Case	Applicants' Use	Our Rebuttal
Hutchings v Western Bay of Plenty DC [2012] NZEnvC 100	Cited to show that even where a plan discourages dwellings in rural zones, a non-complying dwelling can be granted if the site is a "true exception."	Hutchings turned on *truly unique circumstances*. This site is not unique — it is one of many undersized lots in Selwyn. More seriously, the Campbell site carries a history of **unlawful occupation, false addresses, and NES-CS breaches**. This is the opposite of an exception.
Clearkin v Auckland Council [2012] NZEnvC 238	Used to argue that consistency of approach is relevant under s104(1)(c). Since there are already lifestyle dwellings nearby, consistency supports approving this one.	Clearkin concerned *inconsistent council practice*. Here, the issue is not inconsistency but **continuous unlawful activity**: shed occupation without RC, false HAIL declaration, and misuse of our address. Clearkin does not allow "consistency" to excuse or validate unlawful activity.
Price v Auckland CC (1996) 2 ELRNZ 443	Cited as early authority that effects are the key issue and a non-complying consent can be granted if effects are benign.	This is an old, pre-King Salmon authority. Modern case law (*King Salmon*, *Davidson*) confirms that directive policies like **"avoid"** must be applied strictly. Price has limited weight today.
Environmental Defence Society v King Salmon [2014] NZSC 38 & **RJ Davidson Family Trust v Marlborough DC [2018] NZCA 316**	Used to suggest policies should be "balanced" with Part 2 of the RMA and that "avoid" is not absolute.	This misreads the cases. **King Salmon** held that directive policies must be applied strictly; they cannot be "balanced away." **Davidson** allows reference to Part 2 only if plan provisions are uncertain. GRUZ-P2 is not uncertain — it is crystal clear: undersized dwellings must be avoided.