**Newslink Case-notes for May 2017 prepared 27 April 2017.**

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**Legislation Case-notes – May 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".

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 unsuccessful application by a neighbour of a development site in Filleul Street Dunedin to introduce new geotechnical evidence eight days before a hearing, contrary to District Court Rules;
- The decision of the High Court overturning a decision of the Environment Court which had determined a property arrangement affecting cell-phone tower sites to be a subdivision under the RMA;
- An unsuccessful appeal against a decision of the Christchurch Independent Hearings Panel relating to zoning of land in the vicinity of Christchurch International Airport;
- A further decision arising from 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;
- An appeal to the High Court about another decision by the Christchurch Independent Hearings Panel relating to zoning and in which the appellants challenged the Panel's interpretation of the words "enable", "to provide for" and "give effect to";
- An application for judicial review of a decision by an independent commissioner for Ashburton District Council for grant consent on a non-notified basis to a non-complying activity on rural land;

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**CASE NOTES MAY 2017:**

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**Robertson v Dunedin City Council** _ [2016] NZEnvC 231

***Keywords: procedural; evidence***

C Robertson and S Salis ("the appellants") applied for leave to call late evidence at the hearing of the proceeding, due to commence five days after the date of the present decision. The application for leave was lodged and served eight days prior to the present decision's date. The evidence was from a geotechnical engineer. Dunedin City Council ("the council") did not oppose the late evidence but the applicant Filleul Apartments JV Ltd ("the applicant") did oppose it.

The Court noted that the applicant was granted consents by the council to develop a site at 97 Filleul St, Dunedin by excavating the site and then constructing new apartments. The appellants owned a property adjacent to and uphill of the site. There were three retaining walls on the common boundary supporting the appellants' property. The appellants raised concerns as to the risk of damage to their property from the excavations. The Court considered the provisions of ss 276 and 269 of the RMA and whether the evidence in question was relevant and whether it was appropriate to receive it. The Court stated that, as the appellants sought a waiver of the Court's timetabling directions, s 281 of the Act was not appropriate. The Court preferred to deal

with the matter under r 1.23 of the District Courts Rules 2014, which allowed the Court to extend or shorten times appointed, and stated that such powers were within jurisdiction under s 278 of the RMA.

In the present case, the relevant considerations included the obligations of the parties to comply with the Environment Court of New Zealand Practice Note 2014 and directions, prejudice to other parties and the obligation to hear matters as expeditiously as possible. As the Practice Note explained, evidence was served in a logical way to allow experts to respond to each other's evidence. In the present case, the engineering and geotechnical reports were lodged and the experts of the other parties had an opportunity to respond to it. However, the appellants made no response to the geotechnical report and did not engage with it. This weighed heavily against granting leave to the appellants. Further, if the application were granted, the other parties would need to lodge rebuttal evidence and the case would need to be resumed the following year, which was not cost-effective or timely. Finally, the Court accepted that there would be prejudice to the other parties in the form of extra expense and costs of the delays. The Court was satisfied that the overall justice of the case was that leave to adduce late evidence should be declined.

Decision date 13 December 2016 - Your Environment 9 January 2017

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**Clearspan Property Assets Ltd v Spark New Zealand Trading Ltd** _ [2017] NZHC 277

***Keywords: High Court; subdivision; telecom; interpretation***

Clearspan Property Assets Ltd ("Clearspan") appealed against the decision of the Environment Court ("the EC") that a certain property arrangement ("the arrangement") between Clearspan and landowners fell within s 218(1)(a)(ii) of the RMA and so came within the jurisdiction of the RMA planning and subdivision consent provisions. By the arrangement, Clearspan bought an undivided share of a landowner's land, under cell towers leased by telecommunication companies ("the Telcos"), as tenants in common with the landowner. By mutual covenants between Clearspan and the landowner, Clearspan was given exclusive use of the land under the towers. This put Clearspan in a more powerful negotiating position than an individual landowner would be. The EC concluded that the arrangement was made up of elements which did not by themselves constitute disposition by sale of part of an allotment but which together, on proper construction of the provisions of s 218 of the RMA, had the broader purpose of effecting a subdivision in all but the legal sense. Clearspan now argued that the intention of s 218 was to capture only the types of land division specifically defined in the section and that the arrangements fell outside such definitions.

