Newslink Case-notes for April 2017 prepared 19 March 2017.

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Legislation Committee Case-notes – April 2017

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".

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

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

- A successful appeal against refusal by Auckland Transport to allow development of a site at Henderson that was partly affected by a designation for road widening;
- A High Court case relating to allocation of water in the Manawatu – Whanganui catchments for hydro-electricity generation;
- An application for enforcement orders by Auckland Council against the owner of a property at Avondale who had cleared vegetation, undertaken earthworks and adversely affected land stability and stream drainage;
- An appeal about potential re-development of a Cat. 1 Historic place – Erskine College at Island Bay, Wellington for the purpose of establishment of a Special Housing Area;
- An appeal by Federated Farmers against award of costs against New Plymouth D.C. on an appeal by NZ Royal Forest & Bird Protection Society about omission of protection for outstanding natural areas in its district plan;
- An unsuccessful appeal against grant of consent for construction of a walking and cycling path on the Auckland Harbour Bridge known as the Skypath:
- An unsuccessful appeal by Eastbourne residents against a plan change introduced by Hutt City Council intended to increase protection for specific trees in the district plan.

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CASE NOTES APRIL 2017:

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Western Properties Ltd v Auckland Transport _ [2016] NZEnvC 234

Keywords: resource consent; building; road; requirement; designation; sustainable management

In this decision the Court considered a challenge to Auckland Transport's ("AT") refusal to allow Western Properties Ltd ("the appellant") to construct a nine-storey building ("the building") on the corner of Great North Rd and Buscomb Ave in Henderson ("the site"), which was partially within Designation 1449 ("the designation") in the Auckland Unitary Plan ("AUP"). The building's land use had been approved by Auckland Council ("the council"). AT's grounds for refusal was that the building would prevent the widening of Great North Rd and such widening may be required to accommodate a bus priority lane. The appellant argued that the extent of the proposed requirement was unclear, there was no certainty that the land would ever be required by AT and that AT had failed to provide the appellant with full details of its decision.

The Court considered the relevant provisions of ss 176 and 179 of the RMA and addressed three issues: whether, in considering an appeal under s 179, the Court was limited only to criteria in s 179(3); if the Court had wider powers, to consider the requiring authority's decision

under s 176, what were the appropriate criteria; and what should the Court decide in the present case, given its statutory power to confirm, reverse or modify AT's decision in such manner as it thought fit? The designation had its genesis in the 1960s and had been "rolled over" in subsequent district plans, including the AUP. The Court noted that there was no definition of "requirement" in the RMA, and concluded from relevant provisions of ss 171 and 176 that a designation was to give effect to a requirement, but was not in itself a requirement. A designation was simply a legal step permitting the construction of the public work and preventing any other work that would prevent or hinder such work. The Court concluded that: a consent under s 176 of the RMA did not and could not change or nullify the designation; and the test was whether the proposed use would prevent or hinder the public work. The Court stated it was necessary to understand the extent of the land designation to determine what the designation protected. In the present case, the designation had been transcribed into the AUP maps in a spatial format, without specific dimensions.

The Court concluded that the s 176 provision was intended to enable consideration of the appellants' use and whether it would prevent or hinder the proposed work of AT. The appeal right in s 179 was from that decision under s 176, and in that regard the Court stated s 290 applied. This brought into play the general duties of the Court on appeal, including considerations under pt 2 of the RMA. Nothing in s 179(3) overcame the predominant purpose of the Act as confirmed in the *McGuire* decision. A designation was a method to achieve one of the objectives of the RMA, as contained in s 5, and nothing in the Act provided that a designation was an objective or purpose of the Act itself. The RMA made it clear that a designation was nothing more than an interim method of protecting the public work.

