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Legislation Committee Case-notes - October 2016

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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".

The Case-book Editor Roger Low can be contacted through the National Office, or by e-mail, Roger Low<rlow@lowcom.co.nz>

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Summaries of cases from Thomson Reuter's "Your Environment"".

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

- An interim decision on a private plan change to re-zone former quarry land at Three Kings, Auckland for development for residential purposes;
- The decision of the Environment Court dismissing appeals by a group of associated land owners of several properties at Paremoremo, Mt Eden and Flat Bush, Auckland, against abatement notices issued for breaches of district plan rules and illegal building works;
- A case about interpretation of ownership of interests in land as distinct from ownership of land where land was being taken under the Public Works Act for Christchurch Southern Corridor roading project;
- A case in Marlborough involving lapse of a consent to take water from an aquifer in the Wairau Valley;
- A prosecution by Auckland Council of a developer of a property in Epsom for undertaking earthworks and excavations adjacent to the site of a heritage listed building. Various difficulties arose because of the changing status of district plan rules resulting from the progressive application of the proposed Auckland Unitary Plan;
- An appeal relating to the consent status of a dam constructed as a condition of a residential subdivision to control stormwater run-off from a residential development at Palmerston North, but without a consent from the regional council.

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CASE NOTES:

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South Epsom Planning Group Inc v Auckland Council - [2016] NZEnvC 140

Keywords: district plan change; zoning; quarry; residential; reserve; amenity values

South Epsom Planning Group Inc and Three Kings United Group Inc appealed the decision by Auckland Council ("the council") approving proposed Private Plan Change 372 ("PC372") to the Auckland District Plan – Auckland City Isthmus Section. PC372 was requested by Fletcher Residential Ltd ("Fletcher") and sought the rezoning of 21.6 ha of land in Three Kings, Auckland ("the site"), to enable the redevelopment of a quarry for residential and open space purposes. The quarry had been worked since the 1920s; rock extraction was largely completed and Fletcher was in the process of filling the quarry with clean fill under a consent granted in 2011. In addition to the dwelling units proposed, intended outcomes of PC372 included a Whare Manaaki, an open space area and walkway linking proposed sports fields, a reserve and a wetland area and also the integration of the site with Three Kings Town Centre and Mount Eden Rd.

The Court considered and appraised PC372 against the following issues: the statutory requirements; regional policy documents; s 32 RMA matters; fill levels on the site; volcanic features and issues; building heights; the Superlot G; open space; earthworks; and minimum

dwelling unit size. The Court noted that provisions in the Auckland Regional Policy Statement ("the ARPS") required a structure planning process as part of significant urban redevelopment, which PC372 was, yet no such structure plan was prepared. The Three Kings Plan, prepared in August 2014 but not adopted by the council, was considered by the Court, which stated that the values to be protected in that document reflected the same issues identified by witnesses before the Court. Key among those was the need to emphasise the Town Centre and the need for connections, both visual and physical, between the quarry development, the remaining large peak of the Te Tātua-a-Riukiuta volcano ("the maunga") and the Town Centre, in addition to the need to protect and enhance amenity and open space. The Court then considered, under s 32 of the RMA, the extent to which the objectives of PC372 were the most appropriate way to achieve the RMA purposes. Most significant of these issues was the extent of filling that was to take place in the quarry. After considering the evidence on fill levels, the Court found it apparent that Fletcher's initial proposals for contour levels were driven by a desire to maximise the number of dwelling units on the site and minimise the time to complete the fill which the Court considered that was achieved at the cost of integration. The Court concluded that connectivity played a key part in the ultimate quality and function of the open spaces proposed by PC372 and in the integration of residential development on the site with the Town Centre.

