that issues of noise, sunlight and privacy can seriously impact neighbourly relations and mental health		Accepted in part
121.4	Darcy McNicoll	Decline the plan change in respect of D18.6.1 - Standards		Accepted in part
122.4	Robyn McNicoll	Decline the plan change in respect of D18.6.1 - Standards		Accepted in part
136.3	Kah Keng Low	Decline changes to additions & alterations.		Rejected
157.3	Roy Koshy	Implement the same rules as that of a single housing on special housing		Rejected
257.10	Housing New Zealand c/- Alex Devine	Oppose the proposed amendments to existing text (D18.6.1(a)), as well as the newly introduced text (D18.6.1(b)) in relation to the Standards for buildings in the SCA Overlay	FS12 K Vernon – Oppose in part FS13 Southern Cross Hospitals Limited – Support FS22 South Epsom Planning Group Inc - Oppose	Accepted in part

<b>Theme 16: Submissions on D18.6. Standards</b>				
<b>Sub-theme: 18.6.1 (a)</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
96.3	Colin and Jocelyn Weatherall Attn: David Wren	Amend D18.6 Standards by adding the words All activities "that are listed as permitted, controlled or restricted discretionary activities".....	FS12 K Vernon – Oppose in part	Rejected
97.3	Peter Ng Attn: David Wren	Amend D18.6 Standards by adding the words All activities "that are listed as permitted, controlled or restricted discretionary activities".....	FS12 K Vernon – Oppose in part	Rejected
127.3	John Dillon c/- David Wren	Amend D18.6.1. Standards paragraph (a) clause to relate to only permitted, controlled and restricted discretionary activities	FS12 K Vernon – Oppose in part	Rejected
128.3	Peter and Sarah Wren c/- David Wren	Amend D18.6.1. Standards paragraph (a) clause to relate to only permitted, controlled and restricted discretionary activities	FS12 K Vernon – Oppose in part	Rejected

<b>Theme 16: Submissions on D18.6. Standards</b>				
<b>Sub-theme: 18.6.1 (b) “Replace” v “Take Precedence”</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
249.3	Keith Vernon	D18.6 - Standards - Amend the proposed new paragraph D18.6.1(b) by deleting “replace” in line 2 and insert the words “take precedence over” and delete “..do not apply” at the end of the last sentence and insert the words “.. apply to the extent that they are not in conflict with the corresponding standards in the SCA Overlay”	FS5 Mark Crosbie, Heidi Crosbie, and Adeux Trustee Limited – Oppose FS6 Auckland Grammar School – Oppose FS7 The University of Auckland – Oppose FS8 Peter Ng – Oppose FS9 Peter and Sarah Wren – Oppose FS10 John Dillon – Oppose FS11 Colin and Jocelyn Weatherall - Oppose	Accepted in part

**Theme 16: Submissions on D18.6. Standards****Sub-theme: Recast the Standards**

<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
257.3	Housing New Zealand c/- Alex Devine	Re-cast the rule provisions to maintain their focus to the values associated with the special character amenity values that the SCA Overlay is seeking to recognise	FS12 K Vernon – Oppose in part FS13 Southern Cross Hospitals Limited – Support FS22 South Epsom Planning Group Inc - Oppose	Accepted in part

**Theme 16: Submissions on D18.6. Standards****Sub-theme: North Shore – Devonport & Stanley Point**

<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
170.6	Joe Martin	Amend D18.6 - Standards by adding text 'and Special Character Areas Overlay – Residential : North Shore – Devonport and Stanley Point'	FS14 Hayson Knell Ltd - Support	Accepted in part
170.7	Joe Martin	Amend D18.6.2 - Standards by adding text 'and Special Character Areas Overlay – Residential : North Shore – Devonport and Stanley Point'	FS14 Hayson Knell Ltd - Support	Accepted in part

**Theme 17: Submissions on Purpose Statements****Sub-theme: Support Purpose Statements**

<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
184.2	Denny Boothe	Purpose statements of the Single House zone in the AUP are important and should prevail		Accepted in part
222.2	Rachael and Jonathan Sinclair	Support the inclusion of purpose statements for the various standards in the Overlay	FS12 K Vernon – Support in part and Oppose in part	Rejected

<b>Theme 17: Submissions on Purpose Statements</b>				
<b>Sub-theme: Amend Purpose Statements</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
142.2	Somersby Trust C/- Craig Moriarity - Haines Planning Consultants Limited	Seeks the rewording of the proposed 'Yard Purpose' D18.6.1.3 - Yards		Rejected
207.3	South Epsom Planning Group Inc c/- Alfred Richar Bellamy	The Society supports the introduction of purpose statements for development standards, but has suggested amendments, in particular broadening the focus from 'streetscape' to also include rear yards and neighbourhoods more generally		Rejected
235.2	M Reeves	The new "Purpose" statements for "D18.6.1.1 Building Height" and "D18.6.1.2 Height in Relation to Boundary" remain open to interpretation. It is not clear what "retaining the character of the streetscape" and "enabling built form that reflects the character of the area" means.		Rejected

<b>Theme 17: Submissions on Purpose Statements</b>				
<b>Sub-theme: Oppose/Remove Purpose Statements</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
178.2	KCH Trust and Ifwersen Family Trust c/- Bianca Tree, Minter Ellison Rudd Watts	That the proposed purpose statement in each of the standards in the Special Character Areas Overlay be removed	FS12 K Vernon – Oppose in part	Accepted
250.1	Southern Cross Hospitals Limited c/- Bianca Tree	That the proposed purpose statement in each of the standards in the Special Character Areas Overlay be removed		Accepted
257.13	Housing New Zealand c/- Alex Devine	Oppose the newly proposed 'purpose statements' in relation to Standards 'D18.6.1.1 Building height'; 'D18.6.1.2 Height in relation to boundary'; 'Standard D18.6.1.3 Yards'; 'Standard D18.6.1.4 Building coverage'; D18.6.1.5 Landscaped area'; 'Standard D18.6.1.6 Maximum impervious area'; and 'Standard D18.6.1.7 Fences and walls	FS12 K Vernon – Oppose in part FS13 Southern Cross Hospitals Limited – Support FS22 South Epsom Planning Group Inc - Oppose	Accepted

<b>Theme 18: Submissions on D18.6.1.1 Building Height</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
7.1	Graham William Arthur Bush and Norma Ann Bush	Support the proposed change to building height		Rejected
10.2	John Mark Jones	Oppose changes to height limits		Rejected
16.1	Natomi Family Trust Attn : John Brockies	Decline the plan modification in respect of building height		Accepted
21.2	Martin Evans	Decline or amend Rule D18.6.1.1 - Building height		Accepted
34.2	William Wu	Decline the plan modification in respect of H3.6.6 – Height		Rejected
77.2	Christopher and Louise Johnstone	Maximum height should not be increased		Accepted
84.2	Lambert Hoogeveen	Building height to be 8m without exceptions	FS8 Peter Ng – Oppose FS9 Peter and Sarah Wren – Oppose FS10 John Dillon – Oppose FS11 Colin and Jocelyn Weatherall - Oppose	Rejected
107.3	Robyn Rosemary Cameron	Decline the plan change in respect of D18.6.1.1 Building Heights		Accepted
110.11	KTW Systems LP c/- Rachel Dimery	Retain D18.6.1.1 - Building height as notified		Rejected
121.5	Darcy McNicoll	Decline the plan change in respect of D18.6.11 - Building height		Accepted
122.5	Robyn McNicoll	Decline the plan change in respect of D18.6.11 - Building height		Accepted
123.5	V H Bull c/- Gael McKitterick 4Sight Consulting Limited	Adopt the amendments proposed in PC26 to standard D18 Special Character Area Overlay as notified including the amendments to D18.6.1.1 Building Height		Rejected
150.6	B Dayal c/- Vijay Lala - Tattico Limited	Amend purpose statement of building height in activity table - change wording as per submission	FS12 K Vernon – Oppose in part	
152.1	Marilyn Elvin	Support the standard of no more than 2 levels for a dwelling		Rejected
157.5	Roy Koshy	Maximum height to be kept at 8+1m for gable		Accepted
159.2	Dinah Holman	Amend the first bullet point of the purpose statement for D18.6.1.1 -		Rejected

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
		Building height to read "retain the existing built form character of historically predominantly one storey in the established residential neighbourhoods"		
159.3	Dinah Holman	Require suitable greater restriction on two-storey houses, e.g. larger yards		Rejected
171.2	Linda Whitcombe Devonport Heritage	Retain the current height regulations for Devonport.		Accepted
207.6	South Epsom Planning Group Inc c/- Alfred Richard Bellamy	Change text for Building height in accordance with submission	FS12 K Vernon – Support in part and Oppose in part FS23 Remuera Heritage Inc – Support in part	Rejected
219.3	Mark Crosbie, Heid Crosbie and Adeux Trustee Limited	Oppose the inclusion of "maintain a reasonable level of sunlight access..." in D18.6.1.1 Building height	FS12 K Vernon – Support in part	Rejected
219.3	Mark Crosbie, Heid Crosbie and Adeux Trustee Limited	Oppose the inclusion of "maintain a reasonable level of sunlight access..." in D18.6.1.1 Building height	FS12 K Vernon – Oppose in part	Rejected
221.3	Auckland Grammar School (AGS) c/- Sarah Burgess	Opposes the inclusion of "maintain a reasonable level of sunlight access..." in D18.6.1.1 Building Height	FS12 K Vernon – Oppose in part	Rejected
224.6	Hume Architects Ltd c/ - Chris Hume	Supports Building Height D18.6.1.1 remaining as Special Character Area Overlay	FS12 K Vernon – Oppose in part	Accepted
228.3	The University of Auckland c/- Sarah Burgess	Opposes the inclusion of "maintain a reasonable level of sunlight access..." in D18.6.1.1 Building Height	FS12 K Vernon – Oppose in part	Rejected
233.4	Birkenhead Residents Associations	Discourage the support for two storey buildings that are out of character to the Special Character Areas		Rejected
249.4	Keith Vernon	D18.6.1.1 - Building height - Add a new bullet point to the purpose statement "Maintain a reasonable standard of residential amenity for adjoining sites"	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Oppose FS6 Auckland Grammar School – Oppose FS7 The University of Auckland - Oppose	Rejected

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
258.2	Parnell Heritage Inc c/- Julie M Hill	Amend the activity table to reflect the most restrictive criteria for building height from either the single house zone rules or the special character rules	FS8 Peter Ng – Oppose FS9 Peter and Sarah Wren – Oppose FS10 John Dillon – Oppose FS11 Colin and Jocelyn Weatherall - Oppose	Rejected

**Theme 19: Submissions on D18.6.1.2 Height in Relation to Boundary**  
**Sub-theme: Support**

Sub No.	Name of Submitter	Summary of the relief sought by the submitter	Further Submissions	Decision
26.3	Elisabeth Sullivan	Support retaining max height to boundary of 3m for properties with frontages of less than 15m		Rejected
112.2	Peter Desmond Withell	The special character rules should always replace any conflicting rule		Rejected
145.2	Patrick Reddington and Letitia Reddington	Support height in relation to boundary		Rejected
151.4	Bronwyn Hayes	Retain the 3m 45 Hirtb		Accepted
154.1	Mrs Anna Lomas Breckon	Agree to HiRTB as proposed	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Oppose FS7 The University of Auckland – Oppose FS6 Auckland Grammar School – Oppose	Rejected
204.4	Mount St Johns Residents' Group Inc c/- Catherine Peters	Support the changes to the height to boundary rules, which allow for the development of sites which have a frontage of less than 15 metres to three metres, and then at a 45 degree angle		Rejected
219.5	Mark Crosbie, Heid Crosbie and Adeux	Supports the removal of the HIRTB planes from front boundaries	FS12 K Vernon – Oppose in part FS16 Samson Corporation Ltd and Sterling	Accepted



	Trustee Limited		Nominees Ltd – Support FS18 Andrew Body and Karen Paterson as trustees of Galatea trust – Support FS16 R & M Donaldson – Support	
219.6	Mark Crosbie, Heid Crosbie and Adeux Trustee Limited	Supports the inclusion of the exclusion provisions set out in D18.6.1.2(2)-(6)	FS12 K Vernon – Oppose in part	Rejected
221.5	Auckland Grammar School (AGS) c/- Sarah Burgess	Supports the removal of the HIRTB planes from front boundaries	FS12 K Vernon – Oppose in part FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support FS18 Andrew Body and Karen Paterson as trustees of Galatea trust – Support FS16 R & M Donaldson – Support	Accepted
221.6	Auckland Grammar School (AGS) c/- Sarah Burgess	Include the exclusion provisions set out in D18.6.1.2(2)-(6) as proposed in PC26	FS12 K Vernon – Oppose in part	Rejected
222.4	Rachael and Jonathan Sinclair	Standard D18.6.1.2 (4) - we support this clarification so that height in relation to boundary applies on the farthest boundary of the legal right of way, entrance strip, access site to pedestrian accessway.	FS12 K Vernon – Oppose in part	Accepted
224.9	Hume Architects Ltd c/ - Chris Hume	Supports height in relation to boundary D18.6.1.2 (4), (5), (6)	FS12 K Vernon – Oppose in part	Accepted
227.2	Eden Park Neighbours' Assoc c/- Mark Donnelly	Support the HiRTB for sites with greater than 15m frontage		Rejected

