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Legislation Case-notes May 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 appeals covering diverse situations associated with subdivision, development and land use activities from around the country;

- A successful appeal resulting in an increase of the number of dwellings from two to three as permitted activities in certain residential zones in the Auckland Unitary Plan;
- A largely unsuccessful application for judicial review of a decision by Queenstown Lakes District Council to approve a non-complying residential development;
- An appeal to the High Court against a decision of the Environment Court relating enforcement orders served on the appellant for unauthorised works on an esplanade reserve adjoining a property at Avondale, Auckland;
- Two decisions on applications by Auckland Council for declaration on interpretation of the multiple provisions in its own unitary plan and the hierarchy of the general rules, overlays, Auckland-wide provisions, zones, precincts and standards, and the priority where there are conflicts between different provisions;
- Two applications for declaration involving situations at Wanganui; one on interpretation of "existing ground level" and another on the acceptability of an engineer as a "suitably qualified and experienced geotechnical engineer".

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CASE NOTES May 2018:

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Adams v Auckland Council _ [2018] NZEnvC 8

Keywords: district plan; zoning; residential; dwelling; density; jurisdiction

This appeal concerned the permitted threshold for residential housing in the Mixed Housing Suburban (MHS) and Mixed Housing Urban (MHU) zones of the Auckland Unitary Plan ("the AUP"). Auckland Council ("the council") and others had signed a consent memorandum, annexed to the decision as A.

The Court considered whether the assessment criteria for restricted discretionary activities ("RDA") were a checklist set of rules, or rather served as a guide to council officers and parties as to the issues which were relevant. The Court was satisfied that the intention of the assessment criteria was to create matters for consideration rather than be a list of rules. After deciding certain jurisdictional issues, the Court addressed the appeal by R Adams ("A"), which concerned the permitted threshold and matters of access width to rear lots. The main issue in the appeal was whether the threshold of permitted dwellings in a multi-dwelling development, under the AUP, should be three or four dwellings within the MHU and MHS zones before RDA consent would be required. The Court considered evidence as to modelling of multi-unit developments and the assessment criteria before considering the legal tests under s 32 of the RMA. The Court concluded that a threshold of either three or four dwellings would accord with Part 2 of the RMA, under s 74(1)(b) and that on such a basis the council would be carrying out its functions under s 74(1). The Court considered what would give effect to a regional policy statement under s 75(3)(c) of the RMA, and found that the policy statement was focused on

achieving intensification, while maintaining amenity levels. A threshold of either three or four dwellings would give effect to this. The Court observed that, with regard to matters under s76(3), there was little evidence as to whether three or four dwelling developments would better meet, reduce or mitigate any adverse effects of such residential intensification. The Court accepted that the ability to achieve better outcomes was a potential benefit of a RDA process, but there was no evidence or certainty that intervention by council officers via the assessment criteria would achieve better amenity outcomes. The key unknown was how the council would apply the RDA provisions, and the Court noted that recent changes in the RMA meant there was no longer the right of appeal in relation to residential activities unless they were non-complying activities.

The Court stated that, having applied all relevant criteria it was still in some doubt as to which was the more appropriate provision. The Court determined to adopt a permitted threshold of three dwellings, for reasons which included that: there was potential for better outcomes through the RDA process; there was potential for better amenity outcomes; a cautious approach should be adopted to changing the regime in Auckland from density to number of dwellings; and a higher threshold might create unreasonable expectations in some sections of the public. Overall, the Court considered that the purpose of the Act was better met by adopting the permitted threshold of three dwellings. The Court stated that the assessment criteria would benefit from further clarification, and that was the only issue remaining to be resolved. The council was directed to provide a proposed final wording of the provisions to the parties for response, according to the schedule set by the Court. The Court stated that costs were reserved.

Decision date 21 February 2018 - Your Environment 22 February 2018.

(Note – the amended rule to allow up to three dwellings as a permitted activity becomes operative on 7th May, but note that any infringements of other rules or standards may still require resource consent .- RHL.)