Regarding volcanic features, the Court noted that Auckland was unique in being the only major city in the world situated on an active volcanic field, and the ARPS contained extensive provisions relating to these. The Court concluded that the maunga was an outstanding natural feature, and stated that it was clear that the other various volcanic formations and remnants on the site were also volcanic features, covered by the relevant provisions of the ARPS and that certain sight lines and other features should be protected. Regarding the building on the site, the Court considered there should be no built form on the walls of the quarry to the north and west and there should be a public road separating open space from the built area. Fletcher accepted that the quarry floor should be subservient to the maunga and allow views to the maunga over any development from Mount Eden Rd, and had made various changes respecting height of buildings. The Court considered that Superlot G, a proposed allotment on the south side of Western Park, should be deleted from PC372 because it would occupy actively used open space and was inconsistent with specified policies in the ARPS. However, provided matters identified by the Court were resolved, it found that the open space provisions of PC372 would be adequate. The Court stated that at the end of the hearing Fletcher provided a draft of the provisions relating to earthworks and site preparation, but the Court stated that much more clarity and justification around this issue was required.

Overall, the Court concluded that the objectives of PC372 were the most appropriate way to achieve the RMA's purpose, regarding the development of the site for residential and open space purposes. The Court commented that the proceedings had been somewhat iterative, with Fletcher amending the proposal "on the hoof" as issues emerged under the pressures of the hearing. There had been only limited time for reflection and quality assurance and other parties had not had the opportunity to assess and comment on the final proposal. For these reasons, the decision was issued as an interim one, to allow the parties to discuss and refine the terms of PC372. To assist with that process, the Court listed the issues which would need to be addressed, having regard to its findings and comments in the decision. A period of 20 working days was allowed for memoranda to be filed and served, after which a judicial conference would be convened. Costs were reserved.

Decision date 18 August 2016; Your Environment 19 August 2016

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Lau v Auckland Council _ [2016] NZEnvC 145

Keywords: strike out; abatement notice; enforcement order; costs

The Court considered appeals made by E Lau and his associates J and L Mao and M Chen ("Mr Lau") against a series of abatement notices issued by Auckland Council ("the council"). The abatement notices concerned properties in Paremoremo Rd, Ormiston Rd and Mount Eden Rd, Auckland and related to various breaches of the district plan relating to unauthorised building works, removal of a dwelling and exceeding the permitted number of residential tenancies.

The Court stated that wherever there was a difference between Mr Lau's evidence than that of the council, the evidence of the council was referred by the Court. Giving examples, the Court concluded that Mr Lau's evidence was both disingenuous and intended to obfuscate issues and
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deviate from the real situation. The Court expressed concern as to whether there had been some unlawful means used to avoid identification of Mr Lau as the main actor in the offences. The Court had been shown a course of conduct aimed at avoiding liability and avoiding the legal position in New Zealand not only in respect of the RMA but in respect of other matters. The Court stated there appeared to be a need for some law revisions to try to prevent such conduct as shown in the present case in the future. The Court expressed serious concerns as to whether the evidence given by Mr Lau was true and correct. The Court concluded that that none of the present appeals were warranted in the slightest and were an abuse of process, and were misfounded in law and fact. The council's application for strike out was granted.

The Court stated that the council had been involved in this matter at enormous expense and difficulty with a person who had sought to evade his responsibility under the law. The Court recommended that the council urgently consider whether other enforcement orders should be made and whether an audit by the council was required of all other matters in which Mr Lau was involved.

The appeals were dismissed and all the appeals would be struck out. The Court stated that this was one of the rare cases where the council's costs might be sought in full. The Court made directions as to costs applications.

Decision date 24 August 2016; Your Environment 25 August 2016

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Paul Young & Associates Ltd v Minister for Land Information _ [2016] NZEnvC 142

Keywords: public work; road; interpretation

By this decision the Environment Court approved the taking of land at Berketts Rd, Christchurch ("the land") by the Minister of Land Information ("the Minister"). Paul Young & Associates Ltd ("PYAL"), who was not a registered proprietor of the land but had a registered interest by virtue of encumbrances registered on the certificate of title, objected under the Public Works Act 1981 ("the PWA") to the taking. The land was to be taken for the Christchurch Southern Corridor Roads of National Significance Project. PYAL's encumbrances secured a rent charge related to the use of a vehicular right of way, which PYAL argued was either an estate in land or a registered interest in land. The Minister served notice under s 18(1)(a) of the PWA of the desire to acquire the land but did not invite PYAL to sell its interest, which PYAL submitted was unfair or unsound process. Further, PYAL was critical of the Crown because it only raised the issue of dealing with the rent charge under s 100 of the PWA at the commencement of the hearing.

