

Additional Topic¹ Allocation Form

Submitter name	Erin Lawn
Submission number	1908
Further submission number	
Date	13 March 2023

This form is to be completed by submitters who wish to have their submissions allocated to additional hearing topics. Please use the [Guide to creating topic and subtopic parties lists](#) to determine your current hearing topics.

You must send your Additional Topic Allocation Form (Form) to the Hearing Advisor npsudhearings@aucklandcouncil.govt.nz, as soon as possible or no later than 10 working days before the council's evidence is due.

On receipt of your Form, the Independent Hearing Panel (IHP) chair will determine whether to allow the request.

The IHP will make all Forms and its decision available on the Independent Hearing Panel webpage.

Note: Submitters will retain allocation of original hearing topics whether or not the chair grants the request.

Additional Topic Allocation Criteria

The allocation request will only be permitted where:

- The primary submission is directly 'on' the requested topic, or if indirectly 'on' the requested topic reasons are to be provided why the additional allocation should be granted.
- The requested topic has not already been heard.
- The request is received no later than 10 working days prior to the council evidence exchange for the hearing topic (generally 25 working days before the hearing)
- The decision is consistent with the principles set out in [IHP Hearing Procedures](#) document dated December 2022 and any other Panel document.

Please complete the table(s) below:

¹ Topic in this context means topic or subtopic depending on specificity of the request.

Request 1

Submission point number (if any)	1908.2 and 1908.3
Requested topic allocation	MHU Zone Provisions
Requested subtopic allocation	H5 Standards MHU Zone
Reasons	My submission was not seeking to amend or modify the MDRS provisions. I was requesting an amendment to the purpose of the HIRTB standard to include daylight. Plan change 78 already proposes to amend the purpose of the HIRTB standard to include privacy so my submission to include daylight in the purpose must also be in scope.
Text of submission 'on' the topic	See attached

Request 2

Submission point	1908.2 and 1908.3
Requested topic allocation	Low Density Residential Zone Provisions and THAB Zone
Requested subtopic allocation	H3A Standards Low Density Residential Zone and H6 Standards THAB Zone
Reasons	see above
Text of submission 'on' the topic	see above

You are welcome to attach additional pages if more space is required.



Panel Decision – if granted in part, please specify below.			
Granted	Declined	Date: 15 March 2023	Signature:

Reason:

The requested topic has not been heard. The requests were received more than 10 working days prior to the council's exchange of evidence.

Request 1 and request 2 are granted as the submission points are 'on' topics 015A LDRZ, 015D MHU, and 015E THAB respectively.

The submission clearly identifies that the substantive relief relates to the purpose of the Height in relation to boundary standards, inclusive of how it applies to MDRS. Schedule 3A of the RMA (being the 'MDRS' to be incorporated) does not prescribe any 'purpose' for the density standards nor matters of discretion/assessment criteria in cases of non-compliance. Their inclusion are at the discretion of council. The submission also states that the relief sought is for the purpose of the Height in relation to boundary standards, inclusive of how it applies to MDRS. Schedule 3A of the RMA (being the 'MDRS' to be incorporated) does not prescribe any 'purpose' for the density standards nor matters of discretion/assessment criteria in cases of non-compliance. Their inclusion are at the discretion of council. The submission also states that the relief sought is for the purpose of the Height in relation to boundary standards, inclusive of how it applies to MDRS. Schedule 3A of the RMA (being the 'MDRS' to be incorporated) does not prescribe any 'purpose' for the density standards nor matters of discretion/assessment criteria in cases of non-compliance. Their inclusion are at the discretion of council.

Topics 015A LDRZ, 015D MHU, and 015E THAB are the provision of their respective zone and changes supporting the incorporation of MDRS. This includes the purpose and assessment framework which is the subject to relief sought in Ms Lawn's submission. Therefore the relief sought is for the purpose of the Height in relation to boundary standards, inclusive of how it applies to MDRS. Schedule 3A of the RMA (being the 'MDRS' to be incorporated) does not prescribe any 'purpose' for the density standards nor matters of discretion/assessment criteria in cases of non-compliance. Their inclusion are at the discretion of council.

