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

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Legislation Case-notes March 2018

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

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

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

This month we report on seven unsuccessful appeals covering diverse situations associated with subdivision, development and land use activities from around the country;

- Two further unsuccessful applications for declaration against Auckland Council by a serial litigator involving land at Waitakere west of Auckland;
- An unsuccessful appeal against refusal of consent by Dunedin City Council to establish a wind turbine power generator at Porteous Hill near Blueskin Bay;
- An unsuccessful appeal against consent granted by Christchurch City Council for establishment of a gravel quarry at McLeans Island near Christchurch International airport;
- An unsuccessful application for a stay of proceedings on enforcement orders relating to unconsented building and development works around Auckland. The application had been made on the basis that the appellant had filed proceedings against Auckland Council, the Mayor of Auckland and the Prime Minister and sought judgments against the council of between $5m and $10m;
- An unsuccessful appeal against and judicial review of decisions made by the Independent Hearings Panel, hearing appeals to provisions of the Auckland Unitary Plan;
- An unsuccessful application for a declaration that Auckland Council could not require a bond to secure planting and establishment of native vegetation for amenity and to enhance land stability after issue of the S224(c) certificate for a subdivision.

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CASE NOTES MARCH 2018:

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Mawhinney v Auckland Council - [2017] NZEnvC 164

Keywords: declaration; subdivision; resource consent; conditions

The Court considered an application by P Mawhinney ("M"), as a trustee, for four declarations under s 309 of the RMA. The present proceeding was one of several brought by M since 2015, and related to two applications for subdivision lodged with Waitakere City Council, to which Auckland Council ("the council") was successor, in 2008. The council determined that further resource consents were needed for the proposal under s 91 of the RMA and deferred any hearing. The Environment Court confirmed the council's decisions and the High Court rejected a further appeal.

The Court adopted the descriptions of the facts of the proceeding and the proposal as contained in its decision of 29 September 2017 ("the previous decision") and considered the present application for declarations. The first related to which restrictions in pt 3 of the RMA the proposal would contravene. The Court stated there were three difficulties: first it was not

specific nor worded as a proposed declaration and the Court was unable to draft an originating application. Further, the Court was unable to make the declaration because there was no extant evidence before it as to the other applications which might be necessary. Finally, M was estopped, as determined in the previous decision, from arguing that the "proposal" was simply the application for subdivision consent. The second declaration sought related to the nature of the environment, was declined as too vague, general and lacking in utility. The third declaration related to conditions. The Court declined the declaration, stating that conditions were not themselves consent for another activity; a resource consent could only be a consent for the activity expressly described. Regarding declaration 4, which related to existing uses as part of the environment, was found to be too theoretical. The Court, in the exercise of its discretion, determined that it was inappropriate to make any of the declarations sought.

Decision date 17 November 2017   Your Environment 20 November 2017

Mawhinney v Auckland Council - [2017] NZEnvC 168

Keywords: declaration; subdivision; district plan

This was the fourth decision of the Court concerning applications, made by P Mawhinney and co-trustees of the Waitakere Forest Land Trust and the Forest Trust ("M"), for declarations in relation to a proposal to subdivide about 90 hectares of land within the Waitakere Forest. The present decision related to three declarations sought by M.

The Court considered the declarations. First, declaration number 4 concerned which plan, the Waitemata District Scheme, or the proposed replacement Waitakere City District Plan ("the proposed plan"), was operative at the time the application for subdivision was lodged in 2008. Auckland Council ("the council") submitted that there was no utility in a declaration as to what applied at the time of the subdivision application. The Court referred to the "long and tortuous history" of the proceedings involving M and stated that proposed declaration 4 was premature. The subdivision application sought consent only under the proposed plan, as it expressly referred to rules under that plan, and so the Court found that the question of the applicability of the Waitemata District Scheme was academic. Declaration 4 was refused.