The Court considered the provisions of ss 18, 23, 24, 77, 59, 100 and pt 2 of the PWA. The Court found that: all persons having a registered interest in land were to be served notice of the minister's desire to acquire the land under s 18(1)(a) of the PWA; a rent charge was a registered interest in land but was not an estate in land; only those persons who were "owners" of the land were entitled to be invited by the Minister to sell the land under s 18(1)(c) of the PWA; and, while PYAL was entitled to the rent charge, it was not the "owner" under s 18(1)(c) or (d) or the "owner of land" in pt 2. Accordingly, the Court found that the Minister was not under a statutory duty to invite PYAL to sell the rent charge, nor was the Minister obliged to obtain a valuation of the rent charge or to advise of any compensation payable.

The Court reported to the Minister that the Minister correctly followed the process under s 18(1)(a) of the PWA. The Court found that PYAL's interest in land was a rent charge, which was redeemable under s 100 of the PWA. PYAL was not an owner of land for the purposes of s 18(1)(c) or (d) of the PWA and was not a person who might make a claim for compensation under s 77. The Court was satisfied that the taking of land under s 24(7)(d) of the PWA was reasonably necessary to achieve the Crown's objectives.

Costs were reserved. If costs were sought, the Court stated that the Crown was to bear in mind that it had contributed to the objector's confusion by failing clearly to identify that s 100 of the PWA could be applied to redeem the rent charges. The Court accepted PYAL's submission in this regard that the issue of s 100 of the PWA only became clear in the Crown's submissions at the hearing.

Decision date 26 August 2016; Your Environment 29 August 2016

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Koha Trust Holdings Ltd v Marlborough District Council _ [2016] NZEnvC 152

Keywords: declaration; consent lapse; conditions; interpretation

The Court considered an application by Koha Trust Holdings Ltd ("Koha") for a declaration that a resource consent ("the consent") held by P Woolley ("Woolley") had lapsed. The consent was to take and use water from four wells on Woolley's land. The wells all drew from the Waitau Aquifer. The consent, granted to Woolley by Marlborough District Council ("the council") in February 2010, contained conditions that if it was not given effect to within a two-year lapse period then it would lapse. In December 2013, Woolley entered an agreement to lease a significant part of his land covered by the consent to Constellation Brands New Zealand Ltd ("Constellation") and to transfer the right to take water from two of the wells. The council authorised the transfer which was subsequent to both the lease date and the lapse date. Koha had lodged an application with the council to take the water previously allocated to Woolley on the basis that the consent had lapsed, but, because all the groundwater was currently allocated, such application was on hold pending the outcome of the present proceedings.

The Court considered the provisions of s 125 of the RMA and relevant case authority, including *Biodiversity Defence Soc Inc v Solid Energy New Zealand Ltd* [2013] NZHC 3283, (2013) 17 ELRNZ 337, and addressed the issue of whether the consent had "been given effect to" before the end of the lapse period under s 125(1A)(a). The Court agreed with submissions by the council which distinguished between resource consent conditions which prescribed methods for establishing an activity ("establishment conditions") and those conditions which prescribed methods for continuing an activity ("continuation conditions"). The Court agreed that that the consent conditions here were establishment conditions The Court rejected argument by Woolley and Constellation that there had been shortcomings on the part of the council in inspecting and monitoring compliance with the consent. If Woolley had technical difficulties with complying with the conditions (which the Court rejected in fact) then the remedy was to apply for an extension of the lapse period, which Woolley had not done.

The Court held that a strict interpretation of the lapse conditions was necessary to serve the purpose of the RMA, enabling the council to manage environmental effects and risk in connection with the water resource. Further, the Court held that establishment conditions, especially where they involved a prohibition against operation of the consent until the required steps were completed, were likely, if such steps were not carried out before the end of the lapse period, to be amenable to testing against the standard in s 125(1A)(a) of the RMA "the consent is given effect to". According, the Court found that the consent had not been given effect to in the present case.

