Newslink Case-notes for February 2018 prepared 20 January 2018.

~~~~~~

Legislation Case-notes February 2018

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

~~~~~~

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; most result from decisions made in district and unitary plans:

- A successful appeal by a Trust seeking provision of a cycling and walking trail on a large rural subdivision between Puhoi and Warkworth that had been consented by the Auckland Council. The unitary plan provisions omitted to give effect to the provisions of the Council's transport plan which required provisions for such facilities;
- An unsuccessful appeal against a High Court decision on costs of an appeal over rules for recession planes and definition of ground level between two residential properties in Wellington;
- A largely unsuccessful application for declarations about the effect of a new rule in the Auckland proposed unitary plan which had "down-zoned" a residential property under the airport flight-path and prevented construction of a second dwelling;
- A mediated resolution of an appeal against refusal of consent to a 32 lot subdivision at Mangawhai in the Kaipara District;
- A successful largely appeal against refusal of consent to a non-complying subdivision at Bannockburn near Cromwell;
- An unsuccessful appeal by a landowner seeking additional costs against Auckland Transport which had issued a notice of requirement for road widening on the company's land at Auckland's North Shore.

~~~~~~

Log-in and download the case summaries and other news items at:

https://www.surveyors.org.nz/Article?Action=View&Article_id=23

CASE NOTES FEBRUARY 2018:

~~~~~~

Matakana Coast Trail Trust v Auckland Council _ [2017] NZEnvC 149

Keywords: resource consent; conditions; cycleway; jurisdiction; objectives and policies

This was an appeal by Matakana Coast Trail Trust ("the Trust") against the terms of the subdivision resource consent granted to Asia Pacific International (NZ) Group Ltd ("API") to construct over 200 rural lots within a 1,508 ha area of its block of land at Moir Hill, between Puhoi and Warkworth. The Trust sought further consent conditions to require the provision of a connecting cycling and walking trail ("the trail"), connecting Watson and Dorset Roads, both of which would become public roads as the result of the subdivision. The Court addressed issues relating to jurisdiction, validity of conditions and the feasibility of the trail.

After considering argument as to the jurisdiction to impose conditions requiring API to establish a trail, the Court concluded that the scope to impose conditions was not limited in ss 104 and

108 of the RMA to the amelioration of adverse effects. Rather, following the decision of the Supreme Court in *Waitakere City Council v Estate Homes Ltd* [2006] NZSC 112, (2006) 13 ELRNZ 33, [2007] 2 NZLR 149, the only requirement was that there be a logical connection between the condition and the proposal concerned. In the present case there was such a logical connection. Regarding the feasibility of the trail, the Court concluded from its visit to the site and expert evidence that the trail connecting Loop and Dorset Roads was achievable, practical and appropriate. The relevant plan provisions supported connectivity, which included off-road pedestrian and cycling facilities, as part of a transport network. The Court questioned why council staff had not noticed that no off-road cycling connections had been provided for in the proposal, given that the Integrated Transport Plan required such provisions to be included. The Court found that there had been a failure to meet such provisions of the Auckland Unitary Plan. Further, the Court accepted evidence that there was an adverse effect from the failure to provide connectivity and that the trail would provide mitigation for the loss of other, wider connectivity issues. This should be appropriately provided for in the conditions of consent. The Court then addressed questions as to the standard to which the trail should be constructed and who should pay for and maintain the trial, concluding that these matters could be resolved between the parties and Auckland Transport at the time the trail was designed.

The Court concluded that the objectives and policies of the plan and the purpose of the RMA were achieved by requiring the further conditions of the type suggested and discussed in the decision. The parties were directed to attend conferencing and to report back to the Court.