The Court considered s 179(3)(a) of the RMA and concluded that there was no evidence of serious hardship in the present case. The council had granted consent for the building, which of necessity met the objectives of the AUP. The council, and the AUP, contemplated a significant intensification of built form along arterial routes and significant increases in building heights. However, the redevelopment of the site had been affected by the designation for over 60 years with little or no sign of the public works being implemented. The Court stated that the present case was a test, as there were many thousands of properties throughout Auckland affected by what had been described as "planning blight", leading to non-development of and failure to achieve district plan objectives. This was one of the reasons that the five-year lapse period was introduced in respect of such designations. The impact of the designation was a matter to be considered in the general objectives of the RMA, and s 5 in particular. Accordingly, the Court rejected AT's argument that the sole question was the effect of the proposal on the designation. The issue was a more substantive one: it was a question of the balance between the reasonable use by the landowner and the achievement by AT of the public work. The Court concluded that the construction of the building would not prevent or hinder the proposed road widening for the purposes of providing for bus priority. AT could not rely on vague assertions, without any specific information, that they might want the land in future to justify its refusal of consent for construction of the works under s 176. Further, the Court stated that AT had not made its decision based on adequate information as to whether the building would prevent or hinder the public works related to road widening, but had made its decision to refuse consent as a general one of principle. The Court said that *Charlie Chan Custodians v Auckland City Council* [2009] NZRMA 193 was direct authority for the proposition that a challenge, as to whether there was a proper proposed work, could be mounted under s 179 of the RMA.

The Court found that the work for widening the road, the subject of the original designation, could be achieved by allowing the building's construction, provided that it sustained a minimum road reserve width over the length of the road frontage of 30 metres. The actual dimensions needed to be surveyed. The Court was satisfied that both potential uses could be accommodated in a reasonable way so to achieve the sustainable management of resources, and that to allow the appeal would better serve the purposes of the RMA as a whole. The decision of AT was reversed and consent under s 176 of the Act was granted, on terms to be confirmed. Costs were reserved.

Decision date 18 January 2017_ Your Environment 19 January 2017

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Keywords: High Court; water take and use; electricity; resource consent; regional plan

Ngati Rangi Trust ("the Trust") appealed against the Environment Court ("the EC") decision of 30 March 2016 ("the EC decision"). The matter concerned applications to Manawatu-Whanganui Regional Council ("the council") for resource consent by New Zealand Energy Ltd ("NZEL") to vary the terms of its water take from four waterways for one of its hydro-electric power plants. NZEL had appealed to the EC against the council's set conditions on the renewal consents and sought significant increases in water takes. The Trust's appeal to the EC sought to impose limits on the total combined takes from the water sources and conditions to mitigate alleged adverse effects and reduce the term of the consents. Policies in the Regional Policy Statement and Regional Plan ("the One Plan"), which became operational in December 2014, provided for upper allocation limits for hydro-electricity. The experts before the EC identified eight scenarios, falling into two categories: those which exceeded the allocation limits in the One Plan; and those that permitted NZEL to use its existing take consents. The EC assessed the NZEL application as a discretionary activity, under the relevant rule in the operative regional plan when the application was lodged in 2001; under the One Plan, the activities were classified as non-complying. In its closing submissions before the EC, NZEL stated that its preferred options were scenarios one and six, and if one of these were not granted, its "fall-back" position was for its current consents to be renewed as a controlled activity at the same rate and flows. The council urged the EC to accept scenario four, which was in accordance with the provisions of the One Plan. The EC declined to grant take consents which exceeded the One Plan limits. However, it granted the existing consents as replacement consents in accordance with NZEL's fall-back position, as a controlled activity, with such replacement consents to expire in December 2037.

The Trust, supported by the council, now alleged that the EC erred by: failing to assess all the relevant scenarios; treating NZEL's fall-back position as a controlled, rather than a discretionary activity; acting beyond jurisdiction in considering the fall-back position; saying the existing environment assessment included the scheme as it currently operated; misconstruing the effect of the One Plan policies for existing hydro-electric schemes; and misconstruing its powers under a specified regional rule relating to replacement consents for water takes ("the rule").