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McMillan v Queenstown Lakes District Council _ CIV-2017-425-51; [2017]NZHC 3148

Keywords: High Court; judicial review; resource consent; public notification; building

K and V McMillan (“M”) applied for judicial review of the grant, without notification, of resource consent by Queenstown Lakes District Council (“the council”) to Coronet Managers Proprietary Ltd (“CMPL”). M owned and occupied a residential property at 681 Peninsula Rd, Kelvin Heights, Queenstown. CMPL owned the neighbouring property at 685 Peninsula Rd and sought to construct a dwelling on it (“the building”). The plans for the building involved breaches of the Operative District Plan (“ODP”) and, in discussions with CMPL, M expressed concerns about possible adverse effects on them including shadowing effect, loss of views and earthworks. F, a professional advisor employed by M, wrote to CMPL expressing these concerns. CMPL submitted amended plans for the building to the council as part of the consent application. Consents were required under the district plan because of breaches of height limits and permitted footprint, earthworks and vehicle access provisions. Learning of the application, F wrote to the council, advising of M’s adverse effects concerns. The council decided to process the application on a non-notified basis and to grant consent, with conditions. M challenged the decision on the grounds that they were affected persons under s 95E of the RMA and alleged the council’s decision was unlawful because it: failed to follow proper process; erred in the application of the permitted baseline; failed to take into account relevant considerations; and was unreasonable.

The Court first considered the allegation of procedural impropriety, noting the provisions of ss 88(2) and sch 4 of the RMA in order to determine whether the council had received adequate information on which to base its decision. M maintained that the Assessment of Environmental Effects (“AEE”) provided to the council by CMPL failed to identify M as persons affected. The Court noted that Wiley J in *Tasti Products Ltd v Auckland City Council* [2016] NZHC 1673, (2016) 19 ELRNZ 555 had stated that there was no longer, since the 2003 and 2009 amendments to the RMA, a statutory requirement that a council be satisfied that it had received adequate information. In the present case, the Court found that the AEE was deficient because it failed to identify M and their concerns. The Court rejected CMPL’s submission that this was acceptable because the amended “activity” which was eventually applied for differed from that previously discussed with M. While a failure to provide information to be included in an AEE might result in the council processing the application on an improper basis, the Court considered that the focus must be on the process itself and whether, despite deficiencies, a proper process was applied by the council or whether the deficiency had an impact on the
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integrity of such process. In the present case, the Court found that F's letter to the council had provided sufficient information relating to M's concerns and their assertions that they were affected persons and so, despite deficiency in the AEE, the council had available to it, and took into account, sufficient information. The effect of F's letter to the council was to render CMPL's omission from the AEE redundant.

Turning to address the second ground of review, the Court considered s 95E(2)(a) of the RMA and the permitted baseline. While accepting that certain parts of the AEE included elements of advocacy on this matter, the Court found that the council had also made its own independent assessment of whether adverse effects of the proposal, beyond the permitted baseline, including breaches of ODP height limits, would be minor or more than minor. The Court found that the council had made no error of law in the exercise of its discretion to apply the permitted baseline. Regarding the third ground of review, the Court considered the specified provisions of the ODP and the proposed District Plan which M argued the council had failed to take into account. The Court concluded in each case that there had been no error made by the council, other than one acknowledged error which the Court found was not capable of invalidating the decisions.

The Court then considered the unreasonableness ground of review, and rejected argument by M that recent High Court decisions indicated that there had been a loosening of the bounds of *Wednesbury* unreasonableness. The Court now was of the view that *Wednesbury* still applied. In the present case, the Court did not consider that the alleged errors relied on by M rendered the council's decision unreasonable. The Court said it paused in reaching this conclusion, resulting as it did in preventing a neighbouring landowner from formally participating in the consent decision-making process regarding the construction of a new building on an adjoining site in breach of the ODP. However, where it was reasonably open to the consent authority to assess the adverse effects of the non-complying activity as being less than minor, the statute did not require notification. The application was declined. Costs were reserved.

Decision date 22 January 2018 - Your Environment 23 January 2018.

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Banora v Auckland Council _ [2017] NZHC 3276

Keywords: High Court; enforcement order; natural justice; error

A and E Banora ("B") appealed to the High Court against enforcement orders imposed by the Environment Court ("the EC") in its decision of 9 December 2016, in respect of B's property at 82 Wolverton St, Avondale ("the site"). B raised three questions of law: was the EC hearing conducted fairly, according to the principles of natural justice; did the EC wrongly confine issues before it; and did the EC consider irrelevant evidence and place weight on plainly wrong evidence.