The Court considered the legislative history of the subdivision of land and ss 6, 11(1), 87, 106(1), 220, 218, 223-228 and 406 of the RMA. The Court considered case authority on s 218 of the Act and noted that no decision had analysed the definition of subdivision in depth. The Court stated that the issue was whether the definition should be interpreted: with a wide meaning extending to arrangements with the same substance and effect of those explicitly provided in s 218 of the RMA; or more strictly accordingly to the text of the words in the section, and the legal concepts explicitly referred to. The Court agreed with the Telcos that the Clearspan arrangement was an artificial contrivance to avoid an undesired set of regulatory requirements under the RMA. It attempted to achieve the substance and effect of a subdivision while trying to fall technically outside s 218 of the RMA. The Court stated that there were limits to the capacity of a purposive approach to expand on the text of the law. Meaning was ascertained from its text and only "in light of" its purpose, under s 5(1) of the Interpretation Act 1999. A court's view of Parliament's purpose was a cross-check, but could not change the text itself. Neither did it justify judicial interpretation inconsistent with the text. The Court stated that the rule of law must stand for the proposition that it was the law that ruled, not those who applied or interpreted it. The Court agreed with a previous court decision that the RMA was intended to be a code to regulate subdivisions because they affected the use of land, which was the core focus of the Act. The definition of subdivision in s 218 of the RMA was relatively tight: it was defined exclusively to "mean", rather than to "include", six specified means of subdivision.

The Court concluded that in choosing to limit its definition of subdivision to an exhaustive list, Parliament did not intend to capture other arrangements of similar substance and effect. The arrangement in the present case did not alter the use of land nor result in land use
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intensification. The Court found that it would strain the words of the statute too much to interpret Parliament's specific and exhaustive definition, referring to well known and certain property law concepts, as extending to the present arrangement. If Parliament wished to add a different means of effecting a legal subdivision it could amend the law. The Court found that the Telcos could not rely on the RMA as a means of countering the commercial challenge posed by Clearspan's aggregation of responsibility for the land under cell towers. The appeal was allowed. Costs were awarded to Clearspan.

Decision date 13 December 2016 - Your Environment 24 March 2017

(See previous reference in Newslink case-notes for August 2016: Re Spark New Zealand Trading Ltd - [2016] NZEnvC 115 – RHL)

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**Canterbury Trustees Ltd v Christchurch City Council** _ [2017] NZHC 237

***Keywords: High Court; district plan; zoning; designation; airfield; compensation; compulsory acquisition***

Canterbury Trustees Ltd and others ("the appellant") appealed against Decision 24 of the Independent Hearings Panel ("the panel") made under the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014 ("the Order") for the formulation of the Christchurch Replacement District Plan ("the plan"). Under the existing plan, the appellant's land formed part of a 24 ha site called the Memorial Avenue Investments Ltd ("MAIL") land, in close proximity to Christchurch International Airport ("the Airport") and within the Runway Protection Area ("the RP area"), and was zoned rural and identified as a Greenfield Priority Area ("GPA"). By Decision 24, the Panel decided that the land's designation as RP area was insufficient and that any buildings or activities in the RP area should be zoned discretionary in the plan. The appellant brought the appeal to preserve its rights to pursue compensation or require acquisition under s 185 of the RMA, arguing that access to s 185 remedies would be compromised by the inclusion of the land use controls in the zoning and because of the effect of s 85. The appellant submitted that under s 85(1) of the Act, its rights to compensation under the Public Works Act 1981 ("the PWA") would in effect be taken away because its property interests would be adversely affected by rules in a plan. However, if it were a designation which imposed such restrictions, the appellant submitted that s 85 of the RMA would not apply, and compensation would be available under ss 185-186.