228.5	The University of Auckland c/- Sarah Burgess	Supports the removal of the HIRTB planes from front boundaries	FS12 K Vernon – Oppose in part FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support FS16 R & M Donaldson – Support	Accepted
228.6	The University of Auckland c/- Sarah Burgess	The University supports the inclusion of the exclusion provisions set out in D18.6.1.2(2)-(6) which will make the SCAR provisions consistent with those applying to other residential zones.	FS12 K Vernon – Oppose in part FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support FS16 R & M Donaldson – Support	Rejected
245.2	R & M Donaldson c/- J A Brown	Confirm the provisions of PC26 insofar as they relate to sites with a frontage less than 15m		Rejected
245.3	R & M Donaldson c/- J A Brown	Confirm the application of a three-metre starting height for recession planes, applying on the side and rear boundaries only		Accepted

**Theme 19: Submissions on D18.6.1.2 Height in Relation to Boundary**  
**Sub-theme: Oppose**

Sub No.	Name of Submitter	Summary of the relief sought by the submitter	Further Submissions	Decision
34.3	William Wu	Decline the plan modification in respect of H3.6.7 - Height in relation to boundary		Rejected
49.2	Wing Cheuk Chan	Development criteria is inappropriately restrictive in a number of areas including height to boundary	FS32 Lim Che Cheung Chan – Support	Rejected
51.2	Janet Digby	Retain the current stricter height in relation to boundary control	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Oppose FS6 Auckland Grammar School – Oppose FS7 The University of Auckland - Oppose	Rejected

56.2	Charles Laurence Digby	Retain current rules relating to height in relation to boundary	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Oppose FS6 Auckland Grammar School – Oppose FS7 The University of Auckland - Oppose	Accepted
70.2	Lyndsay and Lianne Brock	Do not support the proposed 15m frontage 'trigger' and ask that it be deleted	FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support FS18 Andrew Body and Karen Paterson as trustees of Galatea trust - Support	Accepted
77.3	Christopher and Louise Johnstone	Height to boundary should remain the same		Accepted
78.2	Lim Che Cheung Chan	Development criteria is inappropriately restrictive in a number of areas including height to boundary	FS19 Wing Cheuk Chan – Support	Rejected
88.1	Passion Fruit Trust	The more restrictive height to boundary measure be used	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Oppose FS7 The University of Auckland – Oppose FS6 Auckland Grammar School – Oppose FS8 Peter Ng – Oppose FS9 Peter and Sarah Wren – Oppose FS10 John Dillon – Oppose FS11 Colin and Jocelyn Weatherall – Oppose	Rejected
89.2 89.4	Kathy Prentice	Retain the Single House zone height in relation to boundary control	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Oppose FS7 The University of	Rejected

			Auckland – Oppose FS6 Auckland Grammar School – Oppose	
91.2	Raymond Johnston	The underlying (and presuming more restrictive) height in relation to boundary standard should not apply to a rear site - allow the 3.0m height in relation to boundary to also apply to rear sites		Rejected
107.4	Robyn Rosemary Cameron	Decline the plan change in respect of D18.6.1.2 Height in Relation to Boundary		Rejected
111.1	Alexander and Julia Coddell	Oppose SCAR Height in relation to boundary changes		Rejected
121.2	Darcy McNicoll	Retain the SHZ height in relation to boundary control	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Oppose FS7 The University of Auckland – Oppose FS6 Auckland Grammar School – Oppose	Rejected
122.2	Robyn McNicoll	Retain the SHZ height in relation to boundary control	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Oppose FS7 The University of Auckland – Oppose FS6 Auckland Grammar School – Oppose	Rejected
124.2	Stephen John Mills	Retain the SHZ HiRTB control		Rejected
129.1	Gretta McLeay	Oppose relaxing the HiRTB for the front boundary	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Oppose FS7 The University of Auckland – Oppose FS6 Auckland Grammar School – Oppose	Rejected
129.2	Gretta McLeay	Oppose the reduced HiRTB control from 3m 45deg to 2.5m 45 deg		Rejected
131.2	Alastair George	Request that the more restrictive HiRTB prevail		Rejected

	McInnes Fletcher			
153.3	Michael Neil Hayes	Height to boundary should be no more imposing than 45 degrees above 2.5m		Rejected
157.4	Roy Koshy	HIRB rules should be same irrespective of where the dwelling is positioned/being positioned (front/rear of the property)		Rejected
159.4	Dinah Holman	For calculating height in relation to boundary, the point from which the recession plane is set in the Overlay Area be reduced to 2.5m		Rejected
160.3	Helen Louise Phillips-Hill	Oppose changes to the HiRTB		Rejected
160.5	Helen Louise Phillips-Hill	Oppose the different rules for longer frontages (for height in relation to boundary controls)	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Support FS7 The University of Auckland – Support FS6 Auckland Grammar School – Support	Accepted
162.2	Kirsty Gillon, Buchanan House Trust	Amend Overlay rule for height in relation to boundary to define the envelope to at least 2.5m vertical height and then a 45 degree incline		Rejected
169.2	Mary and Jonathan Mason	Remove 3m 45 HiRTB and instead have a 2.5m vertical height and a 45 degree incline		Rejected
172.2	Sam and Rhonda Mojel	Hirtb rules should not be altered		Rejected
175.2	Coralie Ann van Camp	Oppose height to boundary reduction from 3m to 1m in character areas		Rejected
176.2	Margot Jane McRae	HTB - should be 2.5m vertical height and 45 degrees angle		Rejected
186.2	Tom Ang	Oppose the increase of HIRB from 2.5m to 3m - D18.6.1.2		Rejected
200.2	Wendy Gray	Oppose the increase of HIRB from 2.5m to 3m - D18.6.1.2		Rejected
202.2	Sue Cooper, Remuera Heritage	The more restrictive HiRTB requirement should apply		Rejected
203.2	Sally Hughes, Character Coalition	The more restrictive HiRTB requirement should apply		Rejected
218.3	Leighton Haliday	Retain more restrictive HiRTB		Rejected
224.7	Hume Architects Ltd c/ - Chris Hume	Opposes height in relation to boundary D 18.6.1.2 (1) (a) The site has a frontage length of less than 15m.	FS12 K Vernon – Oppose in part FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support FS18 Andrew Body and Karen	Accepted

			Paterson as trustees of Galatea trust – Support	
224.8	Hume Architects Ltd c/ - Chris Hume	Opposes height in relation to boundary D 18.6.1.2 (2) The underlying zone Hirtb standard applies where: (a) The site has a frontage length of 15m or greater. (b) The site is a rear site.	FS12 K Vernon – Oppose in part FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support FS18 Andrew Body and Karen Paterson as trustees of Galatea trust – Support	Accepted in part
233.3	Birkenhead Residents Associations	Retain the underlying zones 2.5m height/boundary requirement.		Rejected
236.3	Samson Corporation Ltd And Sterling Nominees Ltd	The proposed addition into Rule D18.6.1.2 – Height in Relation to Boundary of the requirement for sites with a frontage of 15m or greater is not supported		Accepted
237.2	Matthew Douglas Easton	Apply the more restrictive HiRTB		Rejected
238.2 238.3	Andrew Body and Karen Paterson as trustees of GALATEA TRUST	The proposed addition into Rule D18.6.1.2 – Height in Relation to Boundary of the requirement for sites with a frontage of 15m or greater is not supported		Accepted
243.2	Michael Fitzpatrick	Apply SHZ rule of 2.5m vertical height and then a 45 degree incline to SCAO		Rejected
244.2	Julie Raddon Raddon	Apply SHZ rule of 2.5m vertical height and then a 45 degree incline to SCAO		Rejected
248.2	Jacqui Goldingham	Opposed to changes to height in relation to boundary		Accepted in part
249.6	Keith Vernon	Do not support the 3m and 45 degree HIRB standard for sites with a frontage less than 15m as proposed under sub-clause (1) - the normal HIRB standard (in most cases the single house 2.5m and 45 degrees) should continue to apply regardless of the frontage width	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Oppose	Rejected
252.2	Brendan Kell	Oppose changes to D18.6.1.2 Height in relation to boundary		Accepted in part
253.2	Barbara Cuthbert and Michael Ashmore	Delete the proposed change to the height in relation to the boundary standard		Accepted in part
257.7	Housing New Zealand c/- Alex Devine	Oppose the proposed amendments and new text introduced into Standard 'D18.6.1.2 Height in relation to boundary', including D18.6.1.2(1), (2), (3), (4), (6) and (7)	F12 K Vernon – Oppose in part FS13 Southern Cross Hospitals	Accepted in part

			Limited – Support FS22 South Epsom Planning Group Inc - Oppose	
266.2	Iain Rea	Remove the amendments to D18.6.1.2 - Height in relation to boundary		Accepted in part

**Theme 19: Submissions on D18.6.1.2 Height in Relation to Boundary**  
**Sub – theme: Amend**

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
8.1	Adonis Souloglou	Accept the plan modification with amendments to the height in relation to boundary control - Remove the 15m frontage distinction from D18.6.1.2 in the proposed plan change	FS6 Auckland Grammar School – Support FS7 The University of Auckland – Support FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Support	Accepted
21.3	Martin Evans	The angle needs to reduce to at least 35 degrees and preferably 30 degrees		Rejected
24.2	Steven Lloyd Francis	Amend the height-in-relation to boundary control to allow the 3m+45 control to apply to all additions/extensions to existing buildings		Rejected
55.3	Wong Liu Shueng	Maintain access to sunlight and air		Rejected
73.2	Catherine Spencer	Maintain the envelope (i.e. height in relation to boundary) based on a 3m vertical height and then a 45-degree incline for height in relation to boundary		Accepted in part
96.4	Colin and Jocelyn Weatherall Attn: David Wren	Delete the distinction in the height in relation to boundary control for sites less than or greater than 15m frontage, corner sites and rear sites	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Support FS7 The University of Auckland – Support FS6 Auckland Grammar School – Support FS12 K Vernon – Oppose in part FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support FS18 Andrew Body and Karen Paterson as	Accepted in part

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
			trustees of Galatea trust – Support FS23 Remuera Heritage Inc – Support in part	
97.4	Peter Ng Attn: David Wren	Delete the distinction in the height in relation to boundary control for sites less than or greater than 15m frontage, corner sites and rear sites	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Support FS7 The University of Auckland – Support FS12 K Vernon – Oppose in part FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support FS18 Andrew Body and Karen Paterson as trustees of Galatea trust – Support	Accepted in part
110.12	KTW Systems LP c/- Rachel Dimery	Amend D18.6.1.2(2) as per the submission		Rejected
123.6 123.15	V H Bull c/- Gael McKitterick 4Sight Consulting Limited	Amend Standard D18.6.1.2 Height in Relation to Boundary by the deletion of clause (1a) and 1(b) so that all sites in the SCAO are required to comply with a 45 degree recession plane measured from a point 3m above the ground level along side and rear boundaries	FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support FS18 Andrew Body and Karen Paterson as trustees of Galatea trust – Support	Accepted in part
127.4	John Dillon c/- David Wren	Remove the 15m trigger for HiRTB rule	FS12 K Vernon – Oppose in part FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support FS18 Andrew Body and Karen Paterson as trustees of Galatea trust – Support	Accepted
128.4	Peter and Sarah Wren c/- David Wren	Remove the 15m trigger for HiRTB rule	FS12 K Vernon – Oppose in part FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support	Accepted



Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
			FS18 Andrew Body and Karen Paterson as trustees of Galatea trust – Support	
150.7	B Dayal c/- Vijay Lala - Tattico Limited	Amend HiRTB in D18.6.1.2 - height in relation to boundary - change wording to delete 15m trigger	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Support FS7 The University of Auckland – Support FS6 Auckland Grammar School – Support FS12 K Vernon – Oppose in part FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support FS18 Andrew Body and Karen Paterson as trustees of Galatea trust – Support	Accepted in part
153.3	Michael Neil Hayes	Retain 2.5m 45 Hirtb	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Oppose FS7 The University of Auckland – Oppose FS6 Auckland Grammar School – Oppose	Rejected
160.3	Helen Louise Phillips-Hill	Oppose changes to the HiRTB		Accepted in part
164.2	Alex Findlay, Expanse Ltd	Allow rear sites and those with a 15 m or more frontage to utilise the more flexible 3 m and 45° height in relation to boundary control	FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support	Rejected
173.2	John Childs c/- John Childs Consultants Limited	Rear sites should have the Overlay HiRTB applied in D18.6.1.2 by deleting Clause (2)	FS3 Colin Hardacre - Support	Rejected
178.3	KCH Trust and Ifwersen Family Trust c/- Bianca Tree, Minter Ellison Rudd Watts	Allow the changes to D18.6.1.2 Height in relation to boundary subject to removal of purpose statement	FS12 K Vernon – Oppose in part	Accepted in part