The Court then considered whether to exercise its discretion to make a declaration. The most important factor here was the potential prejudice to Constellation which, subsequent to the lapse date, had taken the lease of Woolley's land and obtained a transfer of the water permit. In September 2015, council hearing commissioners granted Constellation the right to take water from a certain well, conditional on a surrender of the right to take equivalent amounts of water under the permit the subject of these proceedings, finding that the permit had not lapsed at that time. The Court found that Constellation was entitled to rely on the commissioners' decision and was an innocent third party. The Court stated it would be wrong to exercise the discretion to make a declaration which could affect the right of a third party which had legitimately organised its affairs and made considerable investments in establishing an irrigated vineyard. Further, the Court declined to issue a declaration relating to the balance of Woolley's land and water permits because the many disputed facts had not been tested in cross-examination. Costs were reserved.

Decision date 29 August 2016; Your Environment 30 August 2016

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Auckland Council v Liu _ [2016] NZDC 14243

Keywords: prosecution; earthworks; district plan; district plan proposed; district plan transitional

This was an interlocutory decision of the Court concerning charges brought by Auckland Council ("the council") against D Liu and others ("L") of offences under both the Operative Auckland Council District Plan – Isthmus Section ("the OP") and the proposed Auckland Unitary Plan ("the PAUP"). The offences related to earthworks and excavation undertaken by L at 76 Gillies Ave, Auckland ("the site"), on or adjacent to the boundary between the site and the property at 74 Gillies Ave ("Alfred House"). Alfred House had a heritage listing under both the
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OP and the PAUP. The present hearing came about as the result of a Minute issued by Judge Harland on 23 March 2016 in which a question was raised as to whether some of the charges were a nullity, due to the possibility that the rules allegedly contravened might no longer be in existence due to the inter-relationship between the OP and the PAUP.

The Court considered the issues raised and the relationship between the Local Government (Auckland Transitional Provisions) Act 2010 ("the LGAA") and the RMA in order to determine which district rule(s) had legal effect and applied to the charges. In particular, the Court stated the questions were: in relation to the PAUP, whether or not the provisions the subject of the present prosecution had legal effect; whether such PAUP provisions were operative; and whether or not any of the charges were rendered a nullity. The Court accepted that the relevant earthworks provisions of the PAUP had immediate legal effect on notification, and also that the rule permitting installation of fences took immediate effect on notification. In the present case, the Court concluded from the evidence and the circumstances that the activity was conducted for the purpose of constructing a fence, and the works were reasonably related to that activity. Accordingly, the Court was satisfied that the charge relating to a breach of the PAUP in relation to earthworks could not be sustained and so dismissed it. The Court then considered whether the works constituted a modification of historic heritage of Alfred House and, after considering relevant case authority, concluded that more evidence and consideration would be required before a conclusion could be reached.

The Court stated it was problematic to reach a firm conclusion as to the charges applicable given the applicable provisions derived from the LGAA, which did not appear to have been prepared in contemplation of prosecutions. The Court tentatively concluded that the provisions might be interpreted in favour of L, given the requirement to establish the charges beyond reasonable doubt. It was at least arguable that the PAUP fencing provisions overrode any other provisions to the contrary.

Accordingly, the charges in relation to earthworks under the PAUP were dismissed. In relation to the charges under the PAUP remaining, and those under the OP, the Court noted that L was currently finalising an application to the council for resource consent, including remediation, and the Court considered that this process should be allowed to reach its conclusion. The Court requested the prosecutor to reconsider whether or not the remaining charges could be resolved without the need to hear the prosecutions. The matter was adjourned until 15 September 2016.

Decision date 5 September 2016; Your Environment 06 September 2016

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PFDL(5) Ltd v Manawatu-Wanganui Regional Council _ [2016] NZEnvC 154

Keywords: certificate of compliance; regional plan; dam; interpretation

This appeal by PFDL(5) Ltd concerned the refusal by Manawatu-Wanganui Regional Council ("the regional council") to issue a certificate of compliance ("CoC"). PFDL(5) Ltd sought the CoC under s 139 of the RMA to certify that the small earthen dam built by it was a permitted activity under the regional plan. The dam was constructed in 2014 in a gully to comply with a condition of a resource consent granted by Palmerston North City Council to PFDL(5) Ltd which authorised a residential subdivision at Aokautere Drive, Palmerston North. The purpose of the dam was to deal with stormwater runoff generated by the subdivision. The regional council became aware of the dam in 2015 and concluded that it was not a permitted activity, under a rule in the regional plan ("the plan rule"). PFDL(5) Ltd then made an application to the regional council for retrospective consent for the dam, which was granted. Notwithstanding the grant of such consent, PFDL(5) Ltd then applied for the CoC, which the regional council declined. An independent commissioner subsequently declined PFDL(5) Ltd's objection to the regional council's decision.