Decision date 18 October 2017 - Your Environment 19 October 2017.

~~~~~~

Walmsley v Aitchison _ [2017] NZCA 500

Keywords: Court of Appeal; leave to appeal; costs

D and W Walmsley ("W") sought leave to bring a second appeal against the costs order of $72,500 imposed by the Environment Court in *Aitchison v Walmsley* [2016] NZEnvC 114 ("the costs decision"). The costs decision followed enforcement proceedings which required W to remove a fence/structure on the boundary between W's property and that of P and S Aitchison ("A") in Oriental Bay, Wellington. The costs decision was confirmed on appeal to the High Court in *Walmsley Enterprises Ltd v Aitchison* [2017] NZHC 1504 ("the HC decision"). W now sought leave to appeal to the Court of Appeal on the grounds that the HC erred.

The Court noted that s 303 of the Criminal Procedure Act 2011, together with ss 299 and 308 of the RMA, allowed a second appeal on a question of law if the Court was satisfied that either the matter was one of general of public importance or that a miscarriage of justice had occurred. The Court reviewed the background, which included successful declaratory order and enforcement proceedings brought by A against W. These resulted in the Environment Court finding that the structure erected by W was not a permitted activity under the district plan and required resource consent and W was ordered to remove the structure. In the enforcement proceedings, which had not been appealed, the EC found the structure had specified significant and severe adverse effects on A's residential amenity. W now wished to argue in the Court of Appeal that the HC decision was wrong in the following respects: the proceedings were a test case, clarifying an important issue of law; W had behaved reasonably, relying on advice given by Wellington City Council ("the council") that the structure was a permitted activity; the proceedings were conducted in a manner which was unfair to W; A's application for costs was made out of time; and the costs decision was punitive.

The Court considered the first two issues together. Section 319(2)(b) of the RMA prohibited the making of an enforcement order if the relevant adverse effects were expressly recognised by the council when the rules in the district plan were made. The Court in the HC decision found that the EC was applying the facts to s 319(2)(b) rather than considering any legislative or legal uncertainty. The Court agreed with the HC that the proceeding did not involve a novel issue and was not a test case. Furthermore, the council issued a certificate of compliance ("CoC") for a structure of 7.7 m in length. The structure actually built was over 20 metres with a walkway attached, and was therefore entirely different from that addressed by the CoC and the council could not be said to know of the adverse effects. Regarding the alleged unfairness of the proceeding to W, the Court found it to be without merit. Similarly, the Court stated that A's application for costs was not out of time, as the EC had reserved the issue until the conclusion
~~~~~~

of the declaratory proceedings in the High Court. Even if the application were out of time, it was not an issue of general or public importance. Finally, the Court confirmed the HC's rejection of there being any punitive element in the costs award. The Court stated that W's knowledge of the adverse effects of the structure were relevant not because it needed a punitive response but because it was the context against which W's decision to defend the proceedings fell to be considered. Accordingly, leave to appeal was declined. The Court declined to order indemnity costs and ordered W to pay A costs for a standard application on a band A basis with usual disbursements.

