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Legislation Committee Case-notes - September 2016

Feedback Please! Any Feedback? Drop us a note!

We would appreciate comments and suggestions from members on content, format or information about cases that might be of interest to members but may have not been reported in "Your Environment" or “Alert 24 Land”.

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Summaries of cases from Thomson Reuter’s "Your Environment" and “Alert24 – Land”.

This month we report on six court decisions covering diverse situations associated with subdivision, development and land use activities from around the country:

- A case about the standing at appeal of a neighbour who had given consent to a subdivision and development at Clarks Beach adjoining the Manukau Harbour, but who now wished to appeal the decision on the grounds that he had been misled into giving that consent;
- A successful prosecution by Auckland Council of the owner of a property at Onehunga. The owner had relocated a garage to the front of his property despite his unsuccessful application for resource consent to do so;
- A partly successful appeal about administrative charges which were imposed by Thames Coromandel District Council which had granted consent to a subdivision but which had subsequently been cancelled;
- Another decision in relation to an enforcement order involving large-scale unauthorised earthworks and native bush clearance at Waiwera, north of Auckland;
- A further court decision involving the status of a quarrying operation at Saddle Hill near Dunedin and efforts to resolve the apparent conflicts between different interpretations of previous consent. No clear conclusion has yet been announced;
- A decision of the Court of Appeal over interpretation of earlier consents issued by Waimakariri District Council and noise rules in the district plan. The existing use rights to operate the clay target shooting activity and certificates of compliance for it, were being challenged by the development of new houses on nearby “life-style” blocks of land.

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CASE NOTES:

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Osborne v Auckland Council _ [2016] NZEnvC 124

Keywords: strike out; appeal rights; jurisdiction; resource consent

C Powrie (“P”) made a strike out and other applications relating to the appeal by K Osborne (“O”) against the resource consent granted to P (“P’s consent”) by Auckland Council (“the council”). P, O, G and J Rice (“R”) and others owned neighbouring properties at Clarks Beach, on the Manukau Harbour. P’s application for consent was publicly notified by the council. O, R and others filed submissions: R and the others opposing, and O supporting, P’s application. In dispute was whether P had told O that the new building on the subdivided site would not comprise two storeys. None of the submitters appeared at the council hearing of P’s consent application. Despite having consented to P’s consent application, O appealed against the whole of the council’s decision to the Court, on the grounds that: the commissioners failed to give sufficient weight to the relevant subdivision and development planning provisions; and the commissioners accepted P’s advice that certain boundary issues had been resolved, when they

had not been. R and the others filed s 274 notices in support of O's appeal. The grounds for P's present applications were that: the Court lacked jurisdiction to receive the appeal because it was incorrect in terms of pleading and form; and O had no standing to bring the appeal because she had made a submission in support of P's consent application.

The Court considered the issues in dispute. Regarding the contention that the appeal was incorrect in pleading and form, the Court noted that generally speaking the Environment Court did not take a rules-based approach to such matters in order to fulfil the statutory imperatives under s 269(1), (1A) and (2) of the RMA. In the present case, the Court found that there were no matters relating to the pleading or form that were of such substance as to affect the Court's ability to receive the appeal. Regarding the issues as to standing and jurisdiction, the Court considered the provisions of s 120(1)(b) of the RMA and relevant case authority, noting that there seemed to be no case directly on point. In the present case, O originally consented to the proposal but after the decision changed her mind and now opposed it. The Court stated that while the language of s 120 of the Act did not seem to prevent such an approach, the Court also had an overriding obligation to ensure that its processes enable the orderly administration of the RMA and to ensure such processes were not abused. There was a dispute as to whether O was misled by P and it was impossible on an interlocutory application to determine such factual matters. Where such an allegation had been made, this would favour an interpretation of s 120(1)(b) of the RMA giving rise to a right to appeal, providing that the party making the allegation of misleading conduct had made a submission on the application for consent (whether opposing or supporting it) and the matters raised on appeal were generally considered by the consent authority. The Court concluded that there was sufficient before the Court to enable O to appeal the council's decision, despite the fact that she had originally filed a submission supporting. Accordingly, the Court found that O had standing to appeal.