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
182.2	Michael Snowden c/- Philip Brown - Campbell Brown Planning	That standard D18.6.1.2 be amended so that all sites within the SCA Overlay are subject to a 3.0m+45o HIRB standard	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Support FS7 The University of Auckland – Support FS6 Auckland Grammar School – Support FS12 K Vernon – Oppose in part FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support FS18 Andrew Body and Karen Paterson as trustees of Galatea trust – Support FS16 R & M Donaldson – Support	Rejected
202.2	Chair Sue Cooper Remuera Heritage	Although this is not explicitly stated in the submission, it is inferred that they seek the dimension for the standard be similar to single house zone.		Rejected
207.7	South Epsom Planning Group Inc c/- Alfred Richard Bellamy	Change text for Hirtb in accordance with submission . Proposed changes to the purpose statement	FS12 K Vernon – Support in part and Oppose in part FS23 Remuera Heritage Inc – Support in part	Rejected
219.4	Mark Crosbie, Heid Crosbie and Adeux Trustee Limited	Amend the provisions in D18.6.1.2 Height in relation to boundary for the 3m + 45° to apply to all Isthmus A sites and sites with frontages less than 15m, and for the underlying zone provisions to apply to all other sites	FS12 K Vernon – Oppose in part	Rejected
219.7	Mark Crosbie, Heid Crosbie and Adeux Trustee Limited	Seeks that the provisions set out in underlying zones that do not require HiRTB from Open Space zoned sites exceeding 2,000m <sup>2</sup> and Business-zoned sites, should be adopted in the SCAR overlay	FS12 K Vernon – Oppose in part	Rejected
220.2	Roman Catholic Bishop of the Diocese of Auckland c/- Michael Campbell	Amend Standard D18.6.1.2 Height in relation to boundary so that all sites within the SCA Overlay are subject to a 3.0m+45o HIRB standard - photo example and site frontage diagrams provided	FS12 K Vernon – Oppose in part FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support FS18 Andrew Body and Karen Paterson as trustees of	Rejected

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
			Galatea trust – Support	
221.4	Auckland Grammar School (AGS) c/- Sarah Burgess	Amend the provisions in D18.6.1.2 Height in relation to boundary for the 3m + 45° to apply to all Isthmus A sites and sites with frontages less than 15m, and for the underlying zone provisions to apply to all other sites	FS12 K Vernon – Oppose in part	Rejected
221.7	Auckland Grammar School (AGS) c/- Sarah Burgess	Preclude the HiRTB standards on sites bordering business zoned sites and on open space zones exceeding 2000m2	FS12 K Vernon – Oppose in part	Rejected
222.3	Rachael and Jonathan Sinclair	Support Overlay height to boundary being applied (3m and 45 degree) but believe it should apply to all sites in the area (not just those 15m or less frontage)	FS12 K Vernon – Oppose in part and support in part FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support FS18 Andrew Body and Karen Paterson as trustees of Galatea trust – Support	Accepted in part
228.4	The University of Auckland c/- Sarah Burgess	Amend the provisions in D18.6.1.2 Height in relation to boundary for the 3m + 45° to apply to all Isthmus A sites and sites with frontages less than 15m, and for the underlying zone provisions to apply to all other sites	FS12 K Vernon – Oppose in part	Rejected
228.7	The University of Auckland c/- Sarah Burgess	Preclude the HiRTB standards on sites bordering business zoned sites and on open space zones exceeding 2000m2	FS12 K Vernon – Oppose in part	Rejected
236.2	Samson Corporation Ltd and Sterling Nominees Ltd (Samson) c/- J A Brown	Modify Rule D18.6.1.2 by removing the restriction that applies Rule D18.6.1.2 to sites with a frontage length of less than 15 metres only and deleting the application of the underlying zone height in relation to boundary standard to those sites with a frontage length of 15 metres or greater in Rule D18.6.1.2(3)(a); or	FS18 Andrew Body and Karen Paterson as trustees of Galatea trust – Support	Accepted
238.2	Andrew Body and Karen Paterson (Galatea) c/- J A Brown	Modify Rule D18.6.1.2 in the manner set out in paragraph 1.5 of this submission, which as the effect of applying a three-metre starting height for recession planes, on the side and rear boundaries only, of all sites within the SCAOR, by removing the restriction that applies Rule D18.6.1.2 to sites with a frontage length of less than 15 metres only and deleting the application of the underlying zone height in relation to boundary standard to those sites with a frontage length of 15 metres or greater in Rule D18.6.1.2(3)(a); or		Accepted in part

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
239.3	Marian Kohler	Amend D18.6.1.2 - height in relation to boundary to limit 3m plus 45 degree recession plane standard to properties that have less than 15m frontage length and are less than 400 sqm net size		Rejected
249.5	Keith Vernon	D18.6.1.2 - Height in relation to boundary - Add a new bullet point "Maintain a reasonable standard of residential amenity for adjoining sites"	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Oppose FS7 The University of Auckland – Oppose FS6 Auckland Grammar School – Oppose	Rejected
249.7	Keith Vernon	Any breach of this HIRB standard should require a notified consent with neighbours given the opportunity to be heard.		Rejected
249.8	Keith Vernon	In the single house zone the HIRB standard applies on the side and rear boundaries only. There is therefore a case to retain a HIRB standard for the front boundary in the SCA Overlay. The 3m and 45 degree control that currently applies is acceptable on the frontage only.		Rejected
249.9	Keith Vernon	The Figure D18.6.1.2.1 is misleading as the 3m step applies to sites with a frontage less than 15m only. If this Figure is retained the heading should be changed to "Height in Relation to Boundary for sites with a frontage length of less than 15m"	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Support FS7 The University of Auckland – Support FS6 Auckland Grammar School – Support	Rejected
249.10	Keith Vernon	The current wording in D18.6.1.2 Height in relation to boundary "... or where a common wall is proposed" should be deleted and to ensure that any underlying provision does not apply the following wording added – "...this provision does not apply if a common wall is proposed"		Rejected
249.11	Keith Vernon	The gable end, dormer or roof projection provisions in (5) and (6) in D18.6.1.2 Height in relation to boundary, are also unclear. This should be the total sum length of all projections on any elevation	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Support FS7 The University of Auckland – Support FS6 Auckland Grammar School – Support	Rejected

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
249.12	Keith Vernon	In D18.6.1.2 Height in relation to boundary, (6) allows up to two projections per 6m of site boundary. It would be clearer to state the maximum number of projections allowed per site. I propose not more than 4 projections per site	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Oppose FS7 The University of Auckland – Oppose FS6 Auckland Grammar School – Oppose	Rejected
249.15	Keith Vernon	In D18.6.1.2 Height in relation to boundary, (2), (3) and (4) where the term “height” is used it must be “.. height and height in relation to boundary standard (whichever is the lesser height)..”		Rejected
249.38	Keith Vernon	Combine sub-clauses (1) and (2) in D18.6.1.2 - Height in relation to boundary and amended to provide for a 3m and 45 degree HIRB on the front boundary of front sites and the underlying Zone provisions applying on all other boundaries regardless of frontage width	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – oppose FS7 The University of Auckland – Oppose FS6 Auckland Grammar School – Oppose	Rejected
	Southern Cross Hospitals Limited c/- Bianca Tree	That the amendments to the height in relation to boundary standard D18.6.1.2 be allowed subject to the removal of the purpose statement		Accepted in part
	Parnell Heritage Inc c/- Julie M Hill	Amend the activity table to reflect the most restrictive criteria for height in relation to boundary from either the single house zone rules or the special character rules	FS8 Peter Ng – Oppose FS9 Peter and Sarah Wren – Oppose FS10 John Dillon – Oppose FS11 Colin and Jocelyn Weatherall - Oppose	Rejected
	Yolande Wong	Remove the road frontage rule and retain the 3m plus 45 height in relation to boundary for all sites in the overlay	FS16 Samson Corporation Ltd and Sterling Nominees Ltd - Support	Accepted in part

<b>Theme 20: Submissions on D18.6.1.3 Yards (General)</b>				
Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
21.4	Martin Evans	Oppose changes to Rule D18.6.1.3 Yards		Accepted in part
34.4	William Wu	Decline the plan modification in respect of H3.6.8 - Yards		Accepted in part

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
68.2	Darren Pang	Rules applying to site boundaries (yards) should be eased		Rejected
74.3	Dean Tony Turner	Ease yard requirement restrictions		Rejected
96.5	Colin and Jocelyn Weatherall Attn: David Wren	Delete the side and rear yard controls	FS12 K Vernon – Oppose in part FS23 Remuera Heritage Inc. – Oppose in part	Rejected
97.5	Peter Ng Attn: David Wren	Delete the side and rear yard controls	FS12 K Vernon – Oppose in part	Rejected
106.2	Dougall Kraayvanger	Amend side and front yard setbacks to allow for close living and protection from uninvited public access		Rejected
107.5	Robyn Rosemary Cameron	Decline the plan change in respect of D18.6.1.3 Yards		Accepted in part
110.13	KTW Systems LP c/- Rachel Dimery	Retain D18.6.1.3 - Yards as notified	FS23 Remuera Heritage Inc. - Oppose	Accepted in part
123.7	V H Bull c/- Gael McKitterick 4Sight Consulting Limited	123.7 Adopt the amendments proposed in PC26 to standard D18 Special Character Area Overlay as notified including the amendments to D18.6.1.3 Yards		Accepted in part
131.3	Alastair George McInnes Fletcher	Request that yards (proximity to the boundary) not be reduced		Accepted
136.2	Kah Keng Low	Decline changes to yards		Accepted in part
142.2	Somersby Trust C/- Craig Moriarity - Haines Planning Consultants Limited	Seeks the rewording of the proposed 'Yard Purpose' D18.6.1.3 - Yards		Rejected
145.3	Patrick Reddington and Letitia Reddington	Support yards		Accepted in part
171.3	Linda Whitcombe Devonport Heritage	Retain the boundary regulations for Devonport		Accepted in part
207.8	South Epsom Planning Group Inc c/- Alfred Richard Bellamy	Change text for yards in accordance with submission	FS12 K Vernon – Support in part & Oppose in part FS23 Remuera Heritage Inc. – Support in part	Accepted in part
209.3	John and Sarah Walker	Yard rules are confusing		Rejected

<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
224.11	Hume Architects Ltd c/ - Chris Hume	Supports underlying zone yard standards apply for all other yards not specified within Table D18.6.1.3.1.	FS12 K Vernon – Oppose in part	Accepted
248.3	Jacqui Goldingham	Opposed to changes to yards		Accepted in part
249.16	Keith Vernon	Add “.. and to maintain a reasonable standard of residential amenity for adjoining sites” to the purpose statement for D18.6.1.3 - Yards	FS5 Mark Crosbie, Heidi Crosbie, and Adeux Trustee Limited – Oppose FS6 Auckland Grammar School – Oppose FS7 The University of Auckland - Oppose	Rejected
249.23	Keith Vernon	In sub-clause (2) of D18.6.1.3 Yards, delete “.. or where a common wall is proposed” and add ““..this provision does not apply if a common wall is proposed”.		Rejected
252.3	Brendan Kell	Oppose changes to D18.6.1.3 Yards		Accepted in part
257.8	Housing New Zealand c/- Alex Devine	Oppose the proposed amendments and new text introduced into Standard 'D18.6.1.3 Yards', including D18.6.1.3(2) and (3)	FS12 K Vernon – Oppose in part FS13 Southern Cross Hospitals Limited – Support FS22 South Epsom Planning Group Inc – Oppose	Accepted in part
257.14	Housing New Zealand c/- Alex Devine	Support the proposed deletion of the 'rear yard' rule in Standard 'D18.6.1.3 Yards'	FS12 K Vernon – Oppose in part FS13 Southern Cross Hospitals Limited - Support FS13 South Epsom Planning Group Inc – Support	Rejected
258.4	Parnell Heritage Inc c/- Julie M Hill	Add “.. and to maintain a reasonable standard of residential amenity for adjoining sites” to the purpose statement for D18.6.1.3 - Yards	FS8 Peter Ng – Oppose FS9 Peter and Sarah Wren – Oppose FS10 John Dillon – Oppose FS11 Colin and Jocelyn Weatherall - Oppose	Rejected
266.3	Iain Rea	266.3 Remove the amendments to D18.6.1.3 - Yards		Accepted in part

<b>Theme 21: Submissions on D18.6.1.3 Front Yard</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
70.3	Lyndsay and Lianne Brock	Request that the current flexibility control of front yards be retained to ensure consistency of streetscapes		Rejected
249.17	Keith Vernon	249.17 Reword for the Front Yard averaging calculation provision to ensure the sites included in the calculation must be in the same SC Area as the subject site, are Front sites only and must contain a dwelling	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Oppose FS6 Auckland Grammar School – Oppose FS7 The University of Auckland – Oppose	Rejected
249.18	Keith Vernon	Include in Table D18.6.1.3.1 - Yards, the option of (up to) 6 sites on one side to apply only where there are less than 3 sites on any side, to make up the required number of sites (that is 6 in total), for instance where there is only 2 on one side include 4 on the other	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Support FS6 Auckland Grammar School – Support FS7 The University of Auckland – Support	Rejected
249.19	Keith Vernon	Include a figure for D18.6.1.3 - Yards to establish a minimum Front yard to avoid unusual outcomes – I propose “..but not less than 3m”	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Oppose FS6 Auckland Grammar School – Oppose FS7 The University of Auckland – Oppose FS8 Peter Ng – Oppose FS9 Peter and Sarah Wren – Oppose FS10 John Dillon – Oppose FS11 Colin and Jocelyn Weatherall – Oppose FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Oppose R & M Donaldson – Oppose	Rejected



249.20	Keith Vernon	Include a figure in D18.6.1.3 - Yards for a maximum Front yard of “.. and not more than 8m”.	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Oppose FS6 Auckland Grammar School – Oppose FS7 The University of Auckland – Oppose	Rejected
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<b>Theme 22: Submissions on D18.6.1.3 Side Yard</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
26.2	Elisabeth Sullivan	Remove the requirement for 1.2m minimum side yard for Isthmus A properties, should be 1m	FS6 Auckland Grammar School – Support FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Support FS7 The University of Auckland - Support	Rejected
127.6	John Dillon c/- David Wren	Remove side yard rule	FS12 K Vernon – Oppose in part	Rejected
128.6	Peter and Sarah Wren c/- David Wren	Remove side yard rule	FS12 K Vernon – Oppose in part	Rejected
139.2	Anna Dales	Requests deletion of 1.2m side yard rule and leave as 1m		Rejected
141.3	Susan and John Moody	Request more generous side boundary control		Rejected
150.8	B Dayal c/- Vijay Lala - Tattico Limited	Amend side yard setback to 1m in D18.6.1.3.1 - Yards	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited - Support FS6 Auckland Grammar School – Support FS7 The University of Auckland – Support FS12 K Vernon – Oppose in part	Rejected
154.2	Mrs Anna Lomas Breckon	Amend side yard depth to 1m not 1.2m	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited - Support FS6 Auckland Grammar School – Support	Rejected