Decision date 27 November 2017 - Your Environment 28 November 2017

(For the previous reports see Newslink editions December 2015 and April and May 2016.and August 2017.)

~~~~~~

NZ Building and Projects Ltd v Auckland Council _ [2017] NZEnvC 175

Keywords: declaration; dwelling; district plan; activity; existing use; interpretation

NZ Building and Projects Ltd and R Mahabir (together "the applicants") applied for declarations relating to the status of dwellings on a site at 23 Seddon Ave, Papatoetoe. The applicants wished to: complete construction of a new dwelling ("rear dwelling"); demolish an old house ("existing building") and build a second new dwelling in place of the existing dwelling ("front dwelling"). The applicants had no resource consent for the rear dwelling and argued they had existing use rights under s 10B of the RMA. However, Auckland Council ("the council") maintained that the rear dwelling was a prohibited activity under the now operative r A29 of the Proposed Auckland Unitary Plan ("PAUP"). Prior to r A29 becoming operative, the applicants applied to the council for resource consent for the front dwelling, which application remained on hold pending resolution of the issue of what was the proper activity classification under the RMA.

The declarations sought were that: construction of the rear dwelling was lawfully commenced for the purposes of s 10B of the RMA; the rear dwelling could continue to be constructed and completed under s 10B; the land use consent application for the front dwelling was lodged and accepted prior to r A29 becoming operative; and the land use consent application for the front dwelling was to be assessed as a discretionary activity. The Court considered the statutory framework, including ss 313 and 10B of the RMA together with relevant legal principles and case authority. Addressing the first and second declarations, together with s 10B of the RMA and the Auckland District Plan: Manukau Section ("the Manukau plan") provisions relevant to the rear dwelling, the Court noted that the applicants' argument as to existing use relied on their interpretation of a rule in the Manukau plan which, although now superseded by the PAUP operative provisions, was operative at the time building consent was issued for the rear dwelling. The applicants argued that the despite the existing building on the site, the rear dwelling came within the definition of "single household unit" and was a permitted activity. The Court reviewed the relevant chronology relating to the rear dwelling, and rejected the argument that the council was estopped from arguing that the rear dwelling required resource consent. Further, the Court disagreed with the applicants that a gloss should be added to the plain words of s 10B(2)(b) of the RMA, finding that the plain ordinary meaning properly accorded with the purpose of s 10B of the RMA. The Court stated that s 10B was originally inserted by the Resource Management Amendment Act 1996 and was properly to be understood as a remedial amendment to cover a gap in the existing use rights conferred by s 10 of the RMA. That gap concerned unimplemented building work under a building consent that was a permitted activity under a pre-existing district plan but was otherwise caught by the incoming proposed plan rules.

The Court then considered whether the existing building was "a household unit" at the relevant time. This in turn depended on whether it was "intended to be used as an independent residence" and on what was the proper meaning of "intended" in the phrase: it could have a subjective meaning relating to what the applicants proposed to do, or an objective meaning, referring to what the thing was designed or meant for. The applicants submitted that the subjective meaning applied but the Court agreed with the other parties that the word "intended" referred to what the building was designed and equipped for. The existing building was therefore "a household unit" at the relevant time, when building consent was issued for the rear dwelling. Further, the Court found that the rear dwelling was also a household unit and therefore
~~~~~~

did not qualify as a permitted activity. Accordingly, the first and second declarations were declined.

Turning to address the third and fourth declarations, which concerned the proper activity status for the front dwelling, the Court considered the provisions of ss 86F, 87A, 87B and 88A of the RMA to find the proper interpretation of such provisions in circumstances where, after an application for resource consent was received but before it was determined a prohibited activity rule of a proposed district plan was made operative. The Court found that ss 88A and s 87B of the RMA were intended to work in tandem, although the Court remarked that the drafting of the provisions was "untidy" and "unhelpfully" poorly drafted. In this regard the Court found it necessary to apply a gloss to ss 87A(6)(b) and 88A of the RMA. The Court concluded that the applicants' and the council's interpretation was correct in the sense that it gave proper effect to all the relevant provisions and was most compatible with the administration of the Act. Accordingly, the Court was prepared to make a declaration that the consent application of the front dwelling continued to be for a discretionary activity, notwithstanding r A29. The declaration application was declined in all other respects. Costs were reserved.

Decision date 7 December 2017 Your Environment 8 December 2017

(Note: Seddon Ave is directly under the approach flight-path of Auckland International Airport and thus significantly affected by aircraft noise – RHL.)

~~~~~~

The Rise Ltd v Kaipara District Council _ [2017] NZEnvC 182

Keywords: resource consent; conditions; consent order; subdivision

The Rise Ltd appealed against the declining by Kaipara District Council ("the council") of consent to subdivide a 19.06 hectare property at Mangawhai. After mediation and consultation between the parties, a draft consent order was proposed. The original proposal was for 32 allotments and 13,000 m^3 of earthworks. The consent order proposal was now for 14 allotments, to be developed in two stages, with a revised scheme plan, traffic intersection plan and revised design controls. The proposal was a non-complying activity and had been publicly notified.

The Court considered the proposed amendments to the proposal and was satisfied that the proposed compromise addressed the issues under the objectives and policies raised in the council decision. The development was within an area recognised previously in the 2005 Mangawhai Structure Plan as being suitable for further development. The council was now satisfied that that the plan provisions could be met by the changes made to the proposal and the rigorous conditions imposed. Accordingly, the Court granted consent on the conditions attached to the decision. There was no issue as to costs.

Decision date 11 December 2017 Your Environment 12 December 2017