Proposed declaration number 6 was to the effect that the subdivision application was for a controlled activity, relying on s 310(d) of the RMA. The Court said that there were two sets of rules applicable in the district plan; those relating to General Subdivisions and those relating to the Foothills Environment. After considering these, the Court found that the building platforms shown in M's plan were not sufficiently identified to meet the specified General Subdivision rule and insufficient to allow anyone viewing the plan to locate them. Further, there was insufficient evidence as to access to the proposed allotments, and the subdivision application was in any case "on hold" pending further resource consent applications required by the council to be made by M. Accordingly, the Court declined to made declaration 6.

Declaration number 44 related to the activity status of and the need for consent for certain barns and sheds described in the subdivision application. The Court said that it was unclear to which plan provisions the declaration related, but found that the activity was discretionary and not a permitted activity. Further, the Court found that M's argument was circular in that it assumed the existence of a legally established dwelling, which was the thing M sought to establish. An essential point for determination of declaration 44 was that each of the barns and sheds was claimed to be a "home occupation". However, there was no dwelling for which the barns and sheds might be secondary home occupations. The Court refused declaration 44. All the declarations sought were declined.

Decision date 20 November 2017   Your Environment 21 November 2017

(*Previous cases have been noted in Newslink editions dated July 2005, June, November & December 2006, April 2008, March and June 2009, July 2011, September 2012 and December 2017- RHL.)*

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Blueskin Energy Ltd v Dunedin City Council - [2017] NZEnvC 150

***Keywords**: resource consent; electricity; landscape protection; national policy statement*

Blueskin Energy Ltd ("BEL") appealed against the decision by Dunedin City Council ("the
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council") to decline resource consent for BEL's proposal to construct and operate wind turbines on Porteous Hill, Blueskin Bay ("the site"). The proposal now was for a single turbine. The sole shareholder of BEL was Blueskin Communities Trust ("the Trust"), which sought to "promote sustainable resource use" for the Bay and linked communities. The proposal was a non-complying activity under the operative Dunedin City District Plan ("the plan").

The Court reviewed the proposal, noting that among the Trust's criteria for selecting the placement of the "community turbine" was the creation of "a symbolic visual reminder of how the community is meeting its consumption needs". The Court stated that this assumed that the community would prefer a constant reminder visible from within Blueskin Bay and the Trust did not regard the impact on the landscape as giving rise to an adverse effect. Following the binding High Court decision in *RJ Davidson Family Trust v Marlborough District Council* [2017] NZHC 52, [2017] NZRMA 227, the Court said its approach to the present appeal was: to decide if a threshold test in s 104D of the RMA was passed; if so, consider the application under s 104(1); decide the weight to be given to the matters in ss 104(1)(a), (b) and (c); and decide whether the proposal should be granted or declined consent under s 104B. The Court noted that, following *Davidson*, the consent authority might have recourse to pt 2 of the Act when considering the application under s 104(1), but not afterwards as a separate exercise; and the circumstances where there might be recourse to pt 2 of the RMA were where there was invalidity, incomplete coverage or uncertainty of meaning within the planning documents. The Court considered the weight to be given to the relevant planning documents, which included the plan, the proposed Dunedin District Plan ("the PDP"), the Otago Regional Policy Statement ("the RPS") and the National Policy Statement for Renewable Energy Electricity Generation 2011 ("the NPS").

After considering the proposal's benefits, issues relating to landscape, rural character and amenity, and noise, the Court reached certain conclusions. While the NPS, addressing s 7(i) and (j) of the RMA through its policies A and B, directed decision makers to "recognise and provide for" the benefits of renewable energy activities, the Court said it did not follow from this that such benefits were necessarily to be given greater weight than the matters addressed in the balance of s 7 of the RMA; the statutory planning documents would indicate the weight to be given to those matters. The Court recognised that the proposal would increase the proportion of the country's electricity generated from renewable energy, in furtherance of the Government's targets, and so gave the proposal's benefits significant weight. Under Policy C1 of the NPS, the Court had particular regard to the need to locate the turbine where the renewable energy resource was available. In the present case, the turbine was located on a prominent ridgeline where the wind resource was sub-optimal. The Court noted there were alternative sites within Blueskin Bay where wind was available, outside of the valued landscape; the Court did not know on what basis such alternative sites were disregarded by BEL and the Trust.