The Court then considered P's application to strike out under all three grounds in s 279(4) of the RMA, noting that the power to strike out was used sparingly and only where the claim was beyond repair and so unobtainable that it could not possibly succeed. First, regarding whether the appeal was "vexatious", the Court noted case authority suggesting that the word had several meanings and that such an allegation was serious and should be supported by persuasive proof. The Court was not persuaded that the evidence before it at the interlocutory stage established that O's appeal was vexatious. Similarly, regarding whether the appeal showed no reasonable or relevant case, the Court was unable to find that O's appeal had no merit at the interlocutory stage. Finally, the Court rejected, for similar reasons, the submission that that the appeal was an abuse of process.

The Court held that O had standing to appeal and there was no basis for strike out at this stage. The Court directed that the appeal be progressed and gave orders accordingly. Costs were reserved.

Decision date 26 July 2016; Your Environment 27 July 2016

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Auckland Council v Fan _ [2016] NZDC 7194

Keywords: prosecution; abatement notice; enforcement order

D Fan ("F") was sentenced having been found guilty by a jury on 2 March 2016 on one charge of contravening an abatement notice. F had unlawfully relocated the garage at the rear of his property at 6 Edmonton Ave, Onehunga to the front, in contravention of r 7.8.1.7.a of the district plan. Prior to this, F had been refused resource consent to so relocate the garage, and an appeal by F to the Environment Court was unsuccessful. Interpretive services were provided throughout to ensure that F understood what was happening. It was established that F wished to undertake a subdivision of the property and the relocation of the garage was necessary for that. The Environment Court made it clear that F was not permitted to relocate the garage without resource consent. Subsequent to the unsuccessful appeal, a council officer visited the property and saw that building work had commenced in the front yard. The abatement notice was issued. However the garage was completed and the front yard concreted. A further council inspection was undertaken pursuant to a search warrant and this established the breaches of the rule.

The Court considered the sentencing principles as established by the Sentencing Act 2002 and case authority. The Court considered that F had very clearly understood he was not allowed to relocate the garage without resource consent but that he did it anyway. The Court stated F had
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a stubborn and belligerent response to the situation and it was deliberate offending of the worst kind, which the Court considered to be an aggravating factor. Regarding the environmental effects of the offending, the Court noted that the property was in the Residential 6a zone of the Auckland Isthmus plan and that the locality had retained a character of single dwellings on lot sizes of over 375 square metres, with relatively spacious front yards, and the offending had to be seen in this context. The environmental effects and extent of the harm related to stormwater drainage and amenity. The Court considered that the extent of harm to the environment was in the moderate category, in relation to both aspects, and set the starting point at $30,000 for a fine.

There were no mitigating factors, no expressions of remorse and no deductions for previous good character. The Court considered an application to reduce the fine because for F's financial situation. He was receiving New Zealand Government Superannuation, and had not complied with Court's request for full financial disclosure of his bank accounts, including those held overseas. Bearing in mind the present value of his home, the Court considered that F was in a position to pay the fine of $30,000. Surveying costs were not imposed, although F was ordered to pay costs in accordance with Costs in Criminal Cases Regulations 1987 of $2,260, in addition to Court costs of $130. In addition the Court considered it entirely appropriate to make an enforcement order along the lines sought by the council, and stated this would apply to F's representatives, successors and assigns, in view of F's stated intention to visit China for some months, or in the event that he sold the property.

Decision date 13 May 2016; Your Environment: 20 May 2016

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Sailors Rest Trust v Thames-Coromandel District Council _ [2016] NZEnvC 104

Keywords: subdivision; charges; costs; council procedures; jurisdiction

Sailors Rest Trust ("the Trust") appealed against the decision of a hearing commissioner to dismiss the Trust's objection to paying administrative charges and costs amounting to $35,285 ("the charges") imposed by Thames-Coromandel District Council ("the council"). The charges were imposed in relation to the processing and determination of the Trust's application for a 16-lot subdivision at Sailors Grave Rd, Tairua ("the site"). Although the application was granted, it was subsequently cancelled by consent in the Environment Court as part of the resolution of an appeal. The Trust now argued that the charges: resulted from the council's delay and its unlawful decision to publicly notify the subdivision consent application; were unnecessary; and were unreasonable.