The Court considered each alleged error. First, the Court found that the EC was required to properly evaluate all relevant evidence, as encapsulated in the eight scenarios, and by failing to take into account six of these it failed to take into account relevant considerations. This error was fundamental to the EC's decision and the Court was satisfied that the EC's decision should be set aside in its entirety, with directions for the EC to reconsider. Regarding the other grounds of appeal, the Court found that the first error of the EC was compounded when it decided to issue consent reflecting NZEL's fall-back position as a controlled activity. Under s 88A of the RMA the type of activity continued as that applying when the application was lodged; in the present case this was discretionary, and not controlled. Further, the EC should not have even considered the fall-back position. The reason for this was that it was beyond scope of the EC's jurisdiction because it was not included in NZEL's notice of appeal or opening submissions. The fall-back position was not properly in the contemplation of the EC as a resource consent scenario, and the minimum flow restrictions in the fall-back position were beyond the scope of the appeal. Regarding the proper approach to the assessment of the existing environment in the present case, the Court concluded, that the EC in the present case should have adopted the approach taken in *Port Gore Marine Farms Ltd v Marlborough District Council* [2012] NZEnvC 72. This meant that the environment, for the purposes of s 104(1)(a) of the Act, was to be imagined as it the existing scheme did not actually exist. The Court now stated that the consequences of the EC's error in not following *Port Gore* was to lock in hydro-electricity water takes and flow rates for so long as the controlled activity status pertained, thus preventing adverse effects being avoided or mitigated. The Court stated that the present context was a re-consenting application and therefore NZEL's consents should have been treated as having expired. This context differed from that in the line of authorities evolving from *Queenstown Lakes District Council v Hawthorn Estate Ltd* [2006] NZRMA 424, (2006) 12 ELRNZ 299. Accordingly, the Court concluded that the effects on the existing environment excluded the scheme as it currently operated. Regarding the issue of the One Plan policy provisions, the Court agreed with the Trust that the EC erred in proceeding on the basis that these determined the decision under s 104(1)(a) of the RMA. In addition, the EC erred in its approach to the rule. The appeal was allowed and the EC decision quashed. The EC was directed to reconsider its

decision in the light of the present judgment. Costs were awarded to the Trust and the council on a 2B basis.

Decision date 25 January 2017_ Your Environment 26 January 2017:

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Auckland Council v Banora _ [2016] NZEnvC 246

Keywords: resource consent; enforcement order; earthworks; stream

Auckland Council ("the council") applied for enforcement orders against A and E Banora ("B") regarding unauthorised earthworks undertaken at B's property at 82 Wolverton St, Avondale ("the site"). The council alleged that the earthworks exceeded the permitted maximum area and were undertaken on unstable and flood-prone land, without appropriate sediment control measures being taken. B, representing himself, alleged the council had removed trees illegally from the site, had ignored his claims that sewage was flowing from a public waste-water drain to the site and had allowed B's neighbours to undertake works on their respective properties to B's detriment.

The Court considered the characteristics of the site and reviewed the long chronology of events relating to the case before stating that the issues to be determined were: what work B had undertaken; whether such works were done contrary to any planning rule or to any resource consent; what had been the environmental effects; whether the works came within s 314(1)(a)(ii) of the RMA; and what should be done to ensure compliance and remedy or mitigate any adverse effects.

The Court concluded that extensive specified works were done by B at the rear of the site and that these were undertaken in contravention of rules in both the operative and proposed district plans. The adverse effects of the works had transformed the site by clearing all vegetation, excavating large areas and placing fill and aggregate in its place, all of which was done on a flood plain identified on the LIM as being unstable. This reduced the physical stability of the soil and exposed it to erosion.

Turning to consider whether the work was offensive or objectionable, under s 314 of the Act, The Court, while accepting that the council might have handled its interactions with B better, was satisfied that B's actions had resulted in circumstances which were dangerous and objectionable. As for steps to be taken to ensure compliance, the Court was satisfied that the specified remediation steps should occur on the site and so granted the enforcement orders sought by the council. In addition, the Court was satisfied from the extensive evidence that the history of the work and the nature of the interaction between the parties supported the grant of contemporaneous consent under s 315 of the RMA. Further, the previous ex-parte interim order was to continue in force, with specified variations. Directions were given as to applications for costs.

Decision date 7 February 2017 _ Your Environment 8 February 2017

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Save Erskine College Trust v Erskine Developments Ltd _ [2016] NZEnvC 255

Keywords: enforcement order interim; heritage value; heritage order; building historic

This decision concerned the granting of an interim enforcement order ex parte on the papers. The Court was persuaded that the respondents might imminently receive a resource consent from Wellington City Council ("the council") and undertake demolition of a heritage listed property. The applicant was a duly appointed Heritage Protection Authority for Erskine College at 25/33 Avon St, Island Bay, Wellington. Erskine College was a heritage site registered as a Category 1 Historic Place with Heritage New Zealand Pouhere Taonga.