Regarding effects, the Court stated that the key findings were: when viewed as a whole, there was a positive harmony between landform, land cover and the small settlements around Blueskin Bay. The inland hill country made an important contribution to the wider coastal setting and there was at present limited visual influence from any large scale structures within this landscape, the focal point of which, Porteus Hill, was devoid of any structure. While the turbine would not affect the surrounding pastoral farming and forestry activities, the perception of the landscape and the values sustained by the landscape would be altered. The turbine would be the dominant feature in the sky-line and would adversely affect the quality of the coastal landscape and would not maintain the associated amenity values. The landscape was not an outstanding natural landscape, but was nevertheless significant within the district. The plan and PDP required significant landscapes to be protected from inappropriate development and such objectives would not be achieved by the grant of consent. Further, the effects on amenity in the rural zone would not be mitigated, contrary to the plan and the PDP objectives. The Court attached significant weight to such findings. Regarding noise and aural amenity the Court made no findings as there were no reliable data submitted to it.

The Court concluded that the proposal was not contrary to the plan and PDP taken as a whole, and so turned to consider the merits under s 104 of the RMA. The Court said that difficulties arose because the effects of a renewable electricity general proposal were considered on a site located in a valued landscape. Neither the regional or district council had given effect to the NPS in their operative documents, and the Court stated that the absence of guidance on such

matters in the proposed planning documents was regrettable. The proposal would produce significant benefits in terms of avoiding carbon dioxide emissions and contributing to the local electricity supply. However, the adverse effects of the proposal were not confined to Porteous Hill residents alone; this was a valued landscape and the Court was troubled by the basis of BEL's site selection of visibility and creation of a visual reminder of how the community was meeting its consumption needs. The Court stated that by giving weight to the visibility and symbolism of the turbine, BEL had "politicised the landscape". The wind resource at the site was sub-optimal and there appeared to be alternative sites which were not within such a sensitive landscape. The Court was not convinced that the landscape values should cede to the benefits of the proposal. The Court concluded that to grant consent would not promote the purpose of the RMA. The appeal was declined. Directions were given regarding costs applications.

Decision date 19 October 2017   Your Environment 20 October 2017

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Yaldhurst Quarries Joint Action Group v Christchurch City Council - [2017] NZEnvC 165

Keywords: resource consent; quarry; environment; noise; effect adverse

Yaldhurst Quarries Joint Action Group ("the residents") appealed against the decision of Christchurch City Council ("the council") to grant resource consent to Harewood Gravels Ltd ("HGL") to establish a gravel quarry at 21 Conservators Rd, McLeans Island ("the site"). The residents were 10 persons who owned and occupied properties in the immediate locality of the site, which was in the Rural Waimakariri zone of the Christchurch District Plan ("the plan"), and they raised concerns as to the cumulative adverse effects of the proposal, including road safety, noise, dust, visual amenity and other effects on the rural character of the area. There were four existing quarries in the surrounding area. The proposal was a non-complying activity under the plan and so s 104D of the RMA applied.

The Court first set out its understanding of the proper application of *RJ Davidson Family Trust v Marlborough District Council* [2017] NZHC 52 regarding the extension of the *King Salmon* decision to the consideration of resource consent decisions. The Court now stated that it adopted the approach taken by the Environment Court in *Blueskin Energy Ltd v Dunedin City Council* [2017] NZEnvC 150. The Court was satisfied that in the present case the plan had given effect to the relevant provisions of the higher order instruments and so the Court had no need to resort directly to pt 2 of the RMA.