George Bramer

From: Unitary Plan
Sent: Thursday, 29 September 2022 11:30 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Erin Lawn

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Erin Lawn

Organisation name:

Agent's full name:

Email address: erin.lawn@gmail.com

Contact phone number: 0210659456

Postal address:

1050

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:

H3A.6.8. Height in relation to boundary

H5.6.5 Height in relation to boundary

H6.6.6 Height in relation to boundary

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

The MDRS Height in relation to boundary standards have the potential to result in significant effects on the daylight on adjoining properties. It is important that in assessing any effects of non-compliance with the standard it is explicit that effects on daylight should be considered.

Non-compliance with the proposed Height in relation to boundary standard has the potential to have a significant

impact on daylighting for adjoining properties. The purpose of the standard should be amended to make in explicit that effects on daylight on immediate neighbours should be considered.

1908.2

The height in relation to boundary standards contained in the Operative Plan by default afforded a degree of protection to daylight enjoyed by adjoining properties (although this is not expressed in the current purpose). The existing Height in relation to boundary standards achieve a higher standard of daylight on adjoining properties than the Daylight standards (H5.6.13 and H6.6.14) which apply to buildings within the same site. This will no longer be the case with the MDRS Height in relation to boundary standard. Therefore it is important that in assessing a non-compliance with the Height in relation to boundary standard the same consideration to daylighting impacts is applied as would be for buildings within the same site (by the purpose of H5.6.13 and H6.6.14)

1908.3

I or we seek the following decision by council: Approve the plan change with the amendments I requested

1908.1

Details of amendments: The purpose of the Height in relation to boundary standards in the LDRZ, MHU and THAB zones should be amended to include the maintenance of a reasonable standard of daylight.

Submission date: 29 September 2022

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



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From: [Erin Lawn](#)
To: [resubhearings](#)
Subject: [EXTERNAL] Error in summary of decision requested for Plan Change 78
Date: Monday, 13 March 2023 1:01:58 pm
Attachments: [ErinLawn.docx](#)
[Allocation of Hearing Topic Template FINAL 2023-03-13.pdf](#)
[PC78_1908_LawnE.docx](#)

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Hi Sam

Thanks for speaking to me earlier on, it was really helpful.

I have attached the completed form, which I think I have completed correctly. Please let me know if this needs amending. I think my submission should be allocated to the MHU, THAB and LDRZ topics for the reason outlined in the form. I believe it has been incorrectly allocated to Topic 2 MDRS response and the evidence prepared for this hearing addresses my submission as seeking modification of the MDRS standard – which it is not. Do I need to prepare evidence and appear at the Topic 2 hearing on this point (in case my request to be allocated to the additional topics is rejected)? I note that I need to prepare evidence for this hearing by 4pm today.

Also, I don't believe that the issue only relates to being allocated to the incorrect topic. I believe my submission has been incorrectly summarised as it states I am seeking to amend the MDRS height in relation to boundary standard

1908.2	Erin Lawn	erin.lawn@gmail.com	Amend MDRS height in relation to boundary standard to make explicit that effects on daylight on immediate neighbours should be considered.	MDRS response	MDRS - request change to MDRS (out of scope)
1908.3	Erin Lawn	erin.lawn@gmail.com	Amend assessment of non-compliance of height in relation to boundary the same consideration to daylighting impacts is applied as would be for buildings within the same site (by H5.6.13 and H6.6.14).	MDRS response	MDRS - request change to MDRS (out of scope)

But the decision I sought specifically stated that I wanted the purpose of the standard amended not the standard amended (see below)

----- Forwarded from Erin Lawn (erin.lawn@gmail.com) -----

I or we seek the following decision by council: Approve the plan change with the amendments I requested | 1908.1

Details of amendments: The purpose of the Height in relation to boundary standards in the LDRZ, MHU and THAB zones should be amended to include the maintenance of a reasonable standard of daylight.

Doesn't this mean that an errata to the summary of decisions requested needs to be prepared and notified?

Apologies again for noticing this at such a late stage.

Thanks again for your help

Erin Lawn

[Have your say on Auckland Council's annual budget 2023 and 2024.](#)

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