The Court reviewed the background. The site, purchased by B in 2006, was bounded by the Te Whau stream ("the stream") and by a strip of land owned by Auckland Council ("the strip"), used for access from Wolverton St to the stream esplanade reserve. B had complained, since 2010, to the council about various matters relating to the strip, and about issues arising from activities in neighbouring properties. In November 2015 the council issued abatement notices to B relating to the use of that part of the site within a flood plain; in February 2016 the council issued infringement notices. In March 2016, B undertook, without resource consent, works which they considered necessary to combat council sewage allegedly flowing from the strip into the site. Subsequently the enforcement orders were granted requiring B to cease such earthworks.

The Court considered the EC decision findings which included that: B had undertaken the earthworks; the works were undertaken without the necessary resource consent; the works had extensive adverse effects; the four-step test in *Watercare Services Ltd v Minhinnick* [1998] 1 NZLR 294 (CA) should be applied; there was a clear connection between the works, the effects and what needed to be done to address such effects; and there was no justification for B undertaking the works without first obtaining consent.

The Court considered the grounds of appeal. Regarding the conduct of the hearing, the Court noted that usually an allegation of breach of natural justice was addressed by judicial review proceedings rather than by appeal. In the present case, the sole issue under this ground was the allegedly late service of an affidavit by the council's engineer, which B said was not received until the morning of the hearing, preventing them from considering it and replying. The Court considered s 352 of the RMA relating to service of documents. The affidavit in question was attached to an email by hyperlink; B said they had difficulties in downloading this. The Court,
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after considering argument as to whether service by hyperlink constituted service by email, found that in the present case B had also been sent the affidavit by courier to the site, and that it had been signed as received at the site. This was held to constitute service under the RMA. Further, even if service had not technically been effected, the Court was not satisfied that a failure resulted in a breach of natural justice. The EC had allowed B time to consider the affidavit overnight and following that adjournment B had questioned the council engineer at length about the affidavit. The Court found that the first ground must be dismissed. Regarding the second ground, the Court did not consider that the EC had ignored B's concerns about the council's actions on adjoining land. The EC had in fact paid very careful attention to B's defence. Further, the Court did not consider that *Minhinnick* could be equated to a general requirement that applicants for enforcement orders under s 314 of the RMA must come to the Court with "clean hands" according to the equitable principle. The second ground failed. Similarly, the Court found the EC made none of the errors raised under the third ground of appeal. The EC carefully considered B's complaints and rejected any defence based on justification and had not relied on plainly wrong evidence. The appeal was dismissed. The council was entitled to costs.

Decision date 6 February 2018 - Your Environment 7 February 2018.

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Auckland Council v Budden _ [2017] NZEnvC 209

***Keywords**: declaration; interpretation; district plan; objectives and policies; council procedures; public access*

Auckland Council ("the council") applied for declarations regarding the interpretation of certain provisions of the partly operative Auckland Unitary Plan ("AUP"). In particular, the council sought endorsement by the Court of the interpretation it had been applying to activities on sites located both within the Residential – Single House zone ("SHZ") and the Special Character Areas Overlay – Residential ("SCAR").

The Court reviewed the background, noting that the AUP was a combined regional policy statement, regional plan and district plan, with a hierarchical policy framework and broadly comprising six types of provision: general rules, overlays, Auckland-wide provisions, zones, precincts and standards. The present interpretation issue concerned the proper relationship between the SCAR provisions, the general rules and the SHZ provisions. There were 27 overlays in the AUP, spatially mapped, which applied across parts of zones and precincts. It was the council's view that rules and performance standards within SCAR were "a replacement package" for those within the underlying SHZ. The alternative interpretation, on which all other parties and the amicus curiae appointed by the Court agreed, was that the SCAR did not nullify performance standards set out in the SHZ rules but rather that all rules relevant to an activity or activities must be applied, as directed by s 9(3) of the RMA.