The Court noted that there were two issues under appeal: whether the regional council was correct to determine that the relevant portion of the gully was a river; and whether or not the dam complied with the plan rule. The Court said was not inclined to determine the first question which was moot. This was because it was not relevant whether the gully was a river, as the plan rule applied to structures on land as well as to those within "rivers". Further, the Court, with reference to the definition of a river in s 2 of the RMA and the decision of the High Court in *Carruthers v Otago Regional Council* [2013] NZHC 632, (2013) 17 ELRNZ 156, considered there was insufficient evidence to distinguish between intermittent and ephemeral water bodies, or to assess the status of the gully.
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The Court then turned to consider whether or not the dam was permitted by the plan rule. The plan rule contained nine conditions, all of which must be met for the dam to be permitted. It was common ground that eight of such conditions were complied with. The Court noted that when constructed the dam had a channel spillway but that this did not operate properly and was filled in, and replaced by overflow spillway. The issue now was whether this overflow spillway complied with the condition. The Court stated it was common ground that the purpose of the condition was to ensure the structural integrity of small dams and the condition required: that there be a spillway; and that the spillway enable the passage of a 200-year flood without the dam being overtopped. In the present case, the Court found that there was a spillway for the purposes of the condition. However, after considering the expert evidence presented, the Court found that the spillway did not enable the passage of a 200-year flood without the dam being overtopped. The appeal was dismissed accordingly. Costs were reserved in favour of the regional council.

Decision date 13 September 2016; Your Environment 14 September 2016

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The above brief summaries are extracted from "Alert 24 - Your Environment" published by Thomson Reuters and are reprinted with permission. They are intended to draw attention to decisions that may be of interest to members. Please consult the complete decisions for a full understanding of the subject matter. Should you wish to obtain a copy of the decision please phone Thomson Reuters Customer Care on 0800 10 60 60 or by email to judgments@thomsonreuters.co.nz.

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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.

Other Notes

Govt responds to land supply inquiry _

Finance Minister Bill English has stated that the Government has released its response to the Productivity Commission's inquiry, *Using Land for Housing*, confirming it is already implementing most of the recommendations.

At the Government's request, the Commission reviewed the planning and development systems in the fastest-growing urban areas around the country looking for ways to increase the supply of land for housing.

It sits alongside a further Productivity Commission inquiry, into urban planning, which is expected to be released later in 2016.

"The Government has adopted many of the Commission's recommendations into its comprehensive housing supply programme, which address a number of the issues highlighted in the Inquiry," Mr English said.

Key components of the Government's response are:

- The development of a National Policy Statement on Urban Development Capacity which will require local councils to ensure land supply for housing keeps ahead of population and economic growth. A draft was released in June 2016.
- The creation of the Housing Infrastructure Fund which will address constraints faced by high growth councils by providing access to finance for core infrastructure needed to unlock residential development.
- The development of urban development legislation for designated large-scale developments anywhere in New Zealand.

Mr English said the Government's response also includes work streams that are already underway but also address the Commission's recommendations.

"Programmes like the Better Local Services reforms, which are aimed at improving operational efficiencies, asset management and investments in council controlled organisations, as well as

the Auckland Transport Alignment Programme and the Resource Legislation Amendment Bill all meet the recommendations to improve alignment and efficiency," he said.

“We’re going a step further than the recommendations by carrying out work to identify how local government debt constraints can be relaxed so councils can finance the costs of growth,” Mr English said.

Other new work commissioned as a result of the report includes a look at arrangements for responsive supply of water infrastructure and improved asset management tools for infrastructure providers.