The appellant raised three questions of law, asking whether the Panel erred: in failing to take into account the implications of ss 85 and 185 of the RMA; in failing to undertake an evaluation under s 32 of the RMA as to efficiency and effectiveness of rules relating to benefits and costs; and in its approach to the functions and powers of a requiring authority and of the Environment Court and the considerations under pt 2 of the RMA. The Airport opposed the appeal and Christchurch City Council agreed with the Airport that there was no error of law made by the Panel.

The High Court considered its position on appeal, the purpose of the Panel under the Canterbury Earthquake Recovery Act 2011 ("CERA") and Decision 24 before addressing the questions of law raised in the present appeal. Regarding the first question, the appellant submitted that the Panel's decision fell short of showing that the social and economic costs of the imposition of the controls of use by the discretionary activity classification had been evaluated. However, the Court stated that the Panel was not satisfied that the designation by itself would be enough to manage public safety risk, and that the Airport's consent decisions under s 176 of the RMA might not serve the wider community interests reflected in pt 2. These were the reasons that the Panel imposed the further plan restrictions. The Court found that although the panel did not specifically refer to s 85 of the RMA, it was clear that it was seized of the issues and gave consideration to the differences in remedies for acquisition and compensation under the PWA. It was not the Panel's purpose to focus on compensation issues in making decision on the plan. Further, Decision 24 did not oust the Environment Court's jurisdiction. There was no error relating to question one.

Addressing the second question, the Court stated that in light of its findings relating to the first question, where both the Panel and the Airport agreed that s 185 of the RMA was still available to the appellant, the second question dealing with economic loss had largely been addressed.
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The Court concluded that the Panel did not err in undertaking its s 32 evaluation. Finally, the Court found that the Panel had not erred in its approach to the imposition of the discretionary activity classification on the appellant's land and did not misinterpret ss 176 and 179 of the Act. The appeal was dismissed.

Decision date 23 March 2017 - Your Environment 24 March 2017

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**Western Properties Ltd v Auckland Transport** _ [2017] NZEnvC 19

***Keywords: resource consent; stay; costs; procedural; designation***

The Court considered whether, pending resolution of the appeal from its previous decision to grant resource consent ("the consent") to Western Properties Ltd ("WPL"), to stay certain issues arising from that decision. The consent was to construct a building over most of an Auckland Transport designation. The Court had made directions for further survey of the site and asked the parties to consult as to the area affected.

The Court stated that, following a telephone conference, it was clear that: the parties agreed that the question of costs in the Environment Court should be stayed pending the appeal; and that WPL had undertaken not to act upon the consent granted. The Court concluded that the matter of costs should be stayed until the matters of principle under appeal were resolved. Further, the Court decided that the Environment Court decision should be finalised so far as the dimensions of the specified triangle of land on the site. Such a final decision would assist the High Court on appeal to understand the impact of the Environment Court's findings and decision. Accordingly, the Court finalised the consent, attaching the survey plan. Costs were stayed pending the outcome of the appeal. WPL was stayed from using the consent pending resolution of the appeal or further Court direction.

Decision date 24 March 2017 - Your Environment 27 March 2017

(See previous reference in Newslink case-notes April 2017 – RHL.)

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**Equus Trust v Christchurch City Council** _ [2017] NZHC 224

***Keywords: High Court; district plan; regional policy statement; objectives and policies; zoning; industrial; traffic; stormwater; outline plan***