~~~~~~

Doctors Flat Vineyard Ltd v Central Otago District Council _ [2017] NZEnvC 183

Keywords: resource consent; landscape protection; district plan; precedent

Doctors Flat Vineyard Ltd and Rubicon Hall Road Ltd (together "the applicant") appealed against the decision by Central Otago District Council ("the council") to decline resource consent to subdivide two parcels of land at Lynn Lane, Bannockburn ("the site") into six allotments, together with land use consent to establish residential building platforms on five of the allotments. The site was partly zoned Residential Resource A and partly Rural Resource Area. The site contained part of an historic water race of archaeological significance, and the Court accepted that there was a need to require a consent notice to be registered against the titles to protect this.

As the activity sought to create allotments under the mimima prescribed in the plan and was therefore non-complying, the Court considered the proposal under ss 104 and 104D of the RMA. The Court accepted evidence that it was not fanciful to suggest that a winery operation might be developed in the site and that the permitted baseline was a relevant consideration when considering the visual effects of the proposal. The open space, landscape, natural character and amenity values of the site were considered, along with relevant provisions of the

district plan. The Court noted mitigation measures offered in the conditions relating to maintenance of the open rural character and to minimise intrusion into the landscape beyond the site. These were acceptable with the exception of proposed Lot 6 which was on the headland and the Court accepted evidence that a residential building on this lot would have significant adverse effects. Accordingly, the Court determined that Lot 6 should be amalgamated with Lot 7, using the proposed building platform for Lot 7. For the other lots, the proposed landscaping would result in a higher level of amenity than existed currently.

The Court did not consider that the integrity of the plan would be undermined or that the proposal would have a precedent effect, as it contained unique features and each case was to be considered on its merits. The objectives and policies of the plan would be met and better achieved by granting consent (subject to the building design conditions) than by refusing consent. The Court was satisfied that, with the exception of Lot 6, the proposal passed both threshold tests of s 104D of the RMA. Accordingly, consent was granted, subject to the declining of land use consent for Lot 6. Instructions were given for the necessary changes to be made to the conditions.