The Court considered the power to levy administrative charges in s 36 of the RMA and noted relevant case authority as to the application of that section. In the present case, the council imposed a fixed charge of $11,000 paid up front, and additional charges of $35,285, according to its fees schedule; it was the latter which was the subject of the appeal. The Court noted the chronology of events following the filing in September 2008 of the Trust's application for subdivision, in particular noting that at that time the site was zoned Coastal (Coastal Residential Policy Area), under which the application was a restricted discretionary activity, and that the council had requested further information from the Trust. However, on 30 January 2009 the council notified a variation to the district plan by which the site zone would change to Coastal (Outside All Policy Areas), making the application a non-complying activity.

Regarding the Trust's argument that the additional charges were caused by the council's decision to notify the application, the Court noted that the Trust alleged two process failures: the notification decision was made outside the statutory timeframe; and the decision was not made in writing with reasons as required by the RMA. Having determined that, although it had no jurisdiction to judicially review decisions as to notification of resource consent applications, the Environment Court nevertheless was empowered under s 36 of the RMA, to consider a claim as to the reasonableness of additional charges associated with the council's decision to notify. In the present case the Court considered that there had been process failures by the council.

Calculating the time under s 95 of the Act, the Court concluded that the council ought to have made a decision about notification by 23 January 2009, which was before the variation changing the zoning was notified, but had not done so. The council did not explain the reason for the delay, but the Court stated it was able to infer that the impending notification of the variation was the probable reason. The Court was accordingly satisfied that the council failed to comply with the statutory timeframe required by the RMA. Further, the council did not issue a
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formal written reasoned decision as it was required to do under the Act. The Court then concluded that the impact of these failures had some bearing on the additional charges imposed on the Trust. The Court concluded that while some of the additional charges were necessary, extra costs were incurred due to the council's process delays. The Court analysed which of the additional costs were not reasonable and these amounted to $8,670.

As a result, the appeal was allowed in part. The Trust was required to pay $26,615 to the council by way of additional charges. The decision was issued as an interim one, with a timeframe set for the parties to respond.

Decision date 22 June 2016; Your Environment 23 June 2016

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Auckland Council v Lau _ [2016] NZEnvC 103

Keywords: enforcement order interim; earthworks; forest indigenous

Auckland Council ("the council") applied for enforcement orders against E Lau ("Lau"), Q LU ("Lu") and Lucky Wu Ltd ("the company") in relation to a 6.9 hectare property at 32 Weranui Rd, Waiwera ("the site"). The matter concerned large-scale earthworks and the removal of indigenous vegetation in a sensitive coastal area. The site was zoned high intensity residential activity under the Rodney District Plan but much of the land was heavily wooded and steep.

The Court found as fact that between March 2013 and June 2014 significant excavation works were undertaken on the site to clear bush in order to create tracks. This involved extensive removal of trees and bush, displacing soil, compromising several water courses and dislodging large sandstone blocks. The Court concluded that: the earthworks were unstable and there were signs of rock fall on to the tracks; the earthworks were significant; the current state of the earthworks were a danger to anyone on the site; damage to vegetation extended significantly beyond the boundary of the site; and that in such a rich and sensitive landscape, in the coastal forest area, no clearance should have occurred without prior resource consent.

Lau, who was director of the company and project manager on the site, denied involvement or responsibility. However, the Court stated it found him evasive and disingenuous and concluded that he was involved in the operation and management of the earthworks and vegetation clearance. Similarly, although the Court stated that the transfers of property and changes in directors in the company, which made the arrangements with the owner of the site, Lu, unclear, the company was responsible for the actions of Lau and Lu. On all matters of credibility the Court preferred the evidence of the council.

The Court considered the provisions of s 314(1) of the RMA, concluding that it was appropriate to consider orders in relation to the property and Lu in addition to Lau and the company. The Court addressed relevant provisions of the district plan and rules in the regional plan regarding earthworks, natural vegetation and concluded that the clearance in the present case offended a number of such provisions. The Court rejected Lau's assertion that he was entitled to develop the site into 275m^2 lots, and found his intentions regarding the site completely inappropriate because they failed to recognise the gradient of the land, the difficulty of supplying basic services and the need to protect water courses and indigenous vegetation. The Court considered that a resource consent application could be made for residential activity on the site to 275m^2 per lot as a restricted discretionary activity, with the criteria to be considered as stated. The Court noted that Lau had considerable experience in 500 developments in New Zealand subdivisions over the past 24 years and concluded that he was well familiar with his obligations under the RMA but that it was clear that he commenced the present works without seeking any consent whatever. Further the Court found that, contrary to Lau's allegations of inappropriate action against council officers, Lau had made application for consent only when confronted by council officers and he deliberately continued the works in circumstances where it was obvious he was in breach of the district plan and the RMA. The Court found that the actions of Lau and the company were deliberate and flouted direct instructions to desist.