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
			FS7 The University of Auckland – Support	
161.2	Anthony Chapman	Change side yard to 1m	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited - Support FS6 Auckland Grammar School – Support FS7 The University of Auckland – Support	Rejected
219.9	Mark Crosbie, Heid Crosbie and Adeux Trustee Limited	Seeks the 1.2m side yard standard to be deleted and reversion to the underlying zone side yard setback	FS12 K Vernon – Oppose in part	Rejected
221.9	Auckland Grammar School (AGS) c/- Sarah Burgess	Delete the 1.2m side yard standard	FS12 K Vernon – Oppose in part	Rejected
224.10	Hume Architects Ltd c/ - Chris Hume	Opposes 1.2m side yard	FS12 K Vernon – Oppose in part	Rejected
228.9	The University of Auckland c/- Sarah Burgess	Delete the 1.2m side yard standard	FS12 K Vernon – Oppose in part	Rejected
230.2	Natasha Markham	Amend D18.6.1.3.1 and reduce the side yard to 1 metre to provide greater consistency.		Rejected
249.21	Keith Vernon	Increase the Side yard figure to 1.5m	FS5 Mark Crosbie, Heidi Crosbie, and Adeuz Trustee Limited – Oppose FS6 Auckland Grammar School – Oppose FS7 The University of Auckland – Oppose	Rejected

<b>Theme 23: Submissions on D18.6.1.3 Rear Yard</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
6.2	Neale Jackson	Retain a 3m rear yard set back to ensure density is restricted		Accepted
7.2	Graham William Arthur Bush and Norma Ann Bush	Reinstate a rear yard of 3m	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited - Oppose FS6 Auckland Grammar School – Oppose FS7 The University of Auckland – Oppose	Accepted
35.2	Heritage Landscapes Attn : Amanda McMullin	Back yard to be kept at 3m minimum	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited - Oppose FS6 Auckland Grammar School – Oppose FS7 The University of Auckland – Oppose FS15 Housing New Zealand Corporation – Oppose	Accepted
36.1	Romily Properties Mt Eden Limited	Accept the plan modification		Accepted in part
51.3	Janet Digby	Oppose the change to the rear yard from 3m to 1m	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited - Oppose FS6 Auckland Grammar School – Oppose FS7 The University of Auckland – Oppose	Accepted
56.3	Charles Laurence Digby	Opposed to changing the 3m boundary to just 1m	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited - Oppose FS6 Auckland Grammar School – Oppose FS7 The University of Auckland – Oppose	Accepted
70.4	Lyndsay and Lianne Brock	Request that the 3m rear yard measurement be retained		Accepted

<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
73.3	Catherine Spencer	Maintain the current 3m boundary for rear yard setback	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited - Oppose FS6 Auckland Grammar School – Oppose FS7 The University of Auckland – Oppose	Accepted
84.3	Lambert Hoogeveen	Re-instate the rear yard set-back of 3m	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited - Oppose FS6 Auckland Grammar School – Oppose FS7 The University of Auckland – Oppose	Accepted
88.2	Passion Fruit Trust	The more restrictive rear yard setback be used	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited - Oppose FS6 Auckland Grammar School – Oppose FS7 The University of Auckland – Oppose	Accepted
89.3	Kathy Prentice	Retain the Single House zone rear yard control of 3m	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited - Oppose FS6 Auckland Grammar School – Oppose FS7 The University of Auckland – Oppose	Accepted
102.2	M.Carol Scott	Retain rear yard setbacks at 3m	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited - Oppose FS6 Auckland Grammar School – Oppose FS7 The University of Auckland – Oppose	Accepted
121.3	Darcy McNicoll	Retain the 3m rear yard	FS5 Mark Crosbie, Heidi Crosbie and	Accepted

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
			Adeux Trustee Limited - Oppose FS6 Auckland Grammar School – Oppose FS7 The University of Auckland – Oppose	
122.3	Robyn McNicoll	Retain the 3m rear yard	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited - Oppose FS6 Auckland Grammar School – Oppose FS7 The University of Auckland – Oppose	Accepted
124.3	Stephen John Mills	Retain the 3m rear yard		Accepted
127.5	John Dillon c/- David Wren	Support removal of rear yard	FS12 K Vernon – Oppose in part	Rejected
128.5	Peter and Sarah Wren c/- David Wren	Support removal of rear yard	FS12 K Vernon – Oppose in part	Rejected
129.3	Gretta McLeay	Retain the 3m rear yard		Accepted
142.3	Somersby Trust C/- Craig Moriarity - Haines Planning Consultants Limited	Seeks a 10m minimum rear yard setback for those sites within the Special Character Area Overlay: Isthmus B2 which adjoin Cornwall Park (and its Open Space zones)	FS15 Housing New Zealand Corporation – Oppose	Rejected
149.2	Philip John Mayo	Retain the 3m rear yard		Accepted
151.3	Bronwyn Hayes	Retain 3m rear yard	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited - Oppose FS6 Auckland Grammar School – Oppose FS7 The University of Auckland – Oppose	Accepted
153.2	Michael Neil Hayes	Retain 3m rear yard	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited - Oppose FS6 Auckland Grammar School – Oppose	Accepted

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
			FS7 The University of Auckland – Oppose	
159.5	Dinah Holman	Rear yards be restored to 3m		Accepted
160.4	Helen Louise Phillips-Hill	Oppose changes to the rear yard setback		Accepted
162.3	Kirsty Gillon, Buchanan House Trust c/- Grant Gillon	Retain 3m rear yard	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited - Oppose FS6 Auckland Grammar School – Oppose FS7 The University of Auckland – Oppose	Accepted
169.3	Mary and Jonathan Mason	Retain 3m rear yard		Accepted
173.3	John Childs c/- John Childs Consultants Limited	Include the rear yards of 3m in Table 18.6.1.3	FS3 Colin Hardacre - Support	Accepted
176.3	Margot Jane McRae	Rear yard building setback should be 3 metres		Accepted
184.5	Denny Boothe	The 3m back yard provision of the Special character overlay standards should remain		Accepted
202.3	Sue Cooper, Remuera Heritage	Opposes the intention to reduce the requirement for sufficient space to be provided in rear yards in order to separate housing and ancillary buildings from the rear boundary of a site	FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Oppose FS17 R & M Donaldson – Oppose	Accepted
203.3	Sally Hughes, Character Coalition	Opposes the intention to reduce the requirement for sufficient space to be provided in rear yards in order to separate housing and ancillary buildings from the rear boundary of a site	FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Oppose FS17 R & M Donaldson - Oppose	Accepted
207.2	South Epsom Planning Group Inc c/- Alfred Richard Bellamy	Retain the 3m rear yard setback	FS12 K Vernon – Support in part & Oppose in part FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Oppose FS17 R & M Donaldson – Oppose	Accepted

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
218.2	Leighton Haliday	Retain 3m rear yard setback		Accepted
219.8	Mark Crosbie, Heid Crosbie and Adeux Trustee Limited	Supports the deletion of the 3m rear yard and the reversion to the underlying zone rear yard setback	FS12 K Vernon – Oppose in part	Rejected
221.8	Auckland Grammar School (AGS) c/- Sarah Burgess	Supports the deletion of the 3m rear yard	FS12 K Vernon – Oppose in part	Rejected
222.5	Rachael and Jonathan Sinclair	Support the removal of the 3m rear yard requirement	FS12 K Vernon – Oppose in part & Support in part	Rejected
227.3	Eden Park Neighbours' Assoc c/- Mark Donnelly	Oppose the reduction in the rear yard from 3m to 1m	FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Oppose FS17 R & M Donaldson – Oppose	Accepted
228.8	The University of Auckland c/- Sarah Burgess	Supports the deletion of the 3m rear yard	FS12 K Vernon – Oppose in part	Rejected
233.2	Birkenhead Residents Associations	Retain the 3m rear yard setback requirement	FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Oppose FS17 R & M Donaldson - Oppose	Accepted
239.4	Marian Kohler	Amend D18.6.1.3 - Yards to reinstate 3m setback standard for rear yards		Accepted
241.2	Patricia Grinlinton	Rear boundary setback should remain at 3m		Accepted
243.3	Michael Fitzpatrick	Retain current rule of 3m setback for rear yards in SCAO		Accepted
244.3	Julie Raddon Raddon	Retain current rule of 3m setback for rear yards in SCAO		Accepted
247.5	Grey Lynn Residents Association c/- Tania Fleur Mace	Do not replace the Special Character overlay rule relating to rear yards with the corresponding underlying zone rule. Instead, retain the existing 3-metre rear yard rule in the Special Character overlay and stipulate that this rule should apply rather than the underlying zone rule where the underlying zone is Single House	FS15 Housing New Zealand Corporation – Oppose FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Oppose FS17 R & M Donaldson – Oppose	Accepted in part

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
249.22	Keith Vernon	Do not support total deletion of the Rear Yard provision from the Table. A Rear yard should be retained in the Table. A figure of 1m is proposed	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited - Oppose FS6 Auckland Grammar School – Oppose FS7 The University of Auckland – Oppose	Accepted in part

**Theme 24: Submissions on D18.6.1.4 Building Coverage**  
**Sub-theme: Support**

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
110.14	KTW Systems LP c/- Rachel Dimery	Retain D18.6.1.4 - Building coverage as notified		Rejected
123.8	V H Bull c/- Gael McKitterick 4Sight Consulting Limited	Adopt the amendments proposed in PC26 to standard D18 Special Character Area Overlay as notified including the amendments to D18.6.1.4 Building Coverage		Rejected

**Theme 24: Submissions on D18.6.1.4 Building Coverage**  
**Sub-theme: Oppose**

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
70.5	Lyndsay and Lianne Brock	Do not support 40% building coverage as contained in Plan Change 26		Rejected
77.4	Christopher and Louise Johnstone	Building coverage should not be increased		Accepted
186.3	Tom Ang	Oppose the increases in building coverage - D18.6.1.4		Accepted
200.3	Wendy Gray	Oppose the increases in building coverage - D18.6.1.4		Accepted
224.12	Hume Architects Ltd c/ - Chris Hume	Opposes purpose statement for building coverage rule	FS12 K Vernon – Oppose in part	Accepted

**Theme 24: Submissions on D18.6.1.4 Building Coverage**  
**Sub-theme: Amend**

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
132.2	Michael and Jennifer Ballantyne	Request less restrictive building coverage thresholds - Up to 200m <sup>2</sup> : 55 percent of net site area; 200m <sup>2</sup> - 500m <sup>2</sup> : 55 percent of the first 200m <sup>2</sup> + 45% of the next 300m <sup>2</sup> ; 500m <sup>2</sup> and above: 43% of first 500m <sup>2</sup> , 35% of any additional m <sup>2</sup>		Rejected



Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
141.2	Susan and John Moody	Request more generous building coverage at greater than 30%		Rejected
149.3	Philip John Mayo	Increase building coverage from 45% to 50%		Rejected
173.4	John Childs c/- John Childs Consultants Limited	Adjust the Building Coverage rule for sites over 1000 sqm - D18.6.1.4 to 35%	FS3 Colin Hardacre - Support	Rejected
176.4	Margot Jane McRae	Building Coverage on 300m-500m sites should be 35%.		Rejected
184.3	Denny Boothe	Site coverage of the Single House zone should prevail.		Rejected
207.9	South Epsom Planning Group Inc c/- Alfred Richard Bellamy	Change text for building coverage in accordance with submission	FS12 K Vernon – Support in part and Oppose in part	Rejected
219.10	Mark Crosbie, Heid Crosbie and Adeux Trustee Limited	Opposes the retention of the building coverage provisions being based on arbitrary thresholds relating to site areas. Suggests new coverage limits, formulas and re wording	FS12 K Vernon – Oppose in part	Rejected
221.10	Auckland Grammar School (AGS) c/- Sarah Burgess	Opposes the retention of the building coverage provisions being based on arbitrary thresholds relating to site areas. Suggests new coverage limits, formulas and re wording	FS12 K Vernon – Oppose in part	Rejected
224.13	Hume Architects Ltd c/ - Chris Hume	Opposes Overlay building coverage thresholds. The table should be amended to be more equitable with less stages and relate to the underlying zone	FS12 K Vernon – Oppose in part	Rejected
228.1	The University of Auckland c/- Sarah Burgess	Opposes the retention of the building coverage provisions being based on arbitrary thresholds relating to site areas. Suggests new coverage limits, formulas and re wording	FS12 K Vernon – Oppose in part	Rejected
249.24	Keith Vernon	Amend Table D18.6.1.4.1 - Building Coverage to read; 500m2 to 1500m2 - coverage 35% of net site area & Greater than 1500m2 - coverage 25% of net site area		Rejected
258.5	Parnell Heritage Inc c/- Julie M Hill	Amend the activity table to reflect the most restrictive criteria for building coverage from either the single house zone rules or the special character rules	FS8 Peter Ng – Oppose FS9 Peter and Sarah Wren – Oppose FS10 John Dillon – Oppose FS11 Colin and Jocelyn Weatherall - Oppose	Rejected