Please click on the link for full statement: Media Release

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$2.8m to modify an intersection at Cashmere

The Press reports that Christchurch City Council may action plans to install traffic lights, at a cost of $2.8 million, at an intersection in Cashmere, following complaints from residents about the junction's safety. Read the full story here.

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pier Port seeks public views on wharf expansion _

Radio New Zealand reports that Napier Port wants the local community's views on its proposal to deepen the shipping channel and construct an additional wharf. The Port's Garth Cowie says that strong predicted growth of the region's export economy is the basis of the expansion plan. Read the full story here.

~~~~~~**Gov**

t to pay up to $1.7 billion for Auckland City Rail Link _

OneNews reports that the Government and Auckland Council have signed a Heads of Agreement whereby the Crown will pay for half of the cost of the Auckland City Rail Link, estimated to be between $2.8 billion to $3.4 billion. Read the full story here.

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Regional councils to charge for coastal structures _

Radio New Zealand reports that Bay of Plenty, Waikato and Marlborough Regional Councils are considering joining Environment Southland in charging, under the RMA, coastal occupancy fees for space used by wharves, boat ramps and marine farms built on public land. Auckland Council has said it may consider imposing such charges once the Unitary Plan becomes operative. Read the full story here.

~~~~~~**`Sky**

line plans Franz Josef Glacier gondola _

The Press reports that Skyline Enterprises is investigating the feasibility of installing a tourist gondola on the Franz Joseph Glacier, which has been in retreat since 2008. Read the full story here.

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uthern lake slime the 'new didymo' _

Radio New Zealand reports that Otago Regional Council is studying the spread of algal slime which has been found in Lakes Wanaka, Coleridge and Wakatipu. The slime, which was first detected in 2004, has affected fishing lines and boat intakes and has forced Queenstown Lakes District Council to put a filter on Wanaka's town water supply. Read the full story here.

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ster Development buys Te Kowhai airfield for $3 million _

The *Waikato Times* reports that Foster Development's Leonard Gardner says that the company plans to undertake appropriate development of the Te Kowhai airfield in the Waikato. The company has bought the airfield for $3 million. Read the full story here.

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US report warns of pending collapse of Australian housing market _

The New Zealand Herald reports that the Washington-based International Strategic Studies Association had warned that the policy of Australian banks aimed at restricting foreign investment in property could result in a marked decline in the property sector and lead to the collapse of the housing market in Australia. Read the full story here.

~~~~~~**Ot
ago skink population grows inside pest-proof fence** _

The *Otago Daily Times* reports that Department of Conservation ranger John Keene says that while estimating population of skinks in the Otago area was difficult, the eradication of various predators within five pest-proof fences around the 4,000 hectare Macraes Flat area has quadrupled skink numbers. Read the full story here.

~~~~~~**Ho
rizons One Plan proceedings in Environment Court** _

The *Wanganui Chronicle* reports that the Environmental Defence Society and Fish & Game have challenged the implementation by Horizons Regional Council of its One Plan regarding the enforcement of limits on nitrogen leaching by intensive farming. After a decade of hearings, the Plan was adopted in 2014, but the parties now seeking a Court declaration say that it has not brought the expected improvements in water quality. Read the full story here.

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Govt to pay up to $1.7 billion for Auckland City Rail Link _ *OneNews* reports that the Government and Auckland Council have signed a Heads of Agreement whereby the Crown will pay for half of the cost of the Auckland City Rail Link, estimated to be between $2.8 billion to $3.4 billion. Read the full story here.

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American report warns of pending collapse of Australian housing market _ *The New Zealand Herald* reports that the Washington-based International Strategic Studies Association had warned that the policy of Australian banks aimed at restricting foreign investment in property could result in a marked decline in the property sector and lead to the collapse of the housing market in Australia. Read the full story here.

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Tenants, landlords and lawyers need meth guidelines now - ADLS

Radio New Zealand reports that guidelines for methamphetamine contamination in properties cannot come soon enough, according to Auckland District Law Society vice president Joanna Pidgeon. Read the full story here.

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Farmer to help pay repair costs to prevent further erosion of land

The Timaru Herald reports a farmer has agreed with Environment Canterbury that he will contribute $10,000 in repair costs to prevent his land from eroding further into the Lower Waitaki River. Read the full story here.