The Court concluded that, given the potential danger on the site, urgent action was needed and that it should make directions requiring geotechnical reports and assessment of remediation methods, in addition to a landscape report, as an urgent first step. The cost of this was to be met entirely by the company and Lau jointly and severally. The Court made interim enforcement orders accordingly. Costs were reserved.

Decision date 22 June 2016 Your Environment 23 June 2016
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Dunedin City Council v Saddle Views Estate Ltd _ 2016] NZEnvC 107

Keywords: declaration; quarry; resource consent; existing use

Dunedin City Council ("the council") sought a declaration regarding the consent issued in 1960 ("the 1960 consent") by the Taieri County Council ("TCC") under s 38A of the Town and Country Planning Act 1953 ("the TCPA 1953"). The 1960 consent was for the commencement of quarrying activity on Jaffray Hill, the south-western of the two hills which, together with the interposed saddle, comprised Saddle Hill. This decision followed those of the Environment Court of 22 August 2013 and 26 September 2013, and that of the High Court of 20 November 2014 ("the HC decision"). In the HC decision, the Court noted that over many years the effects of quarrying on Saddle Hill had caused controversy and when Saddle Views Ltd ("SVL") appeared to claim it was entitled to remove the entire hill the council had sought declarations as to the legal status of the quarrying. The HC set aside declarations made by the EC and concluded that SVL had produced cogent evidence of the existence of a consent to quarry the site.

The Court now considered the terms of the declaration sought by the council. The declaration referred to a "resource consent" held by SVL, which consent was limited by conditions, including that "earthworks do not occur, nor visibly change the profile of the ridgeline on land outside the specified Area B". The Court first stated that the reference to a "resource consent" was not accurate, since at most SVL held a deemed resource consent under s 383 of the RMA, which incorporated the actual "consent" granted under s 38A(1) of the TCPA 1953. The Court then considered the relevant planning history in the TCC's records, together with evidence relating to the quarrying activity on Jaffray Hill over the decades since the late 19th century, before describing and considering three possible hypotheses as to the facts. These were: the council hypothesis, to quarry Jaffray Hill within the limits of Area B; the SVL hypothesis, to quarry Jaffray Hill at a more intense rate than pre-1960 until all the rock was removed; and the purposive hypothesis, as suggested in the HC decision, that the 1960 consent might be limited by its purpose, which was to quarry the western side of Jaffray Hill for not more than 100,000 cubic yards of rock for the purpose of the construction of the (then) new Dunedin Airport.

The Court concluded that there was minimal evidence to support the council's contention that quarrying was by implication limited by the 1960 consent to Area B. The Court tentatively concluded that the 1960 consent was apparently limited as to quantity to be removed (up to 100,000 cubic years of rock), location (the West side of Jaffray Hill) and purpose (for the airport). Within a reasonable time after completion of the airport, it seemed to have been contemplated that quarrying would cease. The Court held it should not make the exact declaration sought by the council, but stated that it was in the public interest that the ongoing uncertainty should be resolved. The parties were given a final opportunity to make submissions on a more accurate declaration as to the extent of the 1960 consent, to cover the issues specified by the Court.

Decision date 27 June 2016 Your Environment 28 June 2016

Previous cases have also reported in Newslink in the past two years.

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North Canterbury Clay Target Association Inc v Waimakariri District Council _ [2016] NZCA 305

Keywords: Court of Appeal; district plan; noise; rural; activity permitted; interpretation; certificate of compliance

This appeal by North Canterbury Clay Target Assn Inc ("the Association") to the Court of Appeal concerned the proper interpretation of a rule ("the noise rule") in the Waimakariri District Plan ("the plan") and the proper assessment of the legal effect of the issue of a certificate of compliance ("CoC") under s 139 of the RMA. The Association had operated a target shooting facility in the rural zone of the plan for many years and in 2008 was issued a CoC by Waimakariri District Council ("the council"). At that time the council was satisfied that the Association's activities complied with applicable noise limits, measured at the notional boundary (being defined as a line 20 m from any part of a dwelling house, or the legal boundary of any site of "any" dwelling house in the vicinity). At the time the CoC was issued in 2008, the nearest house was 1.2 km away; since then, land nearer the facility had been subdivided and the

council received complaints from residents in the subdivision dwellings about gunfire noise. In its decision of 23 May 2014, the Environment Court held that the noise rule required continuing compliance with noise standards in a receiving environment which could be expected to change over time. By its decision of 28 November 2014 the High Court dismissed the Association's appeal.