In August 2016 one of the respondents, The Wellington Co Ltd, applied to the council for resource consent under the Housing Accords and Special Housing Areas Act 2013 ("HASHA") to develop the site. The application provided for major subdivision and development with complete removal of the main block and permanent removal of some allegedly key heritage landscapes. The respondents had not applied to the applicant for written consent to undertake any use of land that might have the effect of wholly or partly nullifying the effect of the heritage order. Following the granting of the interim enforcement order the respondents applied for

cancellation of the order. The core dispute was whether the HASHA impliedly removed the jurisdiction of heritage authorities under s 193 of the RMA.

The Court considered argument from the parties as to the relationship between the HASHA and the RMA. The Court found the arguments of the applicant to be essentially correct. These were that: there was no express provision in the HASHA to the effect that a consent granted under its provisions overrode the need for approval under s 193 of the RMA (or under s 176 RMA); once a HASHA consent had been granted, it had the identical effect of any other resource consent, and holders were still required to obtain approval under s 193 (or s 176) of the RMA; s 22 of the HASHA and its reference to "an application, request, decision, or any other matter" did not (even in relation to the wide class of "any other matter") extend to exclude ss 176 or 193 of the RMA, and in any event, s 49 of the HASHA expressly addressed the status of a HASHA consent once granted; there was therefore no ambiguity that required recourse to the purpose of HASHA or any other material; the two pieces of legislation were not inconsistent with each other let alone repugnant to each other; they were perfectly capable of standing together and accordingly there was no need to determine which must prevail. The Court stated that the two pieces of legislation were not inconsistent to the point that the Court would find them incapable of standing together. The HASHA provisions regarding swift resource consents and plan changes did not encompass matters embraced by ss 176 and 193 of the RMA and so were not a “one stop shop”.

The Court then considered whether the interim enforcement order should remain in place or could instead be replaced by undertakings, at least pending the resolution of the s 193 application the respondents were now making. The Court considered the undertakings offered appropriate. The ex parte interim enforcement order was rescinded. Costs were reserved.

Decision date 20 February 2017 _ Your Environment 21 February 2017

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Federated Farmers of New Zealand Inc v Royal Forest and Bird Protection Society of New Zealand Inc. _ [2016] NZHC 2962

Keywords: High Court; costs; natural character; forest indigenous

Federated Farmers of New Zealand Inc (“Federated Farmers”) appealed the decision of the Environment Court (“the EC”) of 10 May 2016 to award costs against New Plymouth District Council (“the council”) in favour of Royal Forest and Bird Protection Soc of New Zealand (“RFB”). The costs award followed the making of declarations by the EC that the council had a duty to recognise and provide for the protection of Significant Natural Areas (“SNAs”) as identified and that the omission by the council to include the identified SNAs in the district plan appendices amounted to a contravention of the council’s duty under s 6(c) of the RMA. The EC concluded that the council failed in its duties and acted unreasonably and ordered it to pay RFB $30,000 in reimbursement of costs. Federated Farmers, as an interested party, now argued that the EC erred in law when it awarded costs against the council.

The Court noted that aspects of Federated Farmers’ submissions reflected its disagreement with the substantive outcome. The Court stated that an appeal against an award of costs was not a proper way to challenge the substantive decision itself. After reviewing the EC decision, the Court was satisfied that the costs decision was based firmly on the council’s failure to comply with legislative duties and obligations. The fact that such failure was also contrary to the council’s agreement, under a memorandum of understanding, lent support to the EC’s classification of such failure as unreasonable. In the Court’s view Federated Farmers’ concern was misconceived and there was no error of law in the EC costs decision. Costs were awarded against Federated Farmers in the present decision on a 2B basis.