**Theme 25: Submissions on D18.6.1.5 Landscape Area****Sub-theme: Support**

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
123.9	V H Bull c/- Gael McKitterick 4Sight Consulting Limited	Adopt the amendments proposed in PC26 to standard D18 Special Character Area Overlay as notified including the amendments to D18.6.1.5 Landscaping		Rejected

**Theme 25: Submissions on D18.6.1.5 Landscape Area****Sub-theme: Oppose**

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
68.4	Darren Pang	Oppose changes to landscaped area		Accepted
252.4	Brendan Kell	Oppose changes to D18.6.1.5 Landscaped area		Accepted

**Theme 25: Submissions on D18.6.1.5 Landscape Area****Sub-theme: Amend**

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
45.2	Peter Stone	Landscaped area needs to be strengthened in terms of retaining significant trees which would need to be identified in the relevant areas	FS15 Housing New Zealand Corporation - Oppose	Rejected
77.5	Christopher and Louise Johnstone	Landscaped area should not be increased		Accepted
173.5	John Childs c/- John Childs Consultants Limited	Adjust the Landscaped Area rule - D18.6.15 to 40% for sites over 1000msq	FS3 Colin Hardacre – Support	Rejected
178.4	KCH Trust and Ifwersen Family Trust c/- Bianca Tree, Minter Ellison Rudd Watts	Allow the amendments to the landscaped area standard D18.6.1.5 subject to removal of purpose statement	FS12 K Vernon – Oppose in part	Accepted
219.11	Mark Crosbie, Heid Crosbie and Adeux Trustee Limited	Opposes the retention of the landscaped area provisions being based on coverage minimum relating to site areas for Isthmus A sites. Suggests new coverage minimums, formulas and re wording	FS12 K Vernon – Oppose in part	Rejected
221.11	Auckland Grammar School (AGS) c/- Sarah Burgess	Opposes the retention of the landscaped area provisions being based on coverage minimums relating to site areas for Isthmus A sites. Suggests new coverage minimums, formulas and re wording	FS12 K Vernon – Oppose in part	Rejected
224.14	Hume Architects Ltd c/- Chris Hume	Opposes Overlay Landscape Area coverage minimums. The table should be amended to be more equitable with less stages and relate to the underlying zone	FS12 K Vernon – Oppose in part	Rejected

<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
228.11	The University of Auckland c/- Sarah Burgess	Opposes the retention of the landscaped area provisions being based on coverage minimums relating to site areas for Isthmus A sites. Suggests new coverage minimums, formulas and re wording	FS12 K Vernon – Oppose in part	Rejected
249.25	Keith Vernon	Amend D18.6.1.5 - Landscaped area by deleting " and trees" from the purpose statement	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited FS6 Auckland Grammar School – Support FS7 The University of Auckland – Support	Rejected
249.26	Keith Vernon	Amend Table D18.6.1.5.1 - Landscaped Area, so that the "break point" for larger sites should be 1500m2. That is; 500m2 to 1500m2 - 40% of net site area & Greater than 1500m2 - 50% of net site area		Rejected
250.3	Southern Cross Hospitals Limited c/- Bianca Tree	That the amendments to the landscaped area standard D18.6.1.5 be allowed if purpose statement is removed		Accepted
258.6	Parnell Heritage Inc c/- Julie M Hill	Amend the activity table to reflect the most restrictive criteria for landscaped area from either the single house zone rules or the special character rules	FS8 Peter Ng – Oppose FS9 Peter and Sarah Wren – Oppose FS10 John Dillon – Oppose FS11 Colin and Jocelyn Weatherall - Oppose	Rejected

<b>Theme 26: Submissions on D18.6.1.6 Maximum Impervious Area</b>				
<b>Sub-theme: Support</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
21.5	Martin Evans	Support wording changes from "paved" to "impervious" for Rule D18.6.1.6 - Maximum impervious area		Rejected
70.6	Lyndsay and Lianne Brock	Support the new definition 'maximum impervious area'		Rejected
110.15	KTW Systems LP c/- Rachel Dimery	Retain D18.6.1.6 Maximum impervious area as notified		Rejected
123.10	V H Bull c/- Gael McKitterick 4Sight Consulting Limited	Adopt the amendments proposed in PC26 to standard D18 Special Character Area Overlay as notified including the amendments to D18.6.1.6 Maximum impervious area		Rejected
145.4	Patrick Reddington and Letitia Reddington	Support paved areas: Accept the plan modification		Rejected
204.3	Mount St Johns Residents' Group Inc c/- Catherine Peters	Support the clarification of the overlay in relation to zoning for impervious areas		Rejected
222.6	Rachael and Jonathan Sinclair	Support the increase in impervious surface in the Overlay.	FS12 K Vernon – Oppose in part and Support in part	Rejected

<b>Theme 26: Submissions on D18.6.1.6 Maximum Impervious Area</b>				
<b>Sub-theme: Oppose</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
7.3	Graham William Arthur Bush and Norma Ann Bush	Oppose changes to impervious area	FS6 Auckland Grammar School – Oppose FS7 The University of Auckland – Oppose FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Oppose	Accepted
21.6	Martin Evans	Oppose changes to Rule D18.6.1.6 - Maximum impervious area.		Accepted
34.5	William Wu	Decline the plan modification in respect of H3.6.9 - Maximum impervious area		Accepted
35.3	Heritage Landscapes Attn : Amanda McMullin	Maximum impermeable area to be kept at existing % of site		Accepted

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
70.7	Lyndsay and Lianne Brock	Do not support the percentages included in the plan change tables (for maximum impervious area)		Accepted
137.2	Robyn Gandell	137.2 No increase in impervious areas		Accepted
184.4	Denny Boothe	Maximum impervious area of the Single House zone standards should prevail		Rejected
186.4	Tom Ang	Oppose increase in maximum impervious areas - D18.6.1.6		Accepted
200.4	Wendy Gray	Oppose increase in maximum impervious areas - D18.6.1.6		Accepted
248.4	Jacqui Goldingham	Opposed to changes to paved areas		Accepted

**Theme 26: Submissions on D18.6.1.6 Maximum Impervious Area**  
**Sub-theme: Amend**

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
21.7	Martin Evans	The current percentages of impermeable area be reduced by at least 25% to mitigate for climate change rainfall intensity and peak flows (currently estimated to increase by at least 10% due to climate change) and to further reduce costs of upgrading the current stormwater management system	FS15 Housing New Zealand Corporation - Oppose	Rejected
21.8	Martin Evans	The existing allowance for impermeable area needs to be further qualified to require on site treatment prior to discharge		Rejected
129.4	Gretta McLeay	Question the permeable surface change in definition, as unclear what the impact is		Rejected
173.6	John Childs c/- John Childs Consultants Limited	173.6 Adjust the Impervious surfaces rule - D18.6.1.6 to 60% for sites over 1000msq	FS3 Colin Hardacre – Support FS12 K Vernon – Oppose in part	Rejected
178.5	KCH Trust and Ifwersen Family Trust c/- Bianca Tree, Minter Ellison Rudd Watts	Allow the amendments to the maximum impervious area standard D18.6.1.6 subject to removal of purpose statement		Accepted in part
219.12	Mark Crosbie, Heid Crosbie and Adeux Trustee Limited	Submitter opposes the retention of the impervious area provisions being based on coverage limits relating to site areas. Suggests new coverage limits and re wording	FS12 K Vernon – Oppose in part	Rejected
221.12	Auckland Grammar School (AGS) c/-	Opposes the retention of the impervious area provisions being based on coverage limits relating to site areas.	FS12 K Vernon – Oppose in part	Rejected

	Sarah Burgess	Suggests new coverage limits and re wording		
224.15	Hume Architects Ltd c/ - Chris Hume	Opposes Overlay Maximum Impervious Area coverage limits. The table should be amended to be more equitable with less stages and relate to the underlying zone	FS12 K Vernon – Oppose in part	Rejected
228.12	The University of Auckland c/- Sarah Burgess	Opposes the retention of the impervious area provisions being based on coverage limits relating to site areas. Suggests new coverage limits and re wording	FS12 K Vernon – Oppose in part	Rejected
249.27	Keith Vernon	Amend Table D18.6.1.6.1 - Maximum Impervious Area, so that the "break point" for larger sites should be 1500m2. That is; 500m2 to 1500m2 - 60% of net site area Greater than 1500m2 - 50% of net site area		Rejected
250.4	Southern Cross Hospitals Limited c/- Bianca Tree	That the amendments to the maximum impervious area standard D18.6.1.6 be allowed subject to the removal of the purpose statement		Accepted in part

<b>Theme 27: Submissions on D18.6.1.7 Fences and Walls</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
3.1	Glen Marsh	Delete the restriction on front and side fences		Rejected
3.2	Glen Marsh	Enable a higher fence for reasons such as privacy, wind protection and aesthetics		Accepted in part
21.9	Martin Evans	Oppose the rule change to restricting the fence height in the front to only 1.2 metres - 1.5m or 1.6m height is more appropriate	FS15 Housing New Zealand Corporation – Support in part	Rejected
21.10	Martin Evans	Object to a 2-metre height along the sides and rear of properties as it is too high - fence height be amended to 1.8m	FS6 Auckland Grammar School – Oppose FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited FS7 The University of Auckland – Oppose FS15 Housing New Zealand Corporation – Oppose	Rejected
26.4	Elisabeth Sullivan	Support reinstating max fence height of 2m for rear yard		Rejected
34.6	William Wu	Decline the plan modification in respect of H3.6.12 - Front, side and rear fences and walls		Accepted in part
35.4	Heritage Landscapes Attn :	Fences and walls - Support proposed changes to wording and support the existing rules limiting the height of fences and walls.		Accepted in part

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
	Amanda McMullin			
38.2	Peter Lucas	For the fence rules, define the front of beach side houses (i.e. fronting the beach) as the front		Rejected
41.1	Christine Major	Decline the plan modification relating to fences and walls		Accepted in part
44.2	Jennifer Anne Clark	Opposed to the requirement for front fences to be limited to 1.2m in height. The requirement for front fence height to be up to the discretion of owners, to the previous maximum of 1.8m.		Rejected
44.3	Jennifer Anne Clark	I would support an amendment that says the fence should be in keeping with the style of the house		Rejected
46.2	Vinod Vyas	To make families secure, fences on all sides should be considered high enough to keep intruders away e.g. 2m on all sides		Rejected
52.2	Christina Chua	Enable properties which are nearer to the road to have the option of higher fences for better privacy		Rejected
67.2	Brendan Christopher Kell	Oppose the proposed 1.2m height allowance for fencing which would destroy any privacy and security to our side and back yard outdoor living areas		Rejected
68.3	Darren Pang	1.2m in height for fences and walls - unreasonable requirement as that height provides no privacy and no security, especially families with young children and dogs		Rejected
69.2	Ying Chen	Fencing and walls 1.2m in height - unreasonable requirement as that height provides no privacy and no security		Rejected
74.2	Dean Tony Turner	Remove fence height restrictions		Rejected
76.2	Dame Denise L'Estrange-Corbet	Decline the plan modification in respect of fence and wall heights		Rejected
96.6	Colin and Jocelyn Weatherall Attn: David Wren	Amend the controls for fences and walls by only limiting the height on corner sites to the shorter frontage, and defining the front fascade as the one facing the shorter frontage of the site	FS12 K Vernon – Oppose in part FS23 Remuera Heritage Inc – Oppose	Accepted in part
97.6	Peter Ng Attn: David Wren	Amend the controls for fences and walls by only limiting the height on corner sites to the shorter frontage, and defining the front fascade as the one facing the shorter frontage of the site	FS12 K Vernon – Oppose in part FS15 Housing New Zealand Corporation – Support in part	Accepted in part
110.16	KTW Systems LP c/- Rachel Dimery	Retain D18.6.1.7 - Fences and walls as notified		Accepted in part
114.2	Graeme Cummings	Opposed to the imposition of the 1.2m front fencing restriction		Rejected

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
115.4	David Barber	Do not allow new fences that are deemed to be not in character with the area		Rejected
117.2	Victoria Toon	Do not apply the proposed plan change to replacement fencing		Rejected
117.3	Victoria Toon	Increase the 1.2m fence height, which is too low and not practical		Rejected
123.11	V H Bull c/- Gael McKitterick 4Sight Consulting Limited	Adopt the amendments proposed in PC26 to standard D18 Special Character Area Overlay as notified including the amendments to D18.6.1.7 Fences and walls		Accepted in part
127.7	John Dillon c/- David Wren	Amend fencing rules to allow a 2m high fence on front boundaries of corner sites	FS12 K Vernon – Oppose in part sites	Rejected
128.7	Peter and Sarah Wren c/- David Wren	Amend fencing rules to allow a 2m high fence on front boundaries of corner sites	FS12 K Vernon – Oppose in part sites	Rejected
141.4	Susan and John Moody	Request fencing to be 1.4m		Rejected
145.5	Patrick Reddington and Letitia Reddington	Support fences and walls		Accepted in part
149.4	Philip John Mayo	Increase side yard fencing in front of façade to 2m		Rejected
150.9	B Dayal c/- Vijay Lala - Tattico Limited	Amend purpose statement of D18.6.1.7 - Fences and walls	FS12 K Vernon – Oppose in part	Rejected
150.10	B Dayal c/- Vijay Lala - Tattico Limited	Amend D18.6.1.7 - Fences and walls - change wording to remove the 1.2m side fence in front of façade in accordance with the submission	FS12 K Vernon – Oppose in part	Rejected
154.3	Mrs Anna Lomas Breckon	Amend the height of fences within the front yard to 1.8m if 50% visually open		Rejected
154.4	Mrs Anna Lomas Breckon	Amend all fences within the side and rear yards should be allowed to be 2 metres high		Rejected
155.2	Alan Stokes	There should not be an exact height for fences/walls specified (front boundary) Instead, the height of fences/walls should be similar to other fences/walls in the streetscape		Rejected
156.2	Brent Swain	Oppose 1.2 metre height for front and side fences at the front of the house. Front fencing to be at height of 1.5m maximum, side fencing at front of house at height 1.8 maximum. Fencing at the front of the house to be in keeping with the house		Rejected



Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
158.2	Robert G Felix	Amend rule D18.6.1.7 - Fences and walls to limit back yard fences to 1.7 or 1.8 metres, not 2.0 metres		Rejected
161.3	Anthony Chapman	Support allowing 2m high fences	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Support FS6 Auckland Grammar School – Support FS7 The University of Auckland – Support	Accepted in part
166.2	John Andrew Silva	Amend the fence heights to about 2m		Rejected
166.3	John Andrew Silva	Apply more appropriate fence height to Hill Park, Manurewa		Rejected
178.6	KCH Trust and Ifwersen Family Trust c/- Bianca Tree, Minter Ellison Rudd Watts	Allow the amendments to the fences, walls and other structures standard D18.6.1.7 subject to removal of purpose statement	FS12 K Vernon – Oppose in part	Accepted in part
182.3	Michael Snowden c/- Philip Brown - Campbell Brown Planning	That standard D18.6.1.7 be amended so that a fence up to 2m high is enabled on one front boundary of a corner site	FS12 K Vernon – Oppose in part	Accepted in part
199.2	Western Bays Community Group Inc c/- Bryan Bates	Amend Rule D18.6.1.7 to include the words “and other structures” wherever they are struck out in the text of PC26		Rejected
202.4	Sue Cooper, Remuera Heritage	Retain the maximum heights for fencing from a house to the rear yard at a 1.8m maximum not 2m		Rejected
204.5	Mount St Johns Residents' Group Inc c/- Catherine Peters	Retain the current options for the 1.8 metre high front fence rule		Rejected
209.2	John and Sarah Walker	Fencing rules should be as per single house zone		Rejected
219.2	Mark Crosbie, Heid Crosbie and Adeux Trustee Limited	Support the proposed inclusion of these activity statuses, as they provide clarity (A5A) and (A5B) (Activity statuses – fencing) in Table D18.4.1	FS12 K Vernon – Oppose in part	Accepted in part

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
219.13	Mark Crosbie, Heid Crosbie and Adeux Trustee Limited	Amend the Purpose Statement for D18.6.1.7 Fences and walls to add reference to providing privacy for rear yards and outdoor spaces	FS12 K Vernon – Oppose in part	Rejected
219.14	Mark Crosbie, Heid Crosbie and Adeux Trustee Limited	Objects to corner sites being treated as having two front facades which would be subject to a 1.2m high fence height. Provides a diagram showing suggested 50% at 1.8m height	FS12 K Vernon – Oppose in part	Accepted in part
219.15	Mark Crosbie, Heid Crosbie and Adeux Trustee Limited	Request a diagram of fence heights be inserted as per the submission	FS12 K Vernon – Oppose in part	Rejected
220.3	Roman Catholic Bishop of the Diocese of Auckland c/- Michael Campbell	Amend Standard D18.6.1.7 Fences and walls so that a fence up to 2m high is enabled on one front boundary of a corner site	FS12 K Vernon – Oppose in part	Accepted in part
221.13	Auckland Grammar School (AGS) c/- Sarah Burgess	Objects to corner sites being treated as having two front facades which would be subject to a 1.2m high fence height. Provides a diagram showing suggested 50% at 1.8m height	FS12 K Vernon – Oppose in part	Accepted in part
221.14	Auckland Grammar School (AGS) c/- Sarah Burgess	Reword Purpose statement for fences and walls	FS12 K Vernon – Oppose in part	Rejected
221.15	Auckland Grammar School (AGS) c/- Sarah Burgess	Insert a new diagram of fence heights. Submitter has supplied one	FS12 K Vernon – Oppose in part	Rejected
221.16	Auckland Grammar School (AGS) c/- Sarah Burgess	Change fences and walls standard wording as per submission	FS12 K Vernon – Oppose in part	Rejected
224.16	Hume Architects Ltd c/ - Chris Hume	Opposes Overlay Fences and Walls. Underlying zoning fencing should apply	FS12 K Vernon – Oppose in part	Rejected
225.2	Dirk Hudig	Amend Rule D18.6.1.7 to include the words “and other structures” wherever they are struck out in the text of PC26		Rejected
226.2	Herne Bay Residents Association Incorporated	Amend Rule D18.6.1.7 to include the words “and other structures” wherever they are struck out in the text of PC26.		Rejected

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
	c/- Dirk Hudig and Don Mathieson			
228.2	The University of Auckland c/- Sarah Burgess	Supports the proposed inclusion of the activity statuses - (A5A) and (A5B) (Activity statuses – fencing) in Table D18.4.1	FS12 K Vernon – Oppose in part	Accepted in part
228.13	The University of Auckland c/- Sarah Burgess	Objects to corner sites being treated as having two front facades which would be subject to a 1.2m high fence height. Provides a diagram showing suggested 50% at 1.8m height	FS12 K Vernon – Oppose in part	Accepted in part
228.14	The University of Auckland c/- Sarah Burgess	Reword Purpose statement for fences and walls	FS12 K Vernon – Oppose in part	Rejected
228.15	The University of Auckland c/- Sarah Burgess	Insert a new diagram of fence heights. Submitter has supplied one	FS12 K Vernon – Oppose in part	Rejected
228.16	The University of Auckland c/- Sarah Burgess	Change fences and walls standard wording as per submission	FS12 K Vernon – Oppose in part	Rejected
231.2	Tom Rowe	Adjust the maximum height of front fences and fences forward of front façade to 1.4m high		Rejected
239.5	Marian Kohler	Reinstate "other structures" in D18.6.1.7 - Fences and walls		Rejected
240.2	The St Mary's Bay Association Inc c/- David Abbott	Amend rule D18.6.1.7 - Fences and walls to include the words "and other structures" wherever they are struck out in the text of PC26	FS12 K Vernon – Support in part and Oppose in part	Rejected
248.5	Jacqui Goldingham	Opposed to changes to fences		Accepted in part
249.28	Keith Vernon	Amend the title D18.6.1.7 – Fences (and) walls (and other structures) to "Front, side and rear fences and walls" for consistency with underlying zone standards	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Support FS6 Auckland Grammar School – Support FS7 The University of Auckland – Support	Rejected
249.29	Keith Vernon	Amend the proposed Purpose Statement for D18.6.1.7 - Fences and walls by adding ".and to allow for a reasonable level of privacy and security"	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Support	Rejected

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
			FS6 Auckland Grammar School – Support FS7 The University of Auckland – Support	
249.30	Keith Vernon	Amend the height for fences and walls in D18.6.1.7 - Fences and walls (1)(a) and (b) to 1.8m		Rejected
249.31	Keith Vernon	Amend sub-clause (b) of D18.6.1.7 - Fences and walls to remove the confusion particularly in respect of fences between the house and side boundary and forward of the front façade of the house	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Support FS6 Auckland Grammar School – Support FS7 The University of Auckland – Support	Rejected
249.32	Keith Vernon	Use the defined term "dwelling" instead of the undefined term "house" in D18.6.1.7 - Fences and walls	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Support FS6 Auckland Grammar School – Support FS7 The University of Auckland – Support	Rejected
250.5	Southern Cross Hospitals Limited c/- Bianca Tree	That the amendments to the fences, walls and other structures standard D18.6.1.7 be allowed		Accepted in part
254.2	Jeanette Heilbronn	Retain 2m fencing height if the fence is not solid and allows the house to be viewed from the street. Side fences should just have 2 m height		Rejected
255.2	Tunncliffe Investment Limited and Tunncliffe Glass Family Trust c/- Kenneth Tunncliffe and Esther Glass	Maintain the fence height at 1.8m to allow for both privacy and animal control		Rejected
257.15	Housing New Zealand c/- Alex Devine	Support the proposed amendments to Standard 'D18.6.1.7 Fences and walls', where amendments have been proposed to those aspects of the	FS12 K Vernon – Oppose in part FS13 Southern Cross Hospitals	Accepted

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
		standard which set height limits for rear and side fences	Limited – Support FS22 South Epsom Planning Group Inc - Oppose	
264.2	Debbie Holdsworth	Increase the height threshold for fences and walls to 1.5m		Rejected
272.3	Diana Renker	That the fencing provisions of the heritage zone apply wherever there is interface with the single house zone sites, at 70, 76, 80, 90 & 92 Stanley Point Road		Rejected
272.4	Diana Renker	That maximum fence heights for side fences be 1.2m, forward of the front face line of abutting homes, e.g. 92 and 94 Stanley Point Rd		Rejected
272.5	Diana Renker	That all ROW side fences be limited to 1.2m within 5m of the front boundary, to allow for improved legibility of the special character zone from the street and to contribute to improved safety outcomes for pedestrians and other road users		Rejected
273.2	Robin Rive	Swimming pool fences should be built at least 1m away from climbable structures		Rejected

**Theme 28: Submissions on D18.8 Assessment – Restricted Discretionary Activities, D18.8.1 Matters of Discretion and D18.8.2 Assessment Criteria**  
**Sub theme: D18.8.1 Matters of Discretion & D18.8.2 Assessment Criteria**

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
123.13	V H Bull c/- Gael McKitterick 4Sight Consulting Limited	123.13 Adopt the amendments proposed in PC26 to standard D18 Special Character Area Overlay as notified including the amendments to Section 18.8 Assessment - Restricted discretionary activities		Rejected

**Theme 28: Submissions on D18.8 Assessment – Restricted Discretionary Activities, D18.8.1 Matters of Discretion and D18.8.2 Assessment Criteria**  
**Sub theme: Matters of Discretion**

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
96.7	Colin and Jocelyn Weatherall Attn: David Wren	Amend the Matters of Discretion by including reference to any policy that is relevant, the purpose statement, the effects of the infringement, the effects on the amenity of neighbouring sites, the effects of any unusual characteristics of the site, characteristics of the development, any other matters and the effects of all infringements		Rejected

<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
97.7	Peter Ng Attn: David Wren	Amend the Matters of Discretion by including reference to any policy that is relevant, the purpose statement, the effects of the infringement, the effects on the amenity of neighbouring sites, the effects of any unusual characteristics of the site, characteristics of the development, any other matters and the effects of all infringements		Rejected
110.17	KTW Systems LP c/- Rachel Dimer	110.17 Retain D18.8.1.1 (3)(c) - Matters of Discretion		Accepted
127.8	John Dillon c/- David Wren	127.8 Do not support cross referencing of matters for discretion. These matters should be self contained within the overlay		Accepted
128.8	Peter and Sarah Wren c/- David Wren	128.8 Do not support cross referencing of matters for discretion. These matters should be self contained within the overlay		Accepted
199.3	Western Bays Community Group Inc c/- Bryan Bates	Amend Rule D18.8.1.1(3) by adding to sub-para (a) – “while ensuring that there is enough space between the wall of the subject dwelling/building and any adjacent dwelling/ building to allow repairs, maintenance and painting		Rejected
207.10	South Epsom Planning Group Inc c/- Alfred Richard Bellamy	207.10 Change text throughout Matters of discretion in accordance with submission		Rejected
225.3	Dirk Hudig	Amend Rule D18.8.1.1(3) by adding to sub-para (a) – “while ensuring that there is enough space between the wall of the subject dwelling/building and any adjacent dwelling/ building to allow repairs, maintenance and painting.		Rejected
226.3	Herne Bay Residents Association Incorporated c/- Dirk Hudig and Don Mathieson	226.3 Amend Rule D18.8.1.1(3) by adding to sub-para (a) – “while ensuring that there is enough space between the wall of the subject dwelling/building and any adjacent dwelling/ building to allow repairs, maintenance and painting.		Rejected
226.4	Herne Bay Residents Association Incorporated c/- Dirk Hudig and Don Mathieson	226.4 Amend Rule D18.8.2.1(4)(c) by adding - “while ensuring that there is enough space between the wall of the subject dwelling/building and any adjacent dwelling/building to allow repairs, maintenance and painting.		Rejected

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
240.3	The St Mary's Bay Association Inc c/- David Abbott	Amend rule D18.8.2.1(4)(c) - Assessment criteria by adding " while ensuring that there is enough space between the wall of the subject dwelling/building and any adjacent dwelling/building to allow repairs, maintenance and painting".	FS12 K Vernon – Support in part and Oppose in part	Rejected
240.4	The St Mary's Bay Association Inc c/- David Abbott	Amend rule D18.8.2.1(4) - Assessment criteria by adding (c ) Maintaining a building service space of not less than 1200mm between the walls of existing or proposed dwelling/building on adjacent sites regardless of the location of the intervening site boundary"	FS12 K Vernon – Support in part and Oppose in part	Rejected
249.33	Keith Vernon	249.33 Support the proposed addition of D18.8.1.1 (c ) in D18.8 Assessment - Restricted discretionary activities		Accepted
257.16	Housing New Zealand c/- Alex Devine	The proposed amendments to the matters of discretion (Chapter D18.8.1.1(c)) do better align with the intent of the Environment Court Declaration Decision.		Rejected