The Court addressed the strategic direction of the plan and the relevant objectives and policies noting that, although quarrying was a rural productive activity, this did not mean it was necessarily appropriate at the site and that the proposal was to be assessed on its merits in light of the plan objectives. The plan required decision-makers to ensure that the nature, scale and intensity of an activity recognised the natural and physical resources, character and amenity values of rural land, and to ensure adequate separation distances were maintained between new quarrying activity and incompatible activities. Further, new quarrying activities were to demonstrate site rehabilitation was achieved through a site rehabilitation plan. The Court also considered plan provisions as to traffic and noise before describing the receiving environment in which any effects of the proposal would be experienced.

The Court accepted that the proposal would benefit the rebuild of Christchurch and contribute to other large projects near the city. Evidence was then considered relating to possible adverse effects, including visual effects and effects on rural amenity, aural amenity and effects of dust, traffic and vibration. The Court concluded that: the proposal would have adverse visual effects; the increase in noise would be noticeable and would have an adverse effect on local residents and that those effects would be significant in terms of rural amenity and this was given significant weight; given the multiple existing sources of dust in the area, which the expert witnesses did not establish as a baseline, the Court had insufficient evidence to make any conclusions as to the additive dust effects of the proposal; there was no evidence that the increased traffic would present an unacceptable safety risk to the local community; the number of additional heavy vehicles on the roads would result in a doubling of such vehicles affecting two of the residents' properties; the proposed roading upgrade as required by the conditions would meet the relevant council design standards; and further evidence was required as to
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vibration effects.

Assessing the proposal under s 104D of the RMA, the Court concluded that the activity did not satisfy the first limb as to adverse effects. Turning to consider whether the application was contrary to the objectives and policies in the plan, the Court stated that HGL had not discharged its persuasive burden to provide evidence as to the future dust environment and rural character and so the Court was unable to determine whether the second limb of s 104D of the RMA was satisfied. The Court was not satisfied that the evidence established to the required standard that the use and development of rural land would support and maintain the amenity values of the rural environment, as required by the relevant objectives. While the policies recognised that quarrying was a rural productive activity, HGL had not proffered conditions ensuring the required setback and separation distances, and the proposal did not achieve policies regarding the management of noise, access and vibration. Further the plan's requirements as to site rehabilitation were not achieved and there was no stated end use objective for the site, on which the Court placed significant weight. Overall, the landscape evidence did not persuade the Court that the cumulative effects were such that rural character and amenity would be maintained, as the plan required. Provisions relating to the managing of effects of the transport system were not achieved. Accordingly, the Court found that the application did not meet either threshold test under s 104D of the Act. The Court was not satisfied that the proposal was contestable under ss 104 and 104B of the RMA, nor that it would promote the purpose of the Act. Consent was declined and the appeal upheld. Costs were reserved.

Decision date 16 November 2017   Your Environment 17 November 2017

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Lau v Auckland Council - 2017] NZHC 2491

Keywords: High Court; stay; enforcement order

E Lau ("Lau") applied to stay High Court proceedings relating to enforcement orders made by the Environment Court concerning properties at 32 Weranui Rd, Waiwera and 387 Ormiston Rd, Flat Bush. Lau's appeals to the High Court against the enforcement orders were unsuccessful.

The Court now noted that the current application was brought on the ground that Lau, who was self-represented, had filed proceedings against Auckland Council ("the council"), the Mayor of Auckland, and the Prime Minister and sought judgments against the council of between $5m and $10m. The council appealed the application on the ground that one of the previous High Court proceedings had been struck out, and the enforcement order which was the subject of the appeal had been fully implemented. The Court stated that Lau seemed not to have considered the council's notice of opposition and submissions. If he had done so, he would have realised that his application must fail. The application for stay was dismissed. Costs were ordered in favour of the council on a 2B basis.