Equus Trust and others ("the appellants") appealed against the decision of the Independent Hearings Panel ("the Panel") to decline the appellants' request to rezone their 14 ha of land in Christchurch ("the land") as industrial. The Panel's decision was made under the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014 ("the Order") for the formulation of the Christchurch Replacement District Plan ("the plan"). Under Chapter 17 of the plan, Greenfield Priority Areas ("GPAs"), which included the appellants' land, were zoned as Rural Urban Fringe, under which zone industrial or business use development was prohibited. The appellants appealed on three questions of law relating to the proper interpretation of the Land Use Recovery Plan, ("the recovery plan"), prepared under the Canterbury Earthquake Recovery Act 2011 ("CERA"), and the Canterbury Regional Policy Statement ("the CRPS"). These were: whether in giving effect to the CRPS under s 75(3)(c) of the RMA, the panel wrongly interpreted Chapter 6 of the CRPS as providing a discretion as to rezoning the land as industrial; whether the Panel misinterpreted Policy 6.3.3 of the CRPS regarding the level of certainty and detail required regarding stormwater and traffic matters to be shown in the Outline Development Plan ("the ODP"); and whether the Panel's decision not to rezone the land as industrial on the basis of "fundamental, irresolvable problems" with the ODP was a decision which, acting reasonably, the Panel could have come to. The appeal was opposed by Christchurch City Council, the Crown and Christchurch Airport Ltd ("the Airport").

After considering the relevant planning documents, the Panel's decision and the High Court's approach on appeal, the Court addressed the first question of law. The Court noted that the appellants challenged the Panel's interpretation of the words "enable", "to provide for" and "give effect to", with reference to the previous case authorities including *Powell v Dunedin City Council* [2004] 3 NZLR 721 (CA) and the Supreme Court's decision in *King Salmon*. The Panel decided that "give effect to" in the CRPS did not automatically mean that the land must be

rezoned at the present time, and the Court found no error in such conclusion, because there was nothing directive in the language of the CRPS and the Minister had not directed that the GPAs should be zoned industrial. The Court did not uphold the appellants' submission that the Panel wrongly interpreted the provisions of the CRPS. Regarding whether *Powell* was relevant, and whether the approach in *King Salmon* to the words "give effect to" required the Panel in the present case to rezone the land, the Court discussed the case authorities and concluded that the purposive approach to interpretation of plans in *Powell* was appropriate. However, the present case was contrasted with that in *King Salmon*. In the Supreme Court decision, the direction in s 75 of the RMA to "give effect to" was discussed in the context of the strong directive in the New Zealand Coastal Policy Statement to "avoid" adverse effects. However, in the present case the policies and objectives of the CRPS were less directive, and contained qualifications that development in GPAs should occur in accordance with ODPs. Accordingly, the Court found that there was no error of law relating to the first question.

Turning to consider the second question, which related to the level of detail required regarding stormwater and traffic provisions in the ODP, the Court concluded that it was open to the Panel to conclude that Policy 6.3.3 of the CRPS required the ODP to contain sufficient detail about the roading network in the same way that the Panel required more detail on stormwater issues. The Court found no errors of interpretation made by the Panel and answered the second question - no.

The third question concerned the Panel's finding of "fundamental, irresolvable problems" with the ODP and associated rules. The Court found that the Panel's findings were not unsupportable on the evidence before it. The Panel gave the evidence careful consideration, but did not uphold the appellants' views on roading and stormwater issues, and there was no error of law such that the Court might now interfere. Accordingly, all questions of law were declined and the appeal was dismissed. Counsel were directed to file memoranda on costs.

Decision date 22 March 2017 - Your Environment 23 March 2017

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**Millar v Ashburton District Council** _ [2016] NZHC 3015

***Keywords: High Court; judicial review; resource consent; public notification; effect adverse***

S and C Millar ("M") applied for judicial review of the decision of an independent hearings commissioner ("the commissioner") for Ashburton District Council ("the council") to grant resource consent to Greg Donaldson Contracting Ltd ("GDCL") to establish and operate a contractor's yard on part of GDCL's land ("the site") in a rural zone. M lived on an adjoining 13.6 hectare rural property and opposed development of the site for non-rural use. M also challenged the fact that they were not given limited notification by the council of GDCL's application for consent.

The Court considered the proposal and noted it was a non-complying activity under the district plan. After referring to the relevant statutory provisions, including ss 95 and 95A - 95G and 104D of the RMA, the Court considered the council's decision on notification. M argued that the commissioner had not in fact made a decision as to notification of GDCL's application, as she did not sign the separate report on this subject prepared for the council by an outside planning consultant. M submitted that the Court could not now rely on the commissioner's affidavit evidence that she had in fact made a notification decision. However, the Court found that it was clear on the face of the decision that it comprised a decision on notification. The report from the outside consultant, which was adopted by the commissioner, included a fully reasoned decision as to why notification was not required. The Court was satisfied that a decision was made by the council on notification, separately from the decision to grant consent.