Before addressing the two questions for which leave to appeal was granted, the Court considered the relevant district plan provisions relating to permitted activities and noise constraints. In summary, the Court stated that under the plan the Association's activities might be a permitted activity if they complied with the plan's provisions relating to permitted activities, which included the noise rule. The noise rule existed to protect neighbours' amenity values and health and safety in their homes. Failing compliance, the Association's use became a discretionary activity.

After considering the relevant provisions of s 139 of the RMA and the previous decisions of the lower courts, the Court turned to the second question on appeal, which asked whether, where a CoC had been issued under s 139 of the RMA, the holder of the CoC was subject to a continuing obligation to abide by the noise limitations specified in the noise rule, notwithstanding changes in the receiving environment occurring after the date of the CoC. The Court examined the nature of a CoC issued under s 139 of the RMA and to what extent it was to be treated as a resource consent. The Court noted that a CoC gave the holder a guarantee of land use rights, protected for a time from the effects of changes to the relevant plan. It took effect from the date on which it was requested, so protecting the holder from plan changes that otherwise might be notified before the CoC was issued. Further, although a CoC was deemed to be an appropriate resource consent, the Court noted that none of the RMA's provisions for notification, hearings and decisions on resource consents applied. In particular, there was no provision for having regard to adverse effects of the activity, or for the imposition of conditions. The Court concluded that a certificate of compliance established only that the use specified complied in fact at a given date, in the environment as it was at that time.

The Court considered that the appeal turned on the meaning of the noise rule and whether it was ambulatory in the sense that it required compliance at dwellings built since the use was established. To this end, the Court turned to consider the first question on appeal, which asked whether the noise rule required compliance with the noise limit at any dwelling house in the rural zone from time to time, regardless of whether the dwelling house was built when the permitted activity was established. In this the Court agreed with the Courts below, for substantially the same reasons. The Court rejected the Association's submissions that the use of the word "any" in the noise rule was ambiguous. To decide the answer to the question whether the noise rule insisted on measurement of noise levels only at dwellings which were in the zone when the use was established or permitted measurement at dwellings constructed subsequently, the Court interpreted the plan as a whole and made the following points. First, the noise rule required that continuing compliance might require measurement from time to time. Second, the noise rule existed to regulate noise which adversely affected amenity values and health and safety of people on neighbouring sites. The plan focused on dwelling-houses, aiming to control noise in places where people lived and slept, achieving a balance of interests. Third, although specified activities, notably farming, were exempt from the noise rule, the Association's use was not so exempt. Fourth, the plan recognised that the receiving environment might change. The Court concluded that if the plan meant to protect a non-exempt use from changes to the receiving environment it would have had to say so clearly. Accordingly, the Court answered both questions on appeal in the affirmative. The appeal was dismissed. There was no order for costs.

Decision date 29/7/2016 Your Environment 01.08.2016

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This month's cases were selected by Roger Low, rlow@lowcom.co.nz, and Hazim Ali, hazim.ali@aucklandcouncil.govt.nz.

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Other News Items for September 2016

Auckland Council approves affordable housing deal. *Radio New Zealand* reports that a scheme to build 1,500 affordable homes has been approved by Auckland Council and the Selwyn Foundation. Read the full story here.

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ans-Tasman Resources re-applies for iron mining consent. *Radio New Zealand* reports that two years after declining a similar application, the Environmental Protection Authority has received a new application by Trans-Tasman Resources for marine consent to extract up to 50 million tonnes of iron sand annually off the Taranaki coast. Read the full story here.

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Campsite proposal for Lake Wanaka shore. The *Otago Daily Times* reports that Queenstown Lakes District Council is expected to grant consent to the proposal by Explore Life Luxury Camping to operate a camp site on the shores of Lake Wanaka. Although the site is part of an outstanding natural landscape, council expert Hannah Ayres submitted that there would be minimal effects on the area's environment and landscape. Read the full story here.