Decision date 21 November 2017 - Your Environment 22 November 2017

(Note:-This decision on costs follows the dismissal of appeals by Mr Lau relating to six properties in the district on which unconsented development work had been undertaken. The cases had been reported previously in Newslink December 2016, February and December 2017 editions - RHL)

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Belgiorno-Nettis v Auckland Unitary Plan Independent Hearings Panel - [2017]NZHC 2387

Keywords: High Court; district plan; interpretation; zoning; building; height; natural justice

F Belgiorno-Nettis ("B-N") appealed against, and applied for judicial review of, the decision of Auckland Council ("the council") to adopt the recommendation of the Independent Hearings Panel ("the IHP") relating to submissions B-N made to the IHP regarding zoning and building height controls on properties in Takapuna. The main issues in the appeal and the application for review was whether the IHP and the council were obliged to give adequate reasons for their recommendations and decisions in relation to the matters covered by B-N's submissions. The IHP was established under the Local Government (Auckland Transitional Provisions) Act 2010

("the LGATP") to hear and make recommendations to the council under the statutory process by which the council developed and produced the Auckland Unitary Plan ("AUP").

The High Court reviewed the statutory framework and background, noting that, according to council practice, B-N's submissions and further submissions regarding zonings in Takapuna were allocated to a "topic". The Court reviewed the progress of B-N's submissions through the AUP process. The IHP's overview report, presented following the receipt of over 13,000 submissions, referred to its overarching approach to the development strategy for a quality compact urban form, as set out in the proposed AUP, and stated that the issue of greatest significance was Auckland's capacity for growth. The Court stated that the IHP's task was "truly vast" and that the nature and scale of the task, to be completed within a limited time frame, were factors which must inform any assessment of the scope and extent of the obligation on the IHP and the council to provide reasons. The Court considered the right of appeal to the High Court under s 158 of the LGATP on a question of law and the provision under s 159 for judicial review. B-N argued that the IHP failed to provide any, or sufficient, reasons for accepting or rejecting his submissions regarding the zoning and height controls applying to Takapuna and submitted that the context of time limits placed on the IHP could not be interpreted to permit a lesser standard than that provided in s 144(8), which he argued was a legislative bottom line.

The Court stated there was no inflexible rule of general application that a Judge must give reasons, although there was case authority that it was good judicial practice to do so. In the present case, there was no argument that the IHP was required to give reasons for its recommendations and that the council was required to give reasons when rejecting recommendations, as prescribed by the LGATP. The question at issue was whether the reasons given by the IHP were adequate. The Court considered Court of Appeal authority which outlined three broad reasons why a decision maker should give reasons: to further the open administration of justice; to enable the lawfulness of what was done to be assessed by a supervisory tribunal; and to impose discipline on the decision-maker and guard against making erroneous or arbitrary decisions. Furthermore, the depth of the reasoning process might vary according to the role of the tribunal and the nature of the hearing. The Court now turned to the statutory and factual context of the obligation to give reasons in the present case, being s 144 of the LGATP. The language of that section made it clear that the IHP was able to group submissions together by reference to their common application or topic and was not required to address each submission individually. The Court referred to *Albany North Landowners v Auckland Council* [2017] NZHC 138, where Whata J had found that, "approaching the issue purposively, and in the light of the scheme of pt 4, it was unrealistic to expect the IHP to specify and then state the reasons for accepting or rejecting each submission point". The Court now concluded that s 144(8)(c) of the LGATP was to be interpreted and its meaning ascertained both from the text and in light of its purpose, as provided by the Interpretation Act 1999. The clear purpose of pt 4 of the LGATP was to facilitate the preparation of the AUP. Given the scale of the IHP's task, and in the statutory context, the Court considered it was sufficient for the IHP to group submissions by reference to issues, or "topics" to which the submissions were directed. There was no requirement for the IHP to group submissions on the basis of connection to a specific site or to site-specific issues. The Court found that to require the IHP to engage with submissions relating to a specific site issue, as argued by B-N, would frustrate the clear legislative purpose of ss 144(8)(c) and (10). The IHP would be overwhelmed if it were required to respond to submissions and give reasons on a site-specific basis.