Challenging the council's decision not to notify, M first argued that the council had not considered all relevant considerations in its decision on notification and had failed to consider the potential significant adverse effects on M of the proposal. These included the possibility of noise and of the depositing and storage of large stockpiles of soil on the site. However, in the Court's view, reading the application as a whole, such storage was limited to that permitted by the district plan. Further, there had been an adequate assessment of the noise generated by the activity. Accordingly, the Court found that the commissioner did have regard to all relevant
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considerations when deciding not to notify M. Secondly, the Court did not accept the argument by M that the council misapplied the permitted baseline when considering the application. The decision report stated that the effects permitted in a rural zone, which included the noise, dust and traffic of farming activity, were similar in nature to those of the proposal. In this regard the Court distinguished the decision in *Hanna v Whanganui District Council* [2013] NZHC 1360, (2013) 17 ELRNZ 314, finding that in the present case the comparison with farming activities was not fanciful. The Court also found that the council's decision on notification, in particular the decision that the activity would have effects on neighbouring properties which were less than minor, was not manifestly unreasonable. Finally on their challenge to the notification decision, M argued that the council had wrongly conflated that decision with its substantive decision on the proposal. While the Court accepted that there were different statutory tests, relating to effects, for the decisions to notify and for the substantive grant of consent, in the present case the two decisions were made separately and were not conflated.

Turing to consider the challenge to the substantive decision by the council to grant consent, the Court again rejected argument that the council had not taken into account all relevant considerations. In particular, the fact that council did not make direct reference in its decision to the Ryal Bush Transport site, scheduled in the district plan, was not an error of law in the Court's opinion. The mere failure to adopt a suggested source of material for the drafting of conditions was not a failure to avert to a relevant consideration. For the Court to examine this further would be to embark on a merits-based review. The grounds of review of the substantive decision to grant consent were rejected. The application for judicial review was rejected. A timetable was set for the filing of costs memoranda.

Decision date 23 January 2017 - Your Environment 24 January 2017

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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 May 2017

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### Central London house prices fall in March on Brexit, tax - RICS

(Reuters) - House prices in central London saw their most widespread declines since 2009 as Brexit uncertainties and high transaction costs dented demand for high-end property in the British capital, a survey showed on Thursday (April 20 2017).

Overall, British house prices grew modestly in March, the Royal Institution of Chartered Surveyors (RICS) said.

The RICS monthly house price index held at +22 in March, unchanged from its downwardly revised reading for February and the lowest since September 2016.

*"The UK housing market continues to lack impetus, with new buyer enquiries and agreed sales stagnant in March," RICS said.*

*Outside London, price momentum has strengthened since the end of last year.*

*But in the capital, prices fell in central areas due to a steep increase in a purchase tax for second homes and property valued over 1 million pounds (US$1.25 million), as well as uncertainty about the country's prospects once it leaves the European Union in 2019.*

*Official data published on Tuesday (April 18 2017) showed house prices in London rose at their slowest pace in nearly five years in the 12 months to February, increasing by 3.7 percent.*

*"High-end sale properties in central London remain under pressure, while the wider residential market continues to be underpinned by a lack of stock," RICS chief economist, Simon Rubinsohn, said.*

*"For the time being it is hard to see any major impetus for change in the market, something also being reflected in the flat trend in transaction levels," he added.*

*RICS polls members across Britain, but says its regional data for London better reflects trends in central London rather than in outer boroughs.*

*Mortgage lender Halifax reported last week that average house prices in the first three months of this year were 3.8 percent higher than a year earlier, the smallest rise in nearly four years.*

*Most economists forecast that British house prices will come under further pressure over the course of 2017 as wages fail to keep up with inflation, though few predict outright falls.*

RICS said a large majority of its members in Britain overall - but a slimmer majority in London - expected prices to rise over the next 12 months.