**Theme 28: Submissions on D18.8 Assessment – Restricted Discretionary Activities, D18.8.1 Matters of Discretion and D18.8.2 Assessment Criteria**  
**Sub theme: Assessment Criteria 4(b)**

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
249.34	Keith Vernon	Support the proposed addition of D18.8.2.1(4)(b) in D18.8 Assessment - Restricted discretionary activities		Rejected
257.17	Housing New Zealand c/- Alex Devine	Support the proposed amendments to the assessment criteria (Chapter D18.8.2.1(4)(b))	FS12 K Vernon - Oppose in part FS13 Southern Cross Hospitals Limited – Support FS22 South Epsom Planning Group Inc - Oppose	Rejected

**Theme 28: Submissions on D18.8 Assessment – Restricted Discretionary Activities, D18.8.1 Matters of Discretion and D18.8.2 Assessment Criteria**  
**Sub theme: New Assessment Criteria 4(c) etc**

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
150.11	B Dayal c/- Vijay Lala - Tattico Limited	Amend D18.8.2.1 - Assessment Criteria - by adding reference to the relevant assessment criteria for the standard (or equivalent standard) in the underlying zone	FS12 K Vernon – Oppose in part FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support FS17 R & M Donaldson - Support	Rejected

<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
153.4	Michael Neil Hayes	Criteria for discretion and assessment should be specific to the dominant rules for the area and criteria for other zones should not be used in consideration of applications		Rejected
199.4	Western Bays Community Group Inc c/- Bryan Bates	Amend Rule D18.8.2.1(4)(c) by adding - "while ensuring that there is enough space between the wall of the subject dwelling/building and any adjacent dwelling/building to allow repairs, maintenance and painting.		Rejected
225.4	Dirk Hudig	Amend Rule D18.8.2.1(4)(c) by adding - "while ensuring that there is enough space between the wall of the subject dwelling/building and any adjacent dwelling/building to allow repairs, maintenance and painting.		Rejected
227.4	Eden Park Neighbours' Assoc c/- Mark Donnelly	Add an assessment criteria to allow for property security issues to be taken into consideration		Rejected
239.6	Marian Kohler	Limit D18.8.2.1(3)(c) - Assessment criteria to criteria which do not permit more density or intensification		Rejected
240.5	The St Mary's Bay Association Inc c/- David Abbott	240.5 Amend rule D18.8.2.1(4) - Assessment criteria by adding (c) Maintaining a building service space of not less than 1200mm between the walls of existing or proposed dwelling/building on adjacent sites regardless of the location of the intervening site boundary"		Rejected
247.4	Grey Lynn Residents Association c/- Tania Fleur Mace	Include consideration of amenity values of neighbouring sites when assessing consent applications within the Special Character overlay	FS2 BA Trusties Limited – Oppose FS15 Housing New Zealand Corporation – Oppose	Rejected



<b>Theme 29: Submissions on E38. Subdivision - Urban</b>				
<b>Sub – theme: Support Changes</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
123.14	V H Bull c/- Gael McKitterick 4Sight Consulting Limited	Adopt the amendments to standard E38 Urban Subdivision as notified		Accepted
204.2	Mount St Johns Residents' Group Inc c/- Catherine Peters	Strongly support the clarification of isthmus zoning C2A and B1 zonings (Refer table E38.8.2.6.1 – Special Character Areas Overlay – residential and Business Subdivision Controls). This refers specifically to the 1000 square metre 'minimum net site area		Accepted
219.16	Mark Crosbie, Heid Crosbie and Adeux Trustee Limited	Supports overlay subdivision rules prevailing but clarity required on activity status	FS12 K Vernon – Oppose in part	Accepted
221.17	Auckland Grammar School (AGS) c/- Sarah Burgess	Supports overlay subdivision rules prevailing but requires clarity on activity status	FS12 K Vernon – Oppose in part	Accepted
228.17	The University of Auckland c/- Sarah Burgess	Supports overlay subdivision rules prevailing but requires clarity on activity status	FS12 K Vernon – Oppose in part	Accepted
249.35	Keith Vernon	Support the proposed addition of E38.8.2.6 (3) to Subdivision		Accepted

<b>Theme 29: Submissions on E38. Subdivision - Urban</b>				
<b>Sub – theme: Oppose Changes</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
45.5	Peter Stone	It would be against the spirit and concept of the Special Areas concerned to permit smaller subdivisions (than 600 sqm)		Rejected
95.2	Adam and Sue Berry	Oppose that larger sites be subdivided or that a home can only be rebuilt on quarter of a larger site or smaller part of a half site as per Building Coverage allowed in Table D18.6.1.4		Rejected
103.3	Rosemary McElroy	Keep minimum site size at 1000sqm		Rejected
149.5	Philip John Mayo	Reject amendments to subdivision in SCAR. Minimum lot size for underlying zoning should prevail i.e. retain 600 sqm		Rejected
241.3	Patricia Grinlinton	Retain the minimum net site area at 600 sqm		Rejected

243.4	Michael Fitzpatrick	Retain SHZ standard of 600m <sup>2</sup> minimum lot size	FS8 Peter Ng – Oppose FS9 Peter and Sarah Wren – Oppose FS10 John Dillon – Oppose FS11 Colin and Jocelyn Weatherall - Oppose	Rejected
244.4	Julie Raddon Raddon	Retain SHZ standard of 600m <sup>2</sup> minimum lot size		Rejected
257.11	Housing New Zealand c/- Alex Devine	Oppose the newly proposed text at E38.8.2.6(3), in relation to subdivision controls specific to the SCA Overlay	FS12 K Vernon – Oppose in part FS13 Southern Cross Hospitals Limited – Support FS22 South Epsom Planning Group Inc - Oppose	Rejected
269.1	Brian Wood	269.1 Opposes the proposed reduction in minimum section size from 750m <sup>2</sup> to 600m <sup>2</sup>		Rejected

**Theme 29: Submissions on E38. Subdivision - Urban**  
**Sub – theme: “Take Precedence” v “Replace”**

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
96.8	Colin and Jocelyn Weatherall Attn: David Wren	Amend E38.8.2.6 Subdivision by replacing the words "takes precedence" with "replace"	FS5 Mark Crosbie, Heidi Crosbie, and Adeux Trustee Limited – Support FS6 Auckland Grammar School – Support FS7 The University of Auckland – Support FS12 K Vernon – Oppose in part FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support FS17 R & M Donaldson – Support	Rejected

97.8	Peter Ng Attn: David Wren	Amend E38.8.2.6 Subdivision by replacing the words "takes precedence" with "replace"	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Support FS6 Auckland Grammar School – Support FS7 The University of Auckland – Support FS12 K Vernon – Oppose in part FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support FS17 R & M Donaldson – Support FS18 Andrew Body and Karen Paterson as trustees of Galalea trust - Support	Rejected
127.9	John Dillon c/- David Wren	Amend the clause 'take precedence' in E38.8.2.6 Subdivision by inserting the word 'replace'	FS12 K Vernon – Oppose in part FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support FS17 R & M Donaldson – Support FS18 Andrew Body and Karen Paterson as trustees of Galalea Trust - Support	Rejected
128.9	Peter and Sarah Wren c/- David Wren	Amend the clause 'take precedence' in E38.8.2.6 Subdivision by inserting the word 'replace'	FS12 K Vernon – Oppose in part FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support FS17 R & M Donaldson – Support FS18 Andrew Body and Karen Paterson as trustees of Galalea Trust - Support	Rejected

<b>Theme 29: Submissions on E38. Subdivision - Urban</b>				
<b>Sub – theme: Site Specific Matters</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
71.2	Shamal Charan	Amend D18 Subdivision to enable ability to build minor dwelling at 106 Grande Vue Road, Manurewa		Rejected  (Note: the site is in the Single House zone which provides for a minor dwelling)
75.1	Wendy and Bruce Hadden	Retain the right to subdivide down to 600 sqm in the Special Character area (Victoria Ave, Remuera)		Rejected
85.3	Joanna Keane	Enable the section (5 Quadrant Road, Onehunga) to be subdivided		Rejected

<b>Theme 29: Submissions on E38. Subdivision - Urban</b>				
<b>Sub – theme: Land Use/Subdivision</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
150.12	B Dayal c/- Vijay Lala - Tattico Limited	Amend E38.8.2.6 - Subdivision - add wording - min lot sizes not appropriate when considering a joint land-use and subdivision application.	FS12 K Vernon – Oppose in part	Rejected

<b>Theme 29: Submissions on E38. Subdivision - Urban</b>				
<b>Sub – theme: Minimum Lot Sizes – Hillpark</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
180.2	Glen Frost, Hillpark Resident's Association	Add to Table E38.8.2.4.1 Subdivision of sites identified in the Subdivision Variation Control to be updated to include Hillpark / Manurewa with 750sqm minimum lot size		Rejected

<b>Theme 29: Submissions on E38. Subdivision - Urban</b>				
<b>Sub – theme: Isthmus A</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
239.2	Marian Kohler	239.2 Amend E38.8.2.6.1 by deleting Isthmus A SCAO residential properties in SH zone from Table E38.8.2.6.1, or alternatively amend E38.8.2.6(3) to state that Isthmus A SCAO residential properties in SH zone are not included in Table 38.8.2.6.1		Rejected

**Theme 29: Submissions on E38. Subdivision - Urban  
Sub – theme: Isthmus B2**

<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
246.2	Nyo Ban Liong & Henny Widijanti Sawang	Amend the minimum net site area for Isthmus B2 from 600 sqm to 400 sqm		Rejected

**Theme 30: Submissions on further or other relief**

<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
96.9	Colin and Jocelyn Weatherall Attn: David Wren	Any alternative and additional changes to PC26 that would provide for the matters set out in this submission.	FS12 K Vernon – Oppose in part	Accepted in part
96.10	Colin and Jocelyn Weatherall Attn: David Wren	Any other consequential or alternative amendments arising from these changes	FS12 K Vernon – Oppose in part	Accepted in part
97.9	Peter Ng Attn: David Wren	Any alternative and additional changes to PC26 that would provide for the matters set out in this submission	FS12 K Vernon – Oppose in part	Accepted in part
97.10	Peter Ng Attn: David Wren	Any other consequential or alternative amendments arising from these changes	FS12 K Vernon – Oppose in part	Accepted in part
110.5	KTW Systems LP c/- Rachel Dimery	Provide further, consequential or alternative relief as may be necessary, desirable, or appropriate to give effect to the decision sought		Accepted in part
123.16	V H Bull c/- Gael McKitterick 4Sight Consulting Limited	Adopt any other such relief, including additions, deletions, consequential amendments or alternative relief necessary to give effect to these submissions as a result of the matters raised		Accepted in part
127.10	John Dillon c/- David Wren	Any alternative and additional changes to PC26 that would provide for the matters set out in this submission and any other consequential or alternative amendments arising from these changes	FS12 K Vernon – Oppose in part	Accepted in part
128.10	Peter and Sarah Wren c/- David Wren	Any alternative and additional changes to PC26 that would provide for the matters set out in this submission and any other consequential or alternative amendments arising from these changes	FS12 K Vernon – Oppose in part	Accepted in part
146.4	Z Energy Limited BP Oil NZ Limited Mobil Oil NZ Limited	Adopt any other such relief, including additions, deletions, consequential amendments or alternative relief necessary to give effect to these submissions as a result of the matters		Accepted in part

<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
	c/- Gael McKitterick - 4Sight Consulting Limited	raised		
150.13	B Dayal c/- Vijay Lala - Tattico Limited	Any other consequential amendments that are necessary to give effect to the matters raised in this submission	FS12 K Vernon – Oppose in part	Accepted in part
170.8	Joe Martin	Any alternative and additional changes to PC26 that would provide for the matters set out in this submission		Accepted in part
170.9	Joe Martin	Any other consequential or alternative amendments arising from these changes		Accepted in part
173.7	John Childs c/- John Childs Consultants Limited	Any further or consequential relief in accordance with the reasons for this submission	FS3 Colin Hardacre - Support	Accepted in part
178.7	KCH Trust and Ifwersen Family Trust c/- Bianca Tree, Minter Ellison Rudd Watts	Such relief and/or amendments to the Plan Change as may be necessary to address the Trustees' concerns, as outlined above	FS12 K Vernon – Oppose in part	Accepted in part
182.4	Michael Snowden c/- Philip Brown - Campbell Brown Planning	Such other amendments to the provisions of the AUP as may be necessary to give effect to the relief sought in this submission	FS12 K Vernon – Oppose in part	Accepted in part
219.17	Mark Crosbie, Heid Crosbie and Adeux Trustee Limited	Such further or other consequential or alternative relief as may be necessary to fully give effect to the matters raised and relief sought in this submission	FS12 K Vernon – Oppose in part	Accepted in part
220.4	Roman Catholic Bishop of the Diocese of Auckland c/- Michael Campbell	Such other amendments to the provisions of the AUP as may be necessary to give effect to the relief sought in this submission	FS12 K Vernon – Oppose in part	Accepted in part
221.18	Auckland Grammar School (AGS) c/- Sarah Burgess	Such further or other consequential or alternative relief as may be necessary to fully give effect to the matters raised and relief sought in this submission	FS12 K Vernon – Oppose in part	Accepted in part
228.18	The University of Auckland c/- Sarah Burgess	Such further or other consequential or alternative relief as may be necessary to fully give effect to the matters raised and relief sought in this submission	FS12 K Vernon – Oppose in part	Accepted in part