The Court observed that the IHP's reasons for adopting an approach to both zoning and height controls, to enable intensification of development in town centres and transport corridors, were clearly expressed in its reports and conclusions. The rationale of the IHP was evident and the maps issued by the IHP clearly set out the zoning and height provisions relevant to the properties and areas addressed by B-N in his submissions. Regarding the council's decision, the Court similarly found that the brief time frame and the statutory requirement only to give reasons where a recommendation of the IHP was rejected were clear indications that the council was not required to give reasons where it accepted the IHP's recommendations. The Court found there had been no error of law in relation to the interpretation or application of s 144(8)(c) of the LGATP, and dismissed the appeal.

Regarding the application for judicial review, B-N argued that the IHP's failure to give reasons was procedural unfairness and a breach of natural justice. The Court stated that the

requirements of natural justice were to be determined by reference to the circumstances and context of the decision. In construing legislation a court would respect the procedure prescribed by statute regarding matters otherwise encompassed within the procedural requirements of natural justice. In the present case, the LGATP established a codified and tailored process for consideration of submissions, which defined and informed the nature and extent of any common law obligation to give reasons under the heading of natural justice. Accordingly, the application for judicial review failed. Parties were directed to file memoranda as to costs.

Decision date 2 November 2017 Your Environment 3 November 2017

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Morningstar Development Ltd v Auckland Council - [2017] NZEnvC 200

***Keywords**: declaration; resource consent; conditions; bond; interpretation*

This decision concerned the proper interpretation of conditions in subdivision resource consents ("the conditions") requiring the payment of bonds relating to planting and maintenance of indigenous vegetation. Morningstar Development Ltd ("MDL") applied for a declaration to the effect that the conditions did not authorise Auckland Council ("the council") to require planting maintenance bonds prior to the issue of certificates under s 224(c) of the RMA.

The Court reviewed the background to the case. The consent granted by the council provided for 18 lots with existing indigenous vegetation. The conditions required planting to be "established and sustainable" on identified lots and the maintenance of existing vegetation. The ongoing protection and maintenance of existing vegetation included newly established vegetation. The Court stated the issue was whether "newly established planting" meant: just after planting; or when the area was certified by a qualified arborist as being "fully established and sustainable" to the satisfaction of the council as specified in the conditions.

The Court considered the terms of the relevant conditions and concluded that the bond covered the establishment of new vegetation until such time as it was certified as being fully established and sustainable according to the conditions. The council accepted that the bond did not cover replacement of existing vegetation by new owners after the bond was taken. The Court concluded that for clarity's sake it should make a declaration to that effect. Costs were reserved.

Decision date 30 January 2018 Your Environment 31 January 2018

(Note: Bonding for significant uncompleted works is a matter that Councils and applicants should approach with caution. It is a procedure authorised by the RMA that provides for issue of a certificate under S224(c) with completion of uncompleted works to be secured by a bond. If any works are required to be completed on the subdivided lots after deposit of a plan the developer is bound to complete the works and cannot avoid the obligations even after selling the lots. RHL)

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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 January 2018

2018 Crown Property Forum - Challenges and Opportunities. LINZ stated that responding to the challenges and opportunities of managing the Crown Estate will be the theme for 2018's Crown Property Forum. Hosted by LINZ, government agencies and professionals in the

property industry will explore how to ensure decisions maximise value and make communities more resilient. Workshops and discussions will focus on:

- The natural environment
- Treaty Settlements and enduring commitments
- Information for decision making
- Social, affordable and quality housing

The forum will take place on **4 April 2018** at Te Papa in Wellington.
Registrations open on Monday 19 February 2018.
Please click on the link for registration information. Registration Information

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Bay of Plenty Regional Council decision causes Matata residents loss of use rights. *Stuff* reports in what is believed to be the first time the Resource Management Act is used in such a manner, a Whakatane District Council proposal accepted by Bay of Plenty Regional Council will see 34 houses and sections in Matata lose the right to inhabit their property after March 2021 as part of a voluntary retreat. Whakatane District Council has had safety concerns for residents since flooding in the area in 2005. Unable to mitigate the concerns, the Whakatane District Council successfully lobbied Bay of Plenty Regional Council for a plan change that prohibits residential activity in the Awatarariki Fanhead at Matata. Read the full story here.