Before last year's Brexit vote, then finance minister George Osborne had warned Britons could expect a 10 percent hit to house prices if they voted to leave the EU. (US$1 = UK£0.8003)

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**General Finance faces full trial to recover loan monies _**

*Stuff* reports on an unsuccessful summary judgment application by General Finance which sought to recover a $295,000 loan secured by mortgage against an apartment owned by Alliki Serepisos, mother of the former bankrupt businessman Terry Serepisos. Although Associate Judge Warwick Smith ordered Alliki Serepisis to pay $50,000 to General Finance he directed in respect of the balance sum a trial on whether General Finance agent Paula Muollo had secured the best price for the sold apartment.  Read the full story here.

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**South Africa's ANC to introduce amended land claims bill in May**

(Reuters) - South Africa's ruling party will introduce an amended land rights bill in parliament in May 2017 after the top court declared invalid a law that re-opened a process for blacks to make claims on land taken from them during white-minority rule.

The Restitution of Land Rights Bill, allowing state expropriations of land to redress racial disparities, was among the first laws passed by the country's first democratic government in November 1994.

But many people failed to lodge claims within a 1995 to 1998 window, and most land remains in white hands more than two decades after the end of apartheid. President Jacob Zuma signed an amended act in June 2014 to allow those who had missed out on making claims to do so.

However, the Constitutional Court last year declared the law invalid saying that Parliament had failed to allow for proper consultation before passing the law, and gave it 24 months to re-enact it.

The ruling African National Congress Party (ANC) said the draft bill, which will be open for public comment until May 19, sought to extend the date for lodging a land claim to 30 June 2021.

"The introduction of this draft bill is a crucial step in the work of the ANC in Parliament in ensuring that land is lawfully returned to those who have been historically dispossessed," the ANC said in a statement.

The government says only 8 million hectares of arable land has been transferred to black people since 1994, less than 10 percent of the 82 million hectares available and a third of the ANC's 30 percent target.

Experts say the bill will not signal the kind of often violent land grabs that took place in neighbouring Zimbabwe, where white-owned farms were seized by the government for redistribution to landless blacks.

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**Advocacy group protests potential building development near historic reserve.**

*RNZ News* reports on advocacy group Save Our Unique Landscape's protest against the Auckland Council-approved plans of Fletcher Building to build housing on 32 hectares adjacent to the historic stone fields at the Ihumātao and Ōtuataua Stonefields Historic Reserve in Mangere. The site is considered wahi tapu. Two Ihumātao iwi members will travel to the United Nations in New York to ask for UN help under the Declaration of the Rights of Indigenous People. Read the full story here.

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**Opponents to Auckland development go to UN. _** *Radio New Zealand* reports that two campaigners against a housing development in Auckland are going to New York to voice their concerns to the United Nations. Fletcher Building has been granted approval to build 480 homes on 32 hectares next to the Ihumātao and Ōtuataua Stonefields Historic Reserve in Mangere.

Read the full story here.

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**Public will be consulted on Shelley Bay land sale or lease.** *Stuff* reports that the councillors of the Wellington City Council voted on Wednesday 26 April 2017 for the public to be consulted on the possible sale or lease of council-owned land at Shelley Bay to the Wellington Company for a major development with commercial partner the Port Nicholson Block Settlement Trust. Utimately the decision will be one for the Council. Read the full story here.

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**Borer and leaks affect 60 per cent of inspected Wellington homes.** The *Dominion Post* reports that an investigation of Wellington's housing stock has found earthquake or weather resilience issues concerns in 60 per cent of 100 inspected homes. Borer infestations, poor weather proofing and insecure foundations were the main issues. Read the full story here.

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**$3 million redevelopment of Cadbury World.** The *Otago Daily Times* reports that Mondelez International has unveiled its concepts for the $3 million redevelopment of the tourist attraction Cadbury World. The Dunedin factory will close early next year and Cadbury World will expand into the factory's old dairy building. Read the full story here.