Decision date 12 December 2017 - Your Environment 13 December 2017

~~~~~~

North Eastern Investments Ltd v Auckland Transport _ [2017] NZHC 2355

Keywords: High Court; costs

North Eastern Investments Ltd and Heritage Land Ltd (together "NEIL") appealed against the quantum of the costs order made by the Environment Court ("the EC") in *North Eastern Investments Ltd v Auckland Transport* [2017] NZEnvC 47 ("the costs decision"). The EC ordered Auckland Transport ("AT") to pay NEIL costs of $155,000. The award was made following the EC's interim decision of 29 April 2016 to confirm a modified Notice of Requirement ("NOR") by AT for a road (the Medallion Drive extension) through NEIL's land. NEIL sought to increase the award, submitting that indemnity or near-indemnity costs were warranted. AT opposed the appeal.

The High Court reviewed the proceedings, the statutory criteria for consideration of a NOR under s 171 of the RMA, the interim decision and the costs decision before addressing the questions of law set out in the notice of appeal. The first was whether the EC failed to exercise its discretion under s 285 of the RMA to award costs in a reasoned and principled manner. The Court noted that this did not raise a question of law that might be considered on appeal under s 299 of the RMA, and permitted the question to be changed to whether the EC gave sufficient reasons for the amount to be awarded in costs. The Court now distinguished the facts of the present case from those in *Thurlow Consulting Engineers & Surveyors Ltd v Auckland Council* [2013] NZHC 2468. In *Thurlow* the award of costs successfully appealed against had fallen well outside the "comfort band", and so necessitated some further explanation, while in the present case the amount awarded, being between 25 per cent and 31 per cent of the total costs claimed, had fallen within the "comfort band" and so the EC was not required to give more extensive reasons for the award. The Court now stated that the court of first instance was not required to give reasons for every costs award. In the event, the Court was satisfied that the reasons given by the EC for its costs decision were sufficient and that it took into account a range of specified factors.

The second question raised was whether the EC failed to have regard to specified relevant matters. The Court found that the EC did have regard to such matters, noting that the EC was not required to re-list every individual failing of AT in its costs decision and it was sufficient that the Court demonstrated that it had turned its mind to the matters. The third question was whether the EC was required to apply, to the costs application, relevant principles under the Public Works Act 1981. The Court rejected this suggestion, stating that s 285 of the RMA gave a broad discretionary power to the EC to award costs with the only qualification that the amount must be reasonable. Citing statements of principle in High Court case authority, the Court found that there was no basis to fetter that discretion by requiring the EC to apply principles developed under an entirely different piece of legislation.

The fourth question was whether the EC erred in disallowing costs incurred prior to 19 June 2015, when the court-assisted mediation process concluded. The Court found that the EC was
~~~~~~

entitled to disallow costs from the date of filing of the appeal until after the mediation, including costs of preparing for and attending Court-assisted mediation. The fifth question, which was whether the EC was required to consider expert witness costs separately from legal fees, also was given a negative answer by the Court. Unlike in civil proceedings in the District and High Court, in which it is presumed that recovery of expert witness costs were classified as disbursements and were typically recoverable by the successful party, the RMA did not provide for any such presumption in s 285(1). There was no justification to fetter the wide discretion granted to the EC under s 285 of the RMA, including in relation to costs of expert witnesses, by requiring the EC to adhere to a more prescriptive costs regime.

The sixth and final question posed was whether the award of costs in the "comfort zone" was manifestly unreasonable. The Court was of the opinion that NEIL opposed the NOR throughout the proceedings and sought orders cancelling the NOR in its entirety, but did not obtain this desired result. However, NEIL was partly successful: the EC confirmed a modified version of the NOR which addressed and mitigated some of NEIL's concerns. Notwithstanding the partial nature of NEIL's success, and taking into account the numerous failings of AT, the EC determined to make a costs award in NEIL's favour. The sixth question was answered in the negative. The appeal was dismissed. AT was entitled to costs on a 2B basis.

Decision date *23* October 2017 Your Environment 24 October 2017

(Note: The previous Environment Court decision awarding costs against AT was reported in the July 2017 issue of Newslink.)

~~~~~~

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.

~~~~~~

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

~~~~~~

Other News Items for February 2018

Trespass case judge to hear argument on collateral challenge - *Stuff* reports on the defence being pursued by Levin man and activist Philip Taueki of the Muaopoko iwi to fight a trespass order placed on him in relation to a building on land his iwi owns around Lake Horowhenua. Judge John Walker wishes to hear argument on his collateral challenge defence and this will occur in February 2018. Read the full story here.

~~~~~~

LINZ: Eleven place name decisions - The New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa has notified on 18 January 2018 decisions on eleven New Zealand place names.

- To correct the spelling from Kapitea Creek, a stream on the South Island's West Coast, to Kapitia Creek. This spelling has also been applied to nearby place names Kapitia Hill, Kapitia Dam and Kapitia Reservoir. The locality of Dillmanstown nearby will be gazetted as official.
- A macron had been added to Omiha. The small populated locality overlooking Kuakarau Bay on Waiheke Island is now Ōmiha. The proposal made in 2016 to change it to Rocky Bay was rejected.
- Castle Rock, a prominent rock feature on the Coromandel Peninsula, is now officially a dual name - Motutere / Castle Rock.
- Clarence River, part of the St James Range, its mouth being located about 33 km northeast of Kaikoura, is now a dual name - Waiau Toa / Clarence River.