Decision date 24 January 2017 _ Your Environment 25 January 2017

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Northcote Point Heritage Preservation Society Inc v Auckland Council - [2016] NZEnvC 248

Keywords: resource consent; conditions

Northcote Point Heritage Preservation Soc Inc ("the Society") appealed against the grant of consent by independent hearing commissioners of Auckland Council ("the council") to Woodward Infrastructure Ltd ("Woodward") to establish and operate a walking and cycling path on the Auckland Harbour Bridge ("SkyPath").

The Court stated that during the case management period, Woodward's proffered conditions were changed extensively. Furthermore, the relevant provisions of the then Proposed Auckland Unitary Plan were declared operative. The Court said that one significant consequence of this was to convert what had previously been accepted as a non-complying activity into, as the parties now agreed, a discretionary activity. The issues now in contention related to the proposed conditions. The Society argued that some of these were not lawful, sufficiently enforceable, certain or adequate to manage SkyPath's predicted effects at the Northern Landing. In particular, the Society raised issues as to non-residential structures being inappropriate in a residential area and adverse effects on amenity values and sought restricted hours and traffic volumes at Northern Landing to be imposed.

The Court considered the proposal, focusing on the effects on the environment. When addressing the visual amenity effects, the Court found it appropriate to consider the existing environment, and accepted urban design, landscape and other expert evidence that the Harbour Bridge was the dominant local infrastructure, which had an industrial character and created shade and noise effects. The Court remarked that the Society and local residents viewed the existing environment somewhat through "rose-tinted glasses".

The Court concluded that the draft conditions of consent were, with small modifications, entirely appropriate. The Court stated that the Society's approach had been to address individual conditions in isolation rather than regarding them as a total package. The Court noted that the latter approach had been held by case authority to be the proper one. In particular, the Court approved the setting of evaluative objectives in the operational plan of SkyPath if these could be certified by delegates, applying their qualifications and experience. The Court stated that an objective in a condition was capable of being set by qualitative criteria, and need not solely be set by quantitative criteria. The Court held that the conditions in dispute engaged the judgment and skill of a council officer acting as a certifier in relation to the approval of the operational plan, and not as an arbiter. The Court accepted that the proposed conditions were lawful, certain and enforceable. Further, the Court could not discern any good purpose for setting limits on numbers of patrons using SkyPath, and agreed with Woodward that such limitations were not linked evidentially to any adverse effects and would entirely undermine its transport function. Accordingly, the Court granted consent subject to the draft conditions attached to the present decision as Appendix B. Costs were reserved.

Decision date 9 February 2017 _ Your Environment 10 February 2017

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East Harbour Environmental Association Inc v Hutt City Council _ [2016] NZEnvC 224

Keywords: district plan change; rule; submission; jurisdiction; tree protection

This was a preliminary ruling by the Court on issues relating to scope. The issues arose from the appeal by East Harbour Environmental Assn Inc ("the association") against findings by Hutt City Council ("the council") on a submission made by the association to Plan Change 36 ("PC36") to Hutt District Plan ("the plan"). The association represented 160 households in the Eastbourne area. The council argued that certain aspects of the association's submission on PC36 were beyond jurisdiction.

The Court stated that PC36 was introduced in 2015 as a response to ss 76(4A)-(4D) of the RMA which prohibits the use of "blanket" rules protecting trees and vegetation in district plans. The plan contained various such rules associated with tree protection, which were invalidated by the RMA provisions, in addition to a schedule of notable trees subject to protection. The Court noted that such schedules continued after the RMA provisions as the valid means of protecting trees in the urban environment. By PC36, the council expanded the schedule of protected trees on the schedule by inviting community nomination of trees which should be assessed for inclusion. The council used as its assessment measure of such trees in the schedule either the Standard Tree Evaluation Method ("STEM") or assessment by Mana Whenua. The outcome of PC36 was a schedule of 147 trees to be subject to protection under
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the plan, 79 of which had not been previously in the schedule. The aspects of the relief sought by the association which the council contended were out of scope were: identification of groups of trees in specified areas which provided amenity value and other characteristics; and the adoption of a lower STEM threshold and/or use of the STEM threshold in conjunction with other specified measures.