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**Most submissions to Far North DC oppose lease of reserve to developer.** *Radio New Zealand* reports that the proposal to lease beachfront Perehipe Reserve in the Far North, owned by Te Whanau Moana Hapu, to Chinese developer Carrington Jade has sparked considerable opposition, as shown by submissions to the district council. Read the full story here.

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**NZTA says 'seemingly endless' $18m Brynderwyn Hills road project will save lives.** _ *The Northern Advocate* reports that the State Highway 1 Brynderwyn road works, under construction by NZ Transport Agency for over a year, at a cost of $18 million, will make the 14 km stretch of road safer for motorists. Read the full story here.

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**Large hotel planned for Cathedral Square.** *The Press* reports that a major Japanese hotel and tourism group has bought land in Cathedral Square, Christchurch, to build a large hotel. Council rules mean the hotel building could be up to 28 metres high. Read the full story here.

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**Victoria University disposes of land under Public Works Act.** *NewstalkZB* reports that Victoria University has disposed of some small parcels of land in the Aro Valley using the Public Works Act mechanism. Some nearby residents and some Wellington City Council councillors are unhappy the University has done this and would have preferred that it negotiate agreements outside the Act which they say is too presciptive and does not take account of community needs. Read the full story here.

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**Tenure review moratorium recommended by Environment Court for Mackenzie Basin.** _ *RNZ News* reports that the Environment Court in its latest decision on the Mackenzie District Council's Plan Change 13 for the Mackenzie Basin has recommended a moratorium on the tenure review process whereby farmers can acquire freehold land currently leased from the Crown. Federated Farmers is opposed to such a moratorium because it believes environmental protections can be factored in to the tenure review process. Read the full story here.

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**Basin Reserve Museum Stand to be demolished?** _ The *Dominion Post* reports that Wellington Mayor Justin Lester says that the possible $8 million cost of strengthening the heritage-listed Basin Reserve's Museum Stand, closed since 2012 due to earthquake concerns, is a "very expensive " option, compared to the estimated $800,000 demolition cost. Public consultation on the future of the stand will begin in August. Read the full story here.

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**New hotel to be built in Invercargill.** The *Otago Daily Times* reports that the Invercargill Licensing Trust plans to construct a 120-room, six or seven-storey hotel at the junction of Dee and Don Streets, Invercargill. The development's first stage will start soon at a cost of $40 million. Read the full story here.

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**Developer understood to be seeking cost sharing with WCC.** *The Dominion Post* reports that The Wellington Company's Ian Cassels is understood to be asking that the Wellington City Council share certain costs of the proposed $500 million Shelly Bay development he is partnering with the Port Nicholson Block Settlement Trust. In particular it is the infrastructure costs of roads, waste water, sewerage, and water. He argues essentially that the site will be used for public enjoyment. Read the full story here.

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**Hong Kong slaps property tax to close loophole.** (Reuters) - HONG KONG - The Hong Kong government said on Tuesday (April 11 2017) first-time home buyers purchasing more than one flat at the same time would be subject to a 15 percent stamp duty, the latest bid to cool property prices in one of the world's most expensive real estate markets.

Home prices in Hong Kong have jumped 364 percent since 2003, while the median monthly household income has risen just 61 percent, pushing home ownership out of reach for many.

Hong Kong last introduced property cooling measures in November 2016, raising stamp duty on property transactions for the first time in three years but the measures had little impact.

"We should suppress three types of demand: speculative, external, meaning buyers from outside Hong Kong, and also investment demand," Hong Kong leader Leung Chun-ying told reporters.

"The new proposal, which will take effect after midnight tonight, is to ensure that people do not buy more than one unit by using one legal document."

Leung said some buyers had been using one legal document to buy multiple flats to skirt stamp duty on second homes, pushing up prices across the board.

"If buyers use one legal document to buy more than one residential flat, the relevant transaction will be taxed at 15 percent," he said.

Leung, who steps down in July after a five-year term, took power in 2012 with a pledge to make housing more affordable, but since then prices have hit fresh record highs.