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Hamilton City Council adopts Ferrybank river development plan. *Stuff* reports that Hamilton City Council has voted to adopt the Ferrybank development plan. Key features of the Ferrybank plan include a footbridge linking Hamilton East to the central city, a Waikato River tourism hub, and an expansive riverside promenade. Read the full story here.

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Hundreds of building-related firms in Christchurch failing. _ *The Press* reports that an analysis of insolvency records has shown that 160 companies in the building industry have failed since January 2015, with over 60 going into liquidation this year alone. Read the full story here.

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Warning to NZ after recent Australian asbestos building discoveries. *Radio New Zealand* reports that asbestos has been discovered in major new building projects in Australia, including in a new children's hospital in Perth and a smelter redevelopment in Port Pirie. Australia's Asbestos Industry Association said asbestos-free certifications could not be relied on and Peter Tighe, head of the federal Asbestos Safety and Eradication Agency, warned that if it is a problem in Australia then the chances are that it is also a problem in New Zealand. Read the full story here.

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Building consents fall 11 per cent. _ The *New Zealand Herald* reports that New Zealand residential building consents fell 11 per cent in July. Statistics New Zealand says seasonally adjusted dwelling consents slipped to 2,629 in July from 2,938 in June, when they jumped 22 per cent. Read the full story here.

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Final scope of $1.2b development uncertain. *The New Zealand Herald* reports that the exact form of Fletcher Building's proposed $1.2 billion development in the Three Kings Quarry in Auckland remains uncertain. The Three Kings Community Action group supports the Environment Court's interim decision, which reduced the number of residential units and specified requirements for better connectivity with the local community. However, Steve Evans, of Fletcher Building, says that until the Unitary Plan is operative and the Court has issued its final decision, the final scope of the development will not be determined. Read the full story here.

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$10m development for Tauranga CBD. _ The *Bay of Plenty Times* reports that Brunel Group will design and build a new $10 million office complex on a site in Willow St in Tauranga owned by JWL Investment Trust. The new building, to be called The Reserve, is expected to be completed in early 2018. Read the full story here.

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Fisher & Paykel expands Auckland headquarters. *Stuff* reports that Fisher & Paykel Healthcare intends to spend between $100 million and $150m constructing a fourth building at its headquarters in East Tamaki in Auckland. Read the full story here.

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Parasite to tackle common wasp. *Radio New Zealand* reports that Landcare Research will import parasitic wasps from the UK to be tested as a weapon against German and common wasps, which cost the primary sector about $130m each year. Read the full story here.

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Lower Hutt apartment development. *Stuff* reports that a two-storey office building, on Oxford St in Waterloo, has been bought by Rudy van Baarle, a well-known award-winning residential builder and developer who plans to strengthen it and build apartments. Read the full story here.
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$5.2 million development at Rolleston. *The Press* reports that the $5.2 million retail, office and food South Point complex in the new Faringdon subdivision at Rolleston will be ready to open in 12 months. Read the full story here.
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High Court orders removal of 12,000 truckloads of fill. _The *Otago Daily Times* reports that Canterbury company March Construction Ltd has been ordered to remove about 143,000cum of fill from a development site in Queenstown. The fill, which the Court ruled was owned by March, was allowed to be temporarily stored on the site for five years. Read the full story here.
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$80 million office tower for Sylvia Park. _ *The New Zealand Herald* reports that Kiwi Property Group plans to build a $80 million office tower at Sylvia Park retail centre in Auckland. Construction will start next month and is expected to be completed by June 2018. Read the full story here.

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Half of Auckland's special housing areas to lapse without building consents. *The New Zealand Herald* reports that developers who bought land in half of Auckland's special housing areas have failed to apply for building consents, leading to claims that the special housing area policy has been used for landbanking. The requirement that 10 per cent of new housing in such areas must be "affordable" will lapse on September 16. Read the full story here.
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Proposed port upgrade for Chatham Islands. *Radio New Zealand* reports that a $55 million redevelopment of Waitangi port in the Chatham Islands has begun. The works, aimed to allow the port to stay open in all tide and weather conditions, is expected to be completed by the end of 2017. Read the full story here.
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Wellington CC's defence of verandah costs $77k. *The Dominion Post* reports that Wellington City Council has, at a cost of $77,000, defended in the Environment Court its decision to refuse consent to remove a verandah which is in disrepair and which an architect has called "ugly". The verandah is attached to Heritage listed building Aviation House. The Court held that the part of the verandah on Featherston St could be removed. Read the full story here.