The Court considered the provisions of and case authority relevant to sch 1, cl 14 of the RMA, and stated that in the present case the association must: have made a submission on PC36; and have referred to the provision under appeal in its submission. With reference to the High Court's decision in *Palmerston North City Council v Motor Machinists Ltd* [2013] NZHC 1290, [2014] NZRMA 519, the Court considered that the first item of relief challenged by the council, the identification of groups of trees to be protected, was problematic for three reasons. PC36 was confined to updating the existing schedule of notable trees in the plan and the addition of notable trees identified in the public process; it was not a general review of what ought to be included in the schedule. Further the subject matter was individual trees, not groups of trees and, if PC36 was expanded as requested by the association, the s 32 analysis would need to be revisited to identify groups of trees and to address the effects of their inclusion. In the present case, the Court stated it was obvious that a new or substantially new management regime for protecting trees was proposed by the association and this would widen the potential scope for submissions, as it was highly likely that some property owners whose trees might be included in the submissions would want to have a say. The Court stated that the real test was whether or not a person with a group of trees on their property, not included on the schedule proposed in PC36, might think from reading PC36 that such trees might be added to the schedule. The Court considered that they would not. Accordingly the first item of relief was not on PC36 and was beyond scope.

Regarding the second item of relief sought, regarding the application of the STEM threshold, the Court noted that this was not referred to in the association's submission and accordingly could not be the subject of the appeal. The two items of relief were struck out. There was no reservation of costs.

Decision date 9 December 2016 _ Your Environment 14 December 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.

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Other News Items for April 2017

New website aimed at reducing real estate commissions launched. *Stuff* reports on the launch of a new website AgentAuction.co.nz by former Treasury economist Andreas Heuser which is aimed at finding top performing real estate agents for the vendor and eliciting from them lower commission rate offerings. One real estate agent spoken to by *Stuff* doubted the model and opined "top agents will always justify their fee". Read the full story here.

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Agreement in principle sought over Mt Taranaki by August 2017. *RNZ News* reports that Nga Iwi o Taranaki, which represents the eight iwi of Taranaki, has begun negotiations with the Crown regarding Mt Taranaki (Taranaki Maunga) with the aim of meeting collective iwi

aspirations and allowing the Crown to restore its honour over land confiscation. The aim is an agreement in principle by August 2017. Read the full story here.

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Sewage leaks result in issue of abatement notice to Whanganui District Council. The *Manawatu Standard* reports that Whanganui mayor Hamish McDouall acknowledged that it was "not good enough", after Horizons Regional Council issued an abatement notice to Whanganui District Council following two sewage leaks into local waterways within one month. Read the full story here.

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Wanaka Airport governance options. The *Otago Daily Times* reports that some of the 78 submissions to Queenstown Lakes District Council concerning the running of Wanaka Airport show local opposition to the council's preferred governance option, which is to enter a lease and management agreement with Queenstown Airport. Read the full story here.

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Surge in building costs. *The New Zealand Herald* reports that the cost of new home builds has increased in the past 12 months at the fastest pace since 2005. The December consumer price index showed that the cost of new house builds rose 6.5 per cent in 2016. Read the full story here.

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Concerns over Dunedin City Council's new development rules. The *Otago Daily Times* reports that oil companies have raised issues of risks to public safety concerning Dunedin City Council's proposed development rules which may not provide enough buffer space around oil terminals in the city's waterfront. Read the full story here.

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New Mitre 10 building in Albany. *The New Zealand Herald* reports that Mitre 10 (New Zealand) Ltd has finished the construction of its 7,000 square metre building in Albany which will serve as a national Support Centre for its 82 stores. Read the full story here.

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Auckland City Rail Link tunnel progresses. *The New Zealand Herald* reports that Auckland Transport has completed a step in the construction of the City Rail Link. A two-metre wide tunnel boring and excavating machine has excavated 300 metres under Albert St to Swanson St. Read the full story here.

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Master plan proposed for Queenstown. Queenstown Lakes District Council from Arrowtown consultants Rationale, suggests a single master plan for Queenstown be created with the help of a paid advisory group. Queenstown Lakes Mayor Jim Boult supports the master plan. Read the full story here.