He emphasised the government's efforts in raising housing supply, while financial secretary Paul Chan said he expects the potential supply of new flats in Hong Kong over the next three to four years to exceed the December estimate of 94,000 units, hitting a new high.

Beijing-backed incoming leader Carrie Lam has pledged to tackle the city's housing problem, which is also a top concern of many foreigners working in Hong Kong.

Lam's goal to cool the property market will be challenged by the recent influx of Chinese capital snapping up some of the city's best plots of lands at record-breaking prices.

Thomas Lam, senior director at property consultancy Knight Frank, said the new measure would not have a big impact on developers, but would give the average buyer more opportunities to buy a flat.

"This measure does not have a big impact on the market, but the government is sending a message to the market and to the developers, telling them they do not encourage this (multiple) transaction method," he said.

The relentless rise in home prices had prompted renewed speculation that the government may impose more property tightening measures such as curbs on multiple property purchases at one time in order to puncture the trend.

The Chinese-ruled city has seen a sharp rise in the number of first-time buyers purchasing multiple properties in one go to avoid paying a levy, though these cases only take up 4.7 percent of all transactions, Leung said.

Soaring property prices are in stark contrast to the slowdown in the former British colony's overall economy, as evident from flagging retail sales and sluggish economic growth.

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**LINZ: Next stage in Hunter Valley Station lease transfer completed.** The Commissioner of Crown Lands has given consent to the transfer of the Hunter Valley Station pastoral lease to

Orange Lakes (NZ) Ltd. This follows the Overseas Investment Office granting consent to Orange Lakes to buy the lease on Hunter Valley Station. The Crown still owns the land. The Commissioner has only agreed to the purchase and transfer of the lease to the overseas buyer. In leasing Hunter Valley Station, Orange Lakes has committed to invest in the farm operation, improve fencing and carry out pest control, maintain Hunter Valley road, remove High Burn Hut, and support the Epic Annual Cycling Race to take place on the land. Orange Lakes has also committed to support improved public access to Lake Hāwea and the campsite at Kidds Bush, the Sawyer Burn Track and along a western access to Sentinel Peak. The Commissioner will make decisions on any formal applications for public access. The next stage in the sale of the lease is for Orange Lakes to settle and register the transfer with the Registrar-General of Lands. - Please click on the link for full statement. Media Release

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**Aoraki Development working on confidential vacant land register for Timaru region.** *The Timaru Herald* reports on the issue of industrial and commercial vacant land in the Timaru district and the fact that Aoraki Development is working on putting together a confidential vacant land register with a view to improving economic outcomes, namely industrial employment and economic growth in the Timaru region, which might be impeded by "land banking". Read the full story here.

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**Subdivision plan reduced.** The *Otago Daily Times* reports that the developer of a subdivision on an Otago Peninsula isthmus has halved the number of houses planned for the site. The altered proposal reduces the number of houses in the outstanding natural landscape area from eight to four. Read the full story here.

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**Majestic Centre finishes $83 million strengthening project.** The *Dominion Post* reports that Wellington's Majestic Centre building's seismic strengthening programme has been completed after four years work costing $83.5 million. Read the full story here.

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**New headquarters building for Spark in Christchurch.** *Radio New Zealand* reports that Spark's chief executive Simon Moutter has announced that construction work will start this year on the company's new four-storey building in Cathedral Square in Christchurch. Read the full story here.

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**Concern that too many new buildings are being demolished in Wellington.** *Newshub* reports that Kit Miyamoto, a seismic safety commissioner from California, says that too many new buildings are being demolished, rather than repaired, in Wellington after the recent earthquake. However Wellington Mayor Justin Lester said there was a need to weed out those buildings that will not perform well in the next earthquake. Read the full story here.

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**Appeal to schedule Auckland Maori cultural sites declined.** *Radio New Zealand* reports that the High Court has upheld the removal from the Auckland Unitary Plan of references to specific sites significant to Maori and of restrictions on activities near such sites. Read the full story here.

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