- Waiau River, a river with its mouth 50 km southwest of Kaikoura that flows from the Spenser Mountains to the Pacific Ocean, has been altered to Waiau Uwha River.
- Mount Doubtful and Query Peak, in Bannock Brae Range, have been officially named, and the co-ordinates have been updated to reflect their correct locations.
- Bottle Lake in Christchurch has been discontinued because the lake no longer exists.

Board Secretary, Wendy Shaw, said the decisions have been gazetted.

~~~~~~

Trade Me property rental index figures show high demand - _*Stuff* reports on the latest figures from the Trade Me Property Rental Index which show that nationally there are fewer listings than last year and the cost of rent is on the rise. Wellington saw the highest rise in median weekly rent over the last two months - a rise from $450 to $480 in December 2017. Nigel Jeffries of Trade Me said the high demand for rentals was nationwide. Read the full story here.

~~~~~~

Undecided land claims in Colombia put slave descendants at risk, study says - (Thomson Reuters Foundation) - BOGOTA - Hundreds of land claims by Afro-Colombians sitting unresolved, some for over a decade, put those communities in danger of being driven off their land by business interests, according to new research.

Efforts by the government to award collective land titles have largely overlooked claims by Colombians of African descent whose families arrived as slaves, said researchers at Javeriana University in Bogota.

Without formal titles of ownership, Afro-Colombian communities are at acute risk of displacement and have little say over use of their land, researchers said.

Some 271 Afro-Colombian collective land claims await a decision by government authorities, leaving about two million hectares in limbo, they said.

"The state has been very slow in responding to collective land claims, some dating back more than 15 years," said Johana Herrera, head of the university's Ethnic and Farmers' Territory Observatory (OTEC).

"Recognising their collective land titles is vital for their survival and the conservation of ecosystems," Herrera, who coordinated the research, told the Thomson Reuters Foundation.

Afro-Colombians make up nearly 11 percent of the country's population of 48 million, and many live in resource-rich and rainforest regions along the Pacific and Caribbean coasts.

"Many of the collective land claims are in areas where there is big interest from mining, energy and agricultural companies," Herrera said.

The government has made big strides in awarding titles under a land restitution program started in 2011, and hundreds of thousands of hectares stolen or abandoned during Colombia's half-century civil war have been handed back to rightful owners.

But much of the land has gone to individual farmers and landowners, not to collective claims by Afro-Colombians, Herrera said.

In the past year, formal land titles were awarded to more than 32,000 out of nearly 46,500 claims lodged in 2017, according to government figures.

The government said it aims to process up to 50,000 more claims in 2018.

Illicit gold mining, drug trafficking, landmines and illegal armed groups in some areas can make land tenure difficult to sort out, the government has said.

Under the 2016 peace accord between rebels with the Revolutionary Armed Forces of Colombia (FARC) and the government, landless and displaced farmers are entitled to credit and farmland through a land bank that aims to redistribute millions of hectares over the next decade.

~~~~~~

Plans revealed for America's Cup bases in Auckland - The *New Zealand Herald* reports that
~~~~~~

a resource consent application has been lodged with Auckland Council regarding eight syndicate bases for Team New Zealand's defence of the America's Cup. The consent application will be fast-tracked directly to the Environment Court. Read the full story here.

~~~~~~

$265m for leaky homes claims paid by Auckland Council - *Stuff* reports that over the past five financial years Auckland Council has paid out $265 million in leaky homes claims. It is estimated owners of another 834 dwellings will notify the council of issues in the coming years. Read the full story here.