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Christchurch City Council pays $28m for carpark owned by Carter Group. *Radio New Zealand* reports that, under the terms of an agreement made in 2014 with developer Philip Carter, Christchurch City Council has contributed $28 million towards a carpark on the site of The Crossing retail complex. Read the full story here.

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New earthquake regulations for Wellington possible. *Stuff* reports that Wellington homeowners could be forced to remove chimneys, reinforce piles and install emergency water tanks under new earthquake regulations that could be fast-tracked by the Wellington City Council. Read the full story here.

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Toxin cleanup at electroplating building. *Radio New Zealand* reports that the Concours Electroplating building in Timaru and the land it sits on will be tested for contamination after the removal of 133,000 litres of toxic chemicals. A vat of acid caught fire at the building in February 2015. Read the full story here.

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Auckland iwi housing plan opposed. *Radio New Zealand* reports that Ngāti Paoa proposes
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to start a 300 house development at Point England in east Auckland at the end of the year. Some locals say they would lose public space and that the development would destroy endangered wildlife. Read the full story here.

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Zespri plans new $42.8m headquarters. *Stuff* reports that a new 4,800 square metres facility will be built in Mt Maunganui by Zespri, at at cost of $42.8 million. Construction of the three-storey complex is planned to start in the new year and be completed by the end of 2018. Read the full story here.

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Dunedin CC companies reorganised after critical review of electricity network safety. The *Otago Daily Times* reports that Delta and Aurora, owned by Dunedin CC, will undergo significant organisational changes following a report which found that the city's electricity network was dangerously mismanaged. Aurora and Delta chairman Dr Ian Parton and fellow board member Stuart McLauchlan have stepped down from their jobs. Read the full story here.

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Hawke's Bay RC drops charges against district council. *Hawke's Bay Today* reports that Hawke's Bay Regional Council has withdrawn charges it had laid against Hastings District Council, relating to water contamination at Havelock North, and will substitute an infringement notice. Read the full story here.

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Cathedral Square redevelopment. Radio New Zealand reports that after six years of Christchurch's Cathedral Square sitting in a derelict state, work has started on developing series of hotels surrounding it. The refurbished 180-room former Millennium Hotel is due to re-open this year and there are plans to repair the Rydges Hotel on nearby Oxford Terrace. Read the full story here.

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Molesworth St building demolition complete. *Stuff* reports that demolition of the building at 61 Molesworth St in Wellington is complete and the building site is being returned to the owner. The Ministry of Business, Innovation and Employment is still investigating whether the property was being used for residential purposes unlawfully. Read the full story here.

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Queenstown Council retains ability to issue building consents. *Radio New Zealand* reports that Queenstown Lakes District Council has retained its ability to issue building consents. International Accreditation New Zealand released a report last April criticising the council's handling of building consents and subsequently the council has hired extra staff to meet IANZ's standards. Read the full story here.

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Kapiti expressway completion ahead of schedule. *Stuff* reports that the $630 million first section of the Kapiti expressway will be completed ahead of schedule. Transport Minister Simon Bridges has announced the Mackays to Peka Peka section of the expressway will open to traffic "later this month". Read the full story here.

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Temple View housing development proposed. *Stuff* reports that affordable housing and a suburban retail centre are proposed on the former Temple View Church College site in Hamilton. Four residential precincts would be part of the planned development. Read the full story here.

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Auckland Council commits to fast track Auckland building inspections. Radio New Zealand reports that Auckland Council is promising to fast track more building inspections to cope with the construction boom. The council is working on a new scheme called Consenting Made Easy, a "one stop shop" for applications and inspections. Read the full story here.

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Call to stop water bottling consents. Radio New Zealand reports that some Hawke's Bay ratepayers are calling for a halt to any further commercial water bottling consents until more is known about the region's stressed water assets. Stringent water restrictions and bans are in place in the region. Read the full story here.

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Bay of Plenty building consents at two-year low. The Bay of Plenty Times reports that building consents issued in Tauranga and the Western Bay are at a two-year low. Tauranga City Council issued 145 building consents in January worth $38.1 million, down from the 182 consents worth $54.8m in January 2016. Read the full story here.