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Affordable housing has no easy fix _

The New Zealand Herald has published an editorial discussing the attempts so far to fix the shortage of affordable housing in Auckland. Of 154 special housing areas designated by agreement between the Government and the Auckland Council since 2013, only 57 have applied for development consent and only 24 have produced houses. Read the full article here.
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Homeowners take class action over steel mesh _

Radio New Zealand reports that the class action being launched by home owners against the makers of faulty steel mesh in the concrete floors of houses might compromise residential insurance in New Zealand. Read the full story here.

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gh Court rules in favour of GE Free council zones**
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Stuff reports that the High Court has dismissed the appeal by Federated Farmers against Northland Regional Council's establishment of a GE-free zone in its plan. Federated Farmers wants the issue to be the subject of central government legislation. Read the full story here.

~~~~~~`**Du
nedin Reservoir repair costs increase by $2m** _

The *Otago Daily Times* reports that Dunedin City Council's strategy to ensure safety of the city's water supply will now cost $5.5 million, instead of the $3.5 million previously estimated. The rise in cost is due to the fact that Otago Regional Council consent is conditional on more works being undertaken than first thought were necessary. Read the full story here.

~~~~~~**Pla
ns for new metro between Sydney CBD and Parramatta**

The Sydney Morning Herald reports that the NSW government is planning a major transport project to construct a new metro line between the central city and Parramatta. Read the full story here.

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$10 million hospital rebuild approved

The Northern Advocate reports that construction of the rebuild of the Bay of Islands Hospital is expected to start in 2017. The new clinical centre and 19-bed ward is expected to cost about $10 million and applications for resource consent will be made in September 2016 to the Far North District Council. Read the full story here.

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ncouver property market slides following imposition of foreign buyers tax**

Radio New Zealand reports that following the imposition in August 2016 by the government of British Columbia of a 15 per cent tax on residential property sales involving purchase by foreigners, the volume of house sales has slumped by more than 25 per cent. Read the full story here.

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Sea rise warnings in Christchurch LIM reports *Radio New Zealand* reports that Christchurch City Council has decided to retain warnings on 18,000 property reports about vulnerability to sea level rise. The council said it had a statutory obligation to share such information on the LIMs but that once a review of the hazard report was completed this could be amended. Read the full story here.

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Rotorua has $8.6m development surge _

The *Rotorua Daily Post* reports that Rotorua's latest building projects, worth more than $8.6 million, include a $1.2 million community project and a $980,000 new service station. Read the full story here.

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Ways to recharge Cardrona-Wanaka aquifer planned _

The *Otago Daily Times* reports that Otago Regional Council is reviewing ways to augment the water stored in the Cardrona-Wanaka aquifer, including collecting the water in "soakage basins" during the winter months and filtering it back through unsaturated gravel for use during the summer. Read the full story here.

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New road bridge possible for Palmerston North. The Manawatu Standard reports that a $90 million bridge across the Manawatu River might be built in the next six years, as part of the $181 million project to construct a ring road around Palmerston North. Horizons, the regional council, is working with NZ Transport Agency on the proposal. Read the full story here.

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Government's housing bill passed under urgency
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NewstalkZB reports that the Housing Legislation Amendment Bill has been passed under urgency by Parliament.

The legislation extends the special housing scheme by three years, meaning the provisions relating to Special Housing Areas will not lapse in September 2016. It also ensures that when publicly owned land is designated for housing, the government doesn't first have to offer it back to its original owners at market prices. Read the full story here.

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New apartment development for Cromwell

The *Otago Daily Times* reports that Pit Lane Road Ltd plans to build 21 new apartments at Highlands Motorsport Park in Cromwell. Subject to the council approving the development, construction of the two-storey apartments could start at the beginning of 2017. Read the full story here.

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Buller coal proposal might be revived with higher prices _

Radio New Zealand reports that resource consents obtained by Bathurst Resources to mine coal on the Denniston Plateau on the west coast might be reactivated. Richard Tacon, CEO of Bathurst, says that if the recent coal spot price of $158 [a tonne] is sustained, he would be consulting stakeholders about reviving the project. Read the full story here.

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