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Federated Farmers to challenge regional plan rules introduced to improve Lake Rotorua water. *The New Zealand Herald* reports that Bay of Plenty Regional Council's Plan Change 10, which seeks to improve water quality in the Lake Rotorua catchment by limiting the nitrogen entering the lake from land use, will be appealed by Federated Farmers, which is trying to raise enough money for its challenge in the Environment Court. Read the full story here.

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Government gives extension to deadline for unreinforced masonry repairs. *The Dominion Post* reports that Building and Construction Minister Jenny Salesa has stated that buildings with unreinforced masonry which pose an immediate risk to the public may have an extra six months to achieve compliance. However, the reprieve will be granted only where owners of such buildings are making a genuine effort to complete the required repairs. Read the full story here.

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Construction of $240m nutritional formula plant in Gore nearly finished. The *Otago Daily Times* reports that Mataura Valley Milk's new nutritional formula plant at McNab, near Gore, will be completed in May. The $240 million project has taken almost two years to build and will produce 30,000 tonnes of infant formula per year when up and running, most of which will be exported. Read the full story here.

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$75m extension for Botany Town Centre, Howick. *Stuff* reports that building will start this week on the $78 million project to expand Botany Town Centre, Auckland's second-largest shopping mall. The centre will have over 200 retailers when the planned construction is finished in May 2019. Read the full story here.

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New flood-risk mapping for Northland. *The New Zealand Herald* reports that 13,500 properties are shown as being at risk from storm surges, flooding and coastal erosion on Northland Regional Council's new coastal hazard maps. Read the full story here.

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$632,000 skate park for Tokoroa. The *Waikato Times* reports that a new skate park in Tokoroa, complete with skate bowl, plaza area, footpaths, and carpark is expected to be complete within three months. Read the full story here.

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Central Otago dwelling consents rise. The *Otago Daily Times* reports that the number and value of building consents in Central Otago continues to grow, rising almost 23 per cent in

number and 69 per cent in value in a year. Read the full story here.

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Repair work to start on Kaikoura coast tunnels. *Stuff* reports that two sets of tunnels on State Highway 1, south of Kaikoura, which were damaged during the 2016 earthquake, will be heightened by 300 millimetres as part of the $231 million NZTA package. Read the full story here.

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New Plymouth Airport $28m upgrade underway. The *Taranaki Daily News* reports that New Plymouth Airport chief executive Wayne Wootton says that when completed the upgraded airport will provide a "fantastic gateway to Taranaki". The $28.7 million project is underway and construction of the new terminal building will start later this year. Read the full story here.

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Time to focus on the importance of New Zealand's wetlands. *Stuff* comments that World Wetlands Day, which is celebrated on 2 February, is a time to focus on the importance of New Zealand's wetlands. Currently only two per cent of New Zealand's land area is wetlands and they are mainly located on farm land. Read the full story here.

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Govt tipped to soften foreign house buyer ban. *The New Zealand Herald* reports that Housing Minister Phil Twyford has said the Government is considering relaxing the ban on purchase of houses by overseas buyers to the extent that foreigners who develop and build new properties might be allowed to keep them, instead of having to sell such properties within 12 months. Read the full story here.

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QLDC approves Skyline carpark Reserves Act lease. The *Otago Daily Times* reports that Queenstown Lakes District Council has approved the lease by Skyline Enterprises Ltd (SEL) of a 8532 sq m site on a council-owned reserve for use by SEL as a multi-level car park, catering mainly for users of the proposed gondola. Read the full story here.