~~~~~~

Historic former Post Office building in Cathedral Square to be repaired – *Stuff* reports that Cathedral Square's oldest building, Christchurch's old chief post office will be repaired and reopened. The repair process will take two years and the building could then be used as a "hospitality hub". Read the full story here.

~~~~~~

MBIE: Heat goes on Auckland landlord for not having smoke alarms – The Tenancy Compliance and Investigations Team has successfully taken an Auckland landlord to the Tenancy Tribunal for failing to install smoke alarms, giving all landlords in this busy rental market a timely reminder to ensure their properties comply with smoke alarm legislation.

The Tenancy Tribunal has ordered Auckland landlord Arie Peter Sterk pay $2,000 in exemplary damages for failing to have smoke alarms installed in accordance with the Residential Tenancies Act and Regulations. Mr Sterk has also been restrained from committing the same unlawful act for six years or will face further legal action.

Steve Watson, National Manager Tenancy Compliance and Investigation team, said this outcome serves as a strong reminder to all landlords that failing to comply with tenancy laws will not be tolerated.

"By failing to meet his legal obligations, Mr Sterk deprived his tenant of a warm, dry, and safe home, and put them at risk if there had been a fire," said Mr Watson.

"It is important landlords realise not installing smoke alarms correctly isn't only a legal compliance issue, but something that can have a very real effect on tenants.

"When a landlord rents a property, they must have at least one working smoke alarm on each level, either in each bedroom, or within three metres of the bedroom door," said Mr Watson."Landlords are running a business and your rental property is your product - it must tick all the boxes when it is being offered to rent to the public.

"The best thing a landlord can do is download the Compliance Checklist from the Tenancy Services website to ensure they are fully compliant with their obligations," Mr Watson said.

- Please click on the link for full statement Media Release

~~~~~~

Government provides $280,000 to restore three historic buildings – *The New Zealand Herald* reports that the Government will provide $280,000 to restore three historic buildings: a 150-year-old pub in Hurunui, a 130-year-old building in Oamaru, and 92-year-old buildings in Petone. Read the full story here.

~~~~~~

Queenstown's largest hotel planned - *Stuff* reports that a nine-storey, 468-room hotel is proposed on Brecon St, Queenstown. The proposed building is four storeys higher than what is permitted under the District Plan. Read the full story here.

~~~~~~

OIO approves purchase by firm owned by Canadian govt – *Stuff* reports that the Overseas Investment Office has approved the purchase of a 355 hectare dairy farm at Hororata and a neighbouring 72 hectare support block (to be combined) by Ramsay Dairy Farm Ltd, wholly owned by the Canadian government. Some of the support land would be directed to a larger

milking platform facilitating a 400 herd size increment. Read the full story here.

~~~~~~

DOC and Federated Farmers at one on use of Molesworth Station - *RNZ News* reports that both Federated Farmers and the Department of Conservation (DOC) believe that Molesworth Station, the 180,000 hectare cattle station owned by Landcorp, should continue to be a working station when its farming lease expires in two years' time. DOC is currently calling for public opinion on future use of the station. Read the full story here.

~~~~~~

Call for action on derelict Dunedin buildings – The *Otago Daily Times* reports that Dunedin city councillor David Benson-Pope has called for a row of derelict Princes St buildings left empty for years to be redeveloped before they collapse. Read the full story here.

~~~~~~

Steel frame construction response to Christchurch earthquakes – *Stuff* reports that a report by co-authors Michel Bruneau from the University of Buffalo, and Greg MacRae, a professor at the University of Canterbury considers the construction response to the Christchurch earthquakes. The authors surveyed 74 buildings, which made predominant use of steel frame construction. Read the full story here.

~~~~~~

Crowds jostle for Hong Kong flats, no end in sight to housing boom – (Reuters) - HONG KONG - Hong Kong's red-hot property market kicked off 2018 with hundreds queuing to buy flats in the first major property launch of the year on Saturday (January 13 2018), backing expectations strong demand will further lift record prices by 5 to 20 percent over the year. The Asian financial hub has one of the most expensive housing markets in the world, with private home prices shattering historic records for 13 months in a row and rising almost 200 percent since 2008. Among the some 100 pre-sale apartments offered by major local developer Sun Hung Kai Properties on Saturday, the least expensive flat at a size of 382 square feet costs about HK$8 million (US$1.02 million), or HK$21,000 per square foot, though with a certain payment plan the buyer could get a 22 percent discount.