<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
234.5	The Ascot Hospital and Clinics Limited c/- Anthony Blomfield	Such alternative relief that addresses the issues raised in this submission		Accepted in part
236.3	Samson Corporation Ltd and Sterling Nominees Ltd (Samson) c/- J A Brown	Any other further amendments necessary to give effect to the intent of this submission		Accepted in part
238.3	Andrew Body and Karen Paterson (Galatea) c/- J A Brown	Any other further amendments necessary to give effect to the intent of this submission		Accepted in part
245.4	R & M Donaldson c/- J A Brown	Any other amendments necessary to address the matters raised in this submission		Accepted in part
249.36	Keith Vernon	Make changes and amendments to the Auckland Unitary Plan / Proposed Plan Change 26 as required to address the above submission points		Accepted in part
249.37	Keith Vernon	Make such other amendments to the Auckland Unitary Plan as are necessary or appropriate as a consequence of the primary relief sought		Accepted in part
250.6	Southern Cross Hospitals Limited c/- Bianca Tree	Such relief and/or amendments to the Plan Change as may be necessary to address Southern Cross' concerns, as outlined in their submission		Accepted in part
257.6	Housing New Zealand c/- Alex Devine	Such further or other relief, or other consequential or other amendments, as are considered appropriate and necessary to address the concerns set out in this submission	FS12 K Vernon – Oppose in part FS13 Southern Cross Hospitals Limited – Support FS22 South Epsom Planning Group - Oppose	Accepted in part

### **Theme 31: Submissions on other methods**

<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
49.7	Wing Cheuk Chan	Consider financial compensation to current owners while their applications for further development are restricted by the new rules	FS21 Lim Che Cheung Chan – Support	Rejected
63.3	Teresa Lyndsay	The Plan Changes should incorporate a provision to assist home owners to maintain their houses and preserve		Rejected

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
	Marene Davis	their character		
95.3	Adam and Sue Berry	Can Auckland Council reserve some areas with homes built in proportion to section sizes as a unique liveable part of Auckland City landscape	FS15 Housing New Zealand Corporation - Oppose	Rejected

### Theme 32: Submissions on other matters

#### Sub – theme: Heritage Concepts

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
257.12	Housing New Zealand c/- Alex Devine	Oppose any amendments which seek to introduce heritage concepts within the SCA Overlay provisions, including the newly proposed 'purpose statement' for Standard 'D18.6.1.3 Yards'. Housing New Zealand	FS12 K Vernon – Oppose in part FS13 Southern Cross Hospitals Limited – Support FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support FS217 R & M Donaldson – Support FS18 Andrew Body and Karen Paterson as trustees of Galatea Trust – Support FS22 South Epsom Planning Group Inc - Oppose	Accepted

### Theme 32: Submissions on other matters

#### Sub – theme: Double garages

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Decision
17.2	Kimberley McLean	Allow the building of double garages where appropriate, and not a blanket rule of no double garaging.		Rejected  (Note: The plan already enables this to occur).



<b>Theme 32: Submissions on other matters</b>				
<b>Sub – theme: Existing Agreements</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
43.2	Frank William Frazer and Mary Catherine Frazer	The following clause should be inserted. "Where the Council has entered into a specific agreement with a property owner relating to a property, the provisions of the agreement shall prevail over the requirements of the Special Character Overlay"		Rejected

<b>Theme 32: Submissions on other matters</b>				
<b>Sub – theme: Implementation and Enforcement</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
45.3	Peter Stone	Concerns regarding implementation , oversight and enforcement and the Proposed Plan does not detail if there are any moves to strengthen oversight and so on		Rejected

<b>Theme 32: Submissions on other matters</b>				
<b>Sub – theme: Controlled Activities</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
45.4	Peter Stone	Clarify that there are no controlled activities		Accepted

<b>Theme 32: Submissions on other matters</b>				
<b>Sub – theme: Open Space</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
45.6	Peter Stone	Oppose removal of open spaces		Accepted in part  (Note: The plan change doesn't propose the removal of open spaces)

<b>Theme 32: Submissions on other matters</b>				
<b>Sub – theme: Chimneys</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
46.3	Vinod Vyas	Most of the chimneys in such old houses are posing danger. These should be allowed to demolished by licensed builder without consent	FS15 Housing New Zealand Corporation – Support in part FS20 Heritage New Zealand Pouhere Taongā - Oppose	Rejected

<b>Theme 32: Submissions on other matters</b>				
<b>Sub – theme: Shower &amp; toilet facilities</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
46.4	Vinod Vyas	Allow the addition of shower and toilet areas without need of consent. The number can be restricted to number of bed rooms		Rejected

<b>Theme 32: Submissions on other matters</b>				
<b>Sub – theme: Rules Relating to Renovations and New Dwellings</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
55.2	Wong Liu Shueng	Clarify the rules applying to renovations and the building of new dwellings		Accepted

<b>Theme 32: Submissions on other matters</b>				
<b>Sub – theme: Infrastructure</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
57.2	Jae Ellis	Backdate and clarify that the overlay priorities also apply to all recent and future infrastructure development in the same way as for residential	FS15 Housing New Zealand Corporation – Support in part	Rejected

<b>Theme 32: Submissions on other matters</b>				
<b>Sub – theme: St Marys Bay beachwater quality project</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
57.3	Jae Ellis	Revisit the decision for the St Marys Bay - Masefield Beach Water Quality Improvement Project		Rejected

<b>Theme 32: Submissions on other matters</b>				
<b>Sub – theme: School zones</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
62.2	Hui Chen	Don't change the school zones & single house zone		Rejected

<b>Theme 32: Submissions on other matters</b>				
<b>Sub – theme: Railway houses – Station Road, Papatoetoe</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
63.2	Teresa Lyndsay Marene Davis	Provide further protection and maintenance for the 7 Railway Houses at Station Road Papatoetoe and a restriction on high density housing on the land occupied by the houses		Rejected

<b>Theme 32: Submissions on other matters</b>				
<b>Sub – theme: Density</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
69.3	Ying Chen	Special Character Areas Overlay provides no flexible density requirements, which is contradictory to housing affordability		Rejected

<b>Theme 32: Submissions on other matters</b>				
<b>Sub – theme: 5 Quadrant Road, Onehunga</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
85.2	Joanna Keane	Retain heritage status on dwelling (at 5 Quadrant Road, Onehunga)		Rejected

<b>Theme 32: Submissions on other matters</b>				
<b>Sub – theme: Thames Street, Mt Eden</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
86.2	Patrick Noel Joseph Griffin	Leave the street (Thames Street, Mt Eden) as it is - if people own the property it should be their right to make changes as they see fit		Rejected

<b>Theme 32: Submissions on other matters</b>				
<b>Sub – theme: Effects on neighbours</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
88.3	Passion Fruit Trust	The plan (change) needs to take into account the effects of development on neighbours as well as on streetscape	FS15 Housing New Zealand Corporation – Oppose	Accepted
202.5	Sue Cooper, Remuera Heritage	Plan needs to take into account the effects of development on neighbours as well as on streetscape		Accepted
203.4	Sally Hughes, Character Coalition	Plan needs to take into account the effects of development on neighbours as well as on streetscape		Accepted
216.2	Don Huse	SCAR provisions to ensure any house alterations or new-builds will not adversely affect the amenity and value of any other properties included in the applicable special character area		Accepted
216.5	Don Huse	Want “cast-iron” assurance that the amenity and value of our house (and all others located in the special character areas) is fully protected by PC26		Rejected
218.4	Leighton Haliday	Protect sunlight access and privacy		Accepted in part

<b>Theme 32: Submissions on other matters</b>				
<b>Sub – theme: Demolition</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
88.4	Passion Fruit Trust	We do not support anything which will make special character and heritage buildings more easily able to be demolished and special character areas to be eroded		Accepted in part

<b>Theme 32: Submissions on other matters</b>				
<b>Sub – theme: Schedule 15</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
90.1	Sharyn Qu	The characters/styles outlined in the Schedule 15 Special Character Schedule Statements and Maps for Princes Avenue special area are inaccurate - therefore, the overlay rules should not take precedent	FS4 Sharyn Qu – Support	Rejected

<b>Theme 32: Submissions on other matters</b>				
<b>Sub – theme: D18.6 Standards &amp; D18.7 Assessments</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
90.4	Sharyn Qu	Clarify what are “D18.6 Standards” and “D18.7 Assessments” and how are they applied.	FS4 Sharyn Qu – Support	Rejected

<b>Theme 32: Submissions on other matters</b>				
<b>Sub – theme: D18.6 Rear Sites</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
91.3	Raymond Johnston	The amendments do not outline or address what is considered as the front or side of a rear site.		Rejected

<b>Theme 32: Submissions on other matters</b>				
<b>Sub – theme: Rebuilding a Home in Herne Bay</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
95.1	Adam and Sue Berry	A home in the Herne Bay area should be able to be rebuilt in the exact same style it was originally and be rebuilt in proportion to the section size if it were destroyed.		Accepted  (Note: this is covered by existing use rights under the Resource Management Act)

<b>Theme 32: Submissions on other matters</b>				
<b>Sub – theme: Suitable Restriction on Two Storey Houses</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
102.3	M.Carol Scott	Apply suitable greater restriction on two-storey houses, e.g. larger yards	FS5 Mark Crosbie, Heidi Crosbie, and Adeux Trustee Limited – Oppose FS6 Auckland Grammar School – Oppose FS7 The University of Auckland – Oppose	Rejected

<b>Theme 32: Submissions on other matters</b>				
<b>Sub – theme: Business Special Character Area Overlay</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
108.2	Gull NZ Ltd C/- Tracy Hayson, Hayson Knell Ltd	Apply the business special character overlay to business zoned land, - not residential		Accepted

<b>Theme 32: Submissions on other matters</b>				
<b>Sub – theme: 5 Palmerston Road</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
110.3	KTW Systems LP c/- Rachel Dimery	Enable appropriate development at 5 Palmerston Road		Rejected

<b>Theme 32: Submissions on other matters</b>				
<b>Sub – theme: Special Housing Area</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
157.2	Roy Koshy	Applications on the special housing area need to be considered on a case by case basis with a focus on development.		Rejected

<b>Theme 32: Submissions on other matters</b>				
<b>Sub – theme: Multi-storey Apartment or Commercial Buildings</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
216.3	Don Huse	That no multi-storey apartment or commercial buildings can in any circumstances be built in (or immediately adjacent to) the applicable special character area		Rejected

<b>Theme 32: Submissions on other matters</b>				
<b>Sub – theme: Integrated Residential Development Provisions</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
233.5	Birkenhead Residents Associations	Request Council add clarification as to the purpose of the Integrated Residential Development provision.		Rejected

<b>Theme 32: Submissions on other matters</b>				
<b>Sub – theme: Subjective terms</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
233.7	Birkenhead Residents Associations	Remove the following subjective terms and replace with those that can be defined consistently & introduce objective terminology with solid definitions not open to interpretation : 1. “maintain the relationship of built form”; 2. “reasonable” level of sunlight access; 3. “minimise visual dominance” effects		Accepted

<b>Theme 32: Submissions on other matters</b>				
<b>Sub – theme: Special Character Area – Residential &amp; the Healthcare Facility Zone</b>				
<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
234.2	The Ascot Hospital and Clinics Limited c/- Anthony Blomfield	That PC26 be amended to provide an exclusion to the standards of the SCAR overlay in D18.6.1 for land which is subject to the Special Purpose – Healthcare Facility and Hospital zone as per the submission	FS20 Heritage New Zealand Pouhere Taongā - Oppose	Rejected
234.3	The Ascot Hospital and Clinics Limited c/- Anthony Blomfield	That PC26 be amended to provide an exclusion to the standards of the SCAR overlay in D18.6.1 for the landholdings owned by Ascot and the land at 92 Mountain Road by including a new rule as per the submission	FS20 Heritage New Zealand Pouhere Taongā - Oppose	Rejected
234.4	The Ascot Hospital and Clinics Limited c/- Anthony Blomfield	As an alternative, and less preferred outcome, that PC26 be amended to require the standards of the SCAR overlay and of the Special Purpose – Healthcare Facility and Hospital Zone to apply with equal weighting as per the submission	FS20 Heritage New Zealand Pouhere Taongā - Oppose	Accepted in part

**Theme 32: Submissions on other matters****Sub – theme: Out of Scope Topics**

<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Decision</b>
103.2	Rosemary McElroy	Protect mature trees	FS15 Housing New Zealand Corporation - Oppose	Rejected
110.2	KTW Systems LP c/- Rachel Dimery	Provide for the preservation of views from a dwelling at 5 Palmerston Road and amenity values on this site		Rejected
115.2	David Barber	Require a resource consent for the trimming or felling of trees over 8m		Rejected
115.3	David Barber	Provide greater control for signage outside residential properties		Rejected
152.2	Marilyn Elvin	Request future plan change to address increased traffic congestion and # of vehicles per owner		Rejected
249.13	Keith Vernon	Amend the definition of building in accordance with the submission	FS8 Peter Ng – Oppose FS9 Peter and Sarah Wren – Oppose FS10 John Dillon – Oppose FS11 Colin and Jocelyn Weatherall - Oppose	Rejected
249.14	Keith Vernon	Amend the definition of height in accordance with the submission	FS8 Peter Ng – Oppose FS9 Peter and Sarah Wren – Oppose FS10 John Dillon – Oppose FS11 Colin and Jocelyn Weatherall - Oppose	Rejected



## **Annexure C**

Names and addresses of persons to be served with a copy of this notice

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