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MPI offers to pay farms to plant pines. *Radio New Zealand* reports that Crown Forestry, a business unit of the Ministry for Primary Industries, is offering to plant pine trees on unproductive farm land under a lease or joint-venture arrangement with land owners. Read the full story here.

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CCC committee approves first stage of $16.5m Heathcote River dredging proposal. *The Press* reports that work to dredge a 700-metre section of the Heathcote River is expected start in May, following the decision by Christchurch City Council's Infrastructure, Transport and Environment Committee. The work is the first stage of a $16.5 million program to remove 55,000 cubic metres of material from the river. Read the full story here.

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Council considers recognising Te Mata Peak as wāhi taonga. *Stuff* reports Hastings District Council is considering recognising Te Mata Peak as a wāhi taonga, or sacred place. The council's planning and regulatory committee have met to discuss the adequacy of the Hastings district plan in light of the controversial track cut up the eastern side of Te Mata Peak without public notification in October 2017. Read the full story here.

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Developers concerned about proposed Christchurch transport plan changes. *Stuff* reports that developers are concerned that Christchurch City Council wants to extend the tramway and conduct roadworks on High St in 2019 instead of this year while the street remains closed. Read the full story here.

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Maori interest in surplus Crown land applications for February 2018. Land Information

New Zealand works with the Office of Treaty Settlements to manage surplus Crown properties in the Treaty Settlements Landbank. A schedule is published frequently with new Crown properties declared surplus. Iwi are invited to register their interest in these properties with the Office of Treaty Settlements. Please click on the link for full statement. Media release

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Denniston Plateau land will not be sold to coal mining company. *Radio New Zealand* reports the Government has rejected a recommendation from the Overseas Investment Office that Bathurst Coal be permitted to buy 19 hectares of land on the Denniston Plateau. Read the full story here.

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New $50m campus at Frankton for Wakatipu High School. _ The *Otago Daily Times* reports that construction has almost been completed of Wakatipu High School's new campus development in Frankton. The development took four years to build, at a cost of more than $50 million. Read the full story here.

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Ecological voyage to Antarctica. _ *Radio New Zealand* reports that the research vessel Tangaroa will sail this week, with 23 NIWA scientists on board, for a six-week voyage to the Ross Sea to investigate fauna and marine life in Antarctica's ecosystem and to refine climate change models. Read the full story here.

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Subdivision rules thwart builder. *Stuff* reports that a builder's plan to use ready-made homes in Marlborough subdivisions has been thwarted by covenants as the houses are too small. Read the full story here.

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Horowhenua DC proposes priority areas for earthquake-prone buildings. The *Manawatu Standard* reports that the main streets of Levin, Foxton and Shannon have been proposed as priority areas for fixing Horowhenua's earthquake-prone buildings. Horowhenua District Council is consulting with the public as to whether it has identified the right areas. Read the full story here.

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Homes to be affected by proposed Otaki expressway. *Radio New Zealand* reports that hundreds of houses may be affected by a planned expressway linking Otaki to Levin. The New Zealand Transport Agency has released a shortlist of nine options for the four-lane state highway. Read the full story here.

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Ban on foreigners buying property in New Zealand harsher than Australia, claims lawyer. *The New Zealand Herald* reports Joanna Pidgeon, Auckland District Law Society president says the proposed anti-foreign house-buyer ban in New Zealand has gone much further than Australia, prohibiting non-residents from not only buying an existing house but also building a house or buying a property off the plans without consent. In Australia, overseas people cannot buy existing property, but can buy new property. Read the full story here.

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Residential building consents at 13-year high. The *New Zealand Herald* reports that Statistics New Zealand figures show New Zealand residential building consents rose 3.4 per cent in 2017 to their highest level in 13 years. Read the full story here.

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