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$100 million lakeside development planned near Queenstown. The Otago Daily Times reports that Murphy's Development Ltd plans to build a 12-lot subdivision near the Jack's Point golf resort as the first stage of a planned 45 ha development at Homestead Bay, which could include a marina and boat launching area, another 130 sections, an apartment precinct, cafes, commercial premises and pedestrian access to the lake. Read the full story here.

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Auckland building consents hit a ten-year high. Radio New Zealand reports that Statistics New Zealand says almost 10,000 consents were issued for Auckland in 2016 - up seven per cent on 2015. However experts suggest construction bottlenecks are likely to prevent them having any immediate impact on the city's housing crisis. Read the full story here.

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Regional council buys $1 m addition to Papamoa cultural heritage park. The *Bay of Plenty Times* reports that Bay of Plenty Regional Council has bought a 25 ha block beside the Papamoa Hills Cultural Heritage Regional Park for over $1 million. Read the full story here.

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Dunedin's historic Robbie Burns pub closed for earthquake strengthening. The *Otago Daily Times* reports that the future of the 19th century building housing the Robbie Burns Pub, closed since last year, remains uncertain and that earthquake strengthening works will take at least another nine months. Read the full story here.

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Improvements to tourist facility at Walter Peak. The *Otago Daily Times* reports that tourism operator Real Journeys will spend $20 million constructing improvements to its tourist facility at Walter Peak, on Lake Wakatipu, including a multi-denominational chapel for weddings, a restaurant and conference facility and an amphitheatre for farm demonstrations. Read the full story here.

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New public buildings without disabled access. *Radio New Zealand* reports that Access Alliance, advocacy group for the disabled, says that many public buildings continue to be constructed without proper disability access. The group is calling for legislation to enforce minimum access standards for buildings. Read the full story here.

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Restoration for Christchurch Public Trust Office heritage building. The Press reports that the Public Trust Office building on Oxford Tce in Christchurch will be restored and the new owner, Box 112, has been awarded a $1.9 million heritage grant by the Christchurch City Council. Read the full story here.

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$500k Government grant for heritage centre. The Otago Daily Times reports that the Government has granted $500,000 towards a $2.5 million Natural Heritage Centre at Curio Bay, in Southland. The centre will contain visitor information and education facilities, as well as a cafe, a camping ground office, public toilets and a small theatre, all set in a landscaped garden with a large car park. Read the full story here.

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Hundreds of submissions to Dunedin CC's reserves by-law. The Otago Daily Times reports that Jeni Paterson, Dunedin City Council planning and facilities manager, says that proposed changes to Dunedin's Reserves Bylaw, to include provisions restricting horses, drones and vehicles on beaches, have received hundreds of submissions. Read the full story here.

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Trend line for number of new homes being consented declines by 15 per cent. Interest.co.nz reports that Statistics NZ building consent figures show growth in new residential building consents declining. The trend line for the number of new homes being consented has declined 15 per cent in the five months to January, after reaching a 12-year high in August. Read the full story here.

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Mount Albert building site at centre of noise complaints. Radio New Zealand reports that residents in Mount Albert have complained that work on a building site started before dawn. Housing New Zealand is developing the site in Mount Albert for social housing. Read the full story here.

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Decade for fire-damaged Port Hills to recover. Radio New Zealand reports that ecology expert David Norton says that a great deal of investment of time and effort in replanting and seeding work will be necessary if native bush in the scorched Port Hills is to regenerate within 30 or 40 years. Read the full story here.

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Forest and Bird resign from water forum. *Radio New Zealand* reports that Forest and Bird have pulled out of the 50-stakeholder water forum, saying that the Government had ignored recommendations from the forum about improvements necessary to freshwater quality. Read the full story here.

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Maori Party supports RMA amendments. *Radio New Zealand* reports that the Resource Legislation Amendment Bill will return to Parliament for its second reading this week. Environment Minister Nick Smith says although the Maori Party will support the bill, it would need time to consider the changes made by the select committee. Read the full story here.

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Auckland Council changes land supply release dates. *Radio New Zealand* reports that Auckland Council's planning committee will consider a changed sequence for release of land for subdivision, with the Northwestern areas being deferred a further 10 years, while areas north of Auckland possibly being developed sooner than previously thought. Read the full story here.

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