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$1.7 billion project to upgrade defence buildings. *Stuff* reports that the Government has approved a $1.7b spend to upgrade the defence estate. Defence buildings will be upgraded across the country, including a health and wellbeing precinct at Whenuapai and a mounting base at Waiouru. Auckland's Devonport Naval Base will get a multi-storey car park and office

building, as well as "small boat storage" and wash down areas and ship loading areas. Read the full story here.

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Unitary Plan passed. *The New Zealand Herald* reports that Auckland Council's Unitary Plan, has been passed by councillors. Councillors have largely accepted more developer-friendly changes from the independent hearings panel. The decisions will be publicly notified on the Auckland Council website. Read the full story here.

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Wellington Airport runway extension not value for money, says report. *Radio New Zealand* reports that the $300 million runway extension at Wellington International Airport is a bad investment, according to a report commissioned by the Board of Airline Representatives New Zealand Inc. Read the full story here.

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New fund to help heritage building owners. The *New Zealand Herald* reports that the Government has announced the Heritage Earthquake Upgrade Incentive Programme fund of $12 million over four years to help heritage building owners meet earthquake-strengthening costs. The contestable fund will be available for privately owned category 1 Heritage New Zealand-listed buildings across New Zealand and for category 2 buildings in areas of high to medium seismic risk. Read the full story here.

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Plans for $30m Island Bay housing project. The *Dominion Post* reports that property developer Ian Cassels has revealed plans for a $30 million 94-townhouse development at Wellington's heritage complex at Erskine College in Island Bay. Read the full story here.

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Frankton road reserves contain arsenic. *Radio New Zealand* reports that Queenstown Lakes District Council has advised that high levels of arsenic were found in road reserves in a residential area of Frankton. Read the full story here.

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$435 million for Canterbury roads. *The Press* reports that the NZ Transport Agency has announced that $435 million of Government money will be allocated to build the new Christchurch Northern Corridor and complete stage two of the Christchurch Southern Motorway. Transport Minister Simon Bridges said the city is crucial to the economic development of the South Island. Construction will start in October. Read the full story here.

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New Franz Josef sewerage system could cost ratepayers $6.2 million. *Radio New Zealand* reports that to replace the sewerage system after the Waiho River floods of last year, the ratepayers of Franz Josef are facing a bill of $6.2 million and Westland District Council has begun consultation on how to pay for it. Read the full story here.

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$800 million apartments proposal for East Christchurch. *Radio New Zealand* reports that the Government plans to attract more than 2,000 people to live on the eastern edge of the Christchurch CBD. Fletcher Living has been chosen to develop the area of five city blocks, now empty after the earthquakes, at a projected cost of $800 million. Read the full story here.

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QLDC proposed bylaw to curb pub crawls. The *Otago Daily Times* reports that Big Night Out Promotions has submitted that Queenstown Lakes District Council consultation procedures leading up to the proposed Nuisance Bylaw 2016 were flawed and defective and showed the council had predetermined the issue. The bylaw seeks to control group tours of pubs and bars, but 98 per cent of the 544 submitters opposed any regulation of pub crawls. Read the full story here.

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Foodstuffs wants zone change for Dunedin site. _The *Otago Daily Times* reports that Foodstuffs has made submissions to the Dunedin City second generation district plan, asking for a change of zoning for its site in South Dunedin. The food retailer wanted to develop a food market and cafe, but say the present industrial zoning of the site is inconsistent with land uses

that now exist in the area. Read the full story here.
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Construction of Ravenswood development to begin. *The Press* reports that Ravenswood Developments Ltd is to begin building a town centre with a new commercial and industrial block, surrounded by residential sections, on its 150-hectare site in North Canterbury. Read the full story here.
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$42 million Timaru development. _ *The Timaru Herald* reports that Bayhill Developments Ltd has applied for resource consent to demolish the Hydro Grand Hotel and replace it with an apartment, office and hotel complex, at a total cost of more than $40 million. Read the full story here.

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