The Court considered the SCAR and SHZ objectives, policies and purposes and the council processes. Included in the latter was a Council Practice Note, which was framed on the basis of the interpretation adopted by the council, namely that the overlay was to take precedence over corresponding provisions within the AUP. The Court addressed its jurisdiction to interpret subordinate statutory instruments, as set out in the Interpretation Act 1999 ("the IA") and case authority, including the Court of Appeal decisions in *J Rattray and Son Ltd v Christchurch City Council* (1984) 10 NZPTA 59 and *Powell v Dunedin City Council* [2005] NZRMA 174, [2004] 3 NZLR 721. The Court considered the competing interpretations in submissions by the council on the one hand and the other parties on the other. The Court concluded that the interpretation proposed by the council was unsound and contrary to statutory interpretation principles. The assumption underpinning the council's interpretation was that the SCAR's performance standards for its specified classes of activity were "a complete set of development standards", comprising a replacement package for corresponding provisions in the SHZ. That assumption was flawed because it failed to account for the immediate context of related general rules and objectives and policies, contrary to *Powell*. The Court stated that the general rules applied to the consideration of both the SCAR and SHZ. The Court agreed with the amicus and other parties in finding that the SCAR did not have the effect of cancelling out SHZ performance standards. Accordingly, the council's declarations were declined.

In addition, the Court made certain other comments and findings. First, integrated management underpinned the council's statutory planning function (s 31(1)(a) and pt 2 of the RMA). It was fundamental to the RMA processes that multiple issues be managed according to the directions given by plan objectives, policies and rules. Thus, in cases where the SCAR values would require applying, for example, a higher building height than those in the underlying zone, that
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did not dictate a need to put aside competing amenity value considerations. Rather, the Court said it was the consent authority's task consider such competing values and to come up with a sound and informed outcome, in light of the directions given by the objectives, policies and rules. There was the potential for significant resource management impacts to go unchecked if the council's approach were applied. Second, the Court considered the council's Practice Note, which had evidently been followed in a number of cases. The Court found that the practice described, whereby the overlay provisions overrode the zone provisions, was not defendable, both in terms of proper statutory interpretation and as a proper exercise of the council's functions under the RMA. The Court stated that the Practice Note should be immediately withdrawn. Third, the Court accepted submissions that it was unconstitutional of the council to simply elect not to apply certain rules in the AUP, or decide whether a particular rule was relevant. Rather the RMA directed the council to administer and enforce the RMA. Fourth, counsel for the Government parties informed the Court that a part of the AUP which was in the process of being updated by a plan change was available only in electronic form. In other proceedings, the parties had been unable to supply the High Court with a pre-plan change version of the AUP. The Court stated that s 35(3)-(5) of the RMA imposed a clear duty on councils to keep reasonably available information relevant to the administration of policy statements and plans. This implied keeping full and accurate copies of such instruments and ensuring they were publicly accessible. The fact that a council might have an electronic plan did not relieve them of such duty; public participation was fundamental to the Act and the planning instruments must be kept available to the public. The Court said it would issue a second decision, making a declaration indicated by the present decision findings. Costs were reserved.

Decision date 2 February 2018 - Your Environment 5 February 2018.

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Auckland Council v Budden _ [2018] NZEnvC 3

Keywords: declaration; activity; zoning; district plan

This decision followed that of 19 December 2017 ("the previous decision") by which the Court made a declaration relating to when a proposed activity, on a site located within both the residential single house zone ("SHA") and also in the special character areas overlay residential ("SCAR") of the partly operative Auckland Unitary Plan ("AUP"), would require resource consent. In the previous decision, the Court found that a certain Practice Note of the council's was invalid, and made obiter observations as to the difficulties arising in accessing plan provisions which were available only in electronic format.

The Court noted that the council had withdrawn the Practice Note in question and would file a response to the Court's comments about accessing the AUP. The Court now considered the redrafted declaration and proposed certain revisions to its wording. The Court set a timetable for submissions on a form of wording for a declaration. The council was directed to continue and complete its comprehensive analysis of the relationships of various overlays and underlying zones in the AUP. Costs remained reserved.

Decision date 14 February 2018 - Your Environment 15 February 2018.