The flats are located about an hour's commute away from the central business district.

"For everybody in Hong Kong, buying a flat is a life goal," said 26-year-old Ms. Chau, one of the some 600 potential buyers queueing up in the first hour.

"I am angry that housing prices keep going up. Now the value of HK$10,000 is like HK$1,000 in the past. For many people they cannot afford to buy unless they have their family's help."

While Hong Kong's flats are getting more expensive, many are also getting smaller. Later this month, major developer Henderson Land Development is expected to launch sales for a residential project with flat sizes ranging between 180 and 420 square feet. Multiple property consultancies and agencies expect home prices to climb a further five to 20 percent in 2018 with no immediate end in sight to the boom.

Although the city's de facto central bank has imposed eight rounds of mortgage tightening measures since 2009 on top of the government's tax and regulatory measures, analysts say these measures have effectively locked up the second-hand market's supply, further fueling prices. But the government stresses it has no intention to relax the so-called "spicy measures." "Due to very low interest rates, high liquidity and the imbalance of housing demand and supply, the property market is now still red-hot, prices are still at an extremely high level and there is no sign of it coming down," Acting Secretary for Transport and Housing, Raymond So, told legislators on Thursday. "Therefore, at the moment the government has no intention to ease 'spicy measures.'"

~~~~~~

Solar powered lights installed on the Auckland Harbour Bridge – *Radio New Zealand* reports that work is being done to install 90,000 solar powered LED lights on the Auckland Harbour Bridge. Lines company Vector is paying for the $10 million project. Read the full story here.
~~~~~~

~~~~~~

Samoa: Petition against lands and titles statute to be presented to Parliament – *RNZ News* reports opponents of Samoa's 2008 Lands and Titles Act will present a petition to Parliament when it opens on 23 January 2018 urging the repeal of the Act. The petitioners believe the Act's Torrens system focus is contrary to traditional Samoan land rights. Read the full story here.

~~~~~~

Building consents hit 13-year high –

Stuff reports that in November New Zealand home building consents hit a 13 year high of 3262. 1450 new homes were consented across Auckland. Read the full story here.

~~~~~~

Waitakere Ranges rahui being ignored by some – *RNZ News* reports that Auckland Council's environment committee chair Penny Hulse has said people are still visiting the Waitakere Ranges despite the rahui placed on them by Te Kawerau ā Maki aimed at combatting kauri dieback. She confirmed there is no legal way to close the Ranges to the public so the Council is taking other measures and will meet again in February regarding track monitoring. Read the full story here.

~~~~~~

Demolition plan to create pop-up shopping hub in Wellington – *Stuff* reports that a resource consent application has been lodged to demolish an earthquake-prone, former motorcycle showroom and create a pop-up shopping hub in Wellington. The site is next to the Embassy Theatre. Demolition is expected to take two months. Read the full story here.

~~~~~~

Auckland landlord group's survey shows cautious optimism – *Stuff* reports a recent survey by the Auckland Property Investors Association suggests its members are reasonably optimistic about the future and take a long term view of their investments. Read the full story here.

~~~~~~

Queenstown housing trust plans to build 1000 affordable homes – *Radio New Zealand* reports that the Queenstown Lakes Community Housing Trust plans to build 1000 affordable homes over the next 10 years. The trust has 500 families on its waiting list. Read the full story here.

~~~~~~

Plans to demolish heritage-listed buildings in Invercargill's CBD – *Stuff* reports that HWCP Management Ltd plans to demolish two category 2 heritage listed buildings on the corner of Esk and Dee streets, Invercargill, to make way for a new development on the block. Read the full story here.

~~~~~~