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Reuters Construction Ltd v Whanganui District Council – [2018] NZEnvC 11

Keywords: declaration; district plan; interpretation; height

This appeal concerned the issue of what was the proper interpretation of rules in the Whanganui District Plan ("the plan") relating to identification of the legal boundary and existing ground level in relation to a proposed dwelling at 14 Collier Dr, Whanganui ("the site"). The site was part of a subdivision which had been under development for some years but was now largely complete. Reuters Construction Ltd ("RCL") applied for declarations that: the proposed dwelling at the site complied with r 4.5.4(b) of the plan ("the Rule"); and that for the purposes of the Rule the existing ground level was to be measured at the ground level following earthworks which were authorised by a previous resource consent. RCL argued that the proper measurement of existing ground level at all site boundaries, in the plan, was from the existing ground level at the boundary at the time that the site was created by subdivision. The Whanganui District Council ("the council") opposed the declarations, and submitted that its earlier interpretation of the plan relating to the measurement of existing ground level at site boundaries, as was contained in the previous consent, were incorrect. The council argued that the measurement should be taken from the pre-development ground level, before the subdivided site was created, using LIDAR (Light Detection and Ranging) data.

The Court adopted the approach to interpretation of plan provisions suggested by the High Court in *Nanden v Wellington City Council* [2000] NZRMA 562, cited in *Wellington City Council v Aitchison* [2017] NZHC 1264. The Court now said that the factual position in *Aitchison* was "murky" and there was ambiguity in the meaning of the plan provision in question. In the present case, however, there was no such obscurity or ambiguity. The terminology used in the Rules was plain and clear. The recession plane for any new buildings and structure was to be measured from the existing ground level at the site boundary. The Court said that the real issue was "what was the existing ground level at such boundary?" The Court agreed with RCL that the land at what was now 14 Edith Collier Drive was not a "site" until the subdivision was complete and was recognised on a deposited plan. Applying the factors discussed in *Nanden* the Court stated that to say, as the council now did, that the term "existing ground level at the boundary" meant a ground level which might be different from that at the current boundary was to invite "absurdity or anomalous outcomes". Further, to adopt a definition that might lead to some former ground level was not one which was consistent with expectations of property owners. Finally, such an interpretation would not promote practicality of administration by council staff. The Court concluded that the interpretation contended for by RCL was to be preferred. Accordingly, the declarations sought were granted. Costs were reserved.

Decision date 28 February 2018 - Your Environment 10 March 2018

(Note: this situation appears to have some similarity to the matters in contention in the Aitchison versus Walmsley cases at Wellington. Clearly written rules and standards in a District Plan facilitate better interpretation by all parties. – RHL.)

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David Mulholland Consulting Engineer Ltd v Whanganui District Council – [2018]NZEnvC 10

Keywords: declaration; district plan; rule; interpretation

David Mulholland Consulting Engineer Ltd applied for two declarations under s 310 of the RMA. The declarations sought were to the effect that: that David Mulholland ("M") was a suitably qualified geotechnical engineer for the purposes of Rule 11.5.1 ("the rule") in the Whanganui District Plan ("the plan") in respect a proposal to construct a retaining wall at 80 Hipango Terrace, Whanganui ("the site"), as described in the specified application for resource consent; and that Whanganui District Council ("the council") in making its decision of 16 August 2017 ("the council decision") failed in its duty to make an assessment whether M was a suitably qualified engineer for the purposes of the rule. The rule provided that a person who proposed to undertake specified activities should provide to the council a report from a "suitably qualified and experienced geotechnical engineer" and further that the council should maintain a list of such engineers. M, a civil engineer of 55 years experience, was engaged by the owners of the site, after cracks formed, following significant weather events, in a steep and heavily vegetated slope, at the top of which the site was located. A paved footpath and timber deck had moved away from the dwelling. A report made to advise the Earthquake Commission found there was an imminent risk of a landslip. M prepared engineering designs which were submitted to the council with an application for building consent, which was granted. The proposed works also required resource consent; the owners of the site prepared an Assessment of Environmental Effects (AEE) describing M as having provided the required geotechnical confirmation of the risks. The council declined to accept M as being a suitably qualified as described in the rule because he was not on the Engineering New Zealand register and was not specifically certified in the geotechnical field.

The Court considered the significance of a certificate from a "suitably qualified and experienced geotechnical engineer", noting that under the plan if such a certificate was provided then the present proposed activity would be controlled, but if it were not then the activity status would be non-complying. The difference in status demonstrated the importance placed upon the expert opinion of its provider. The issue was whether the council's act of declining to accept M's certificate contravened the relevant rule in the plan. The council submitted that reliance on the specialist records maintained by Engineering New Zealand meant that the assessment process was consistent and simple. Further, the importance of the issues and the necessity to ensure the safety of life and property were consistent with specified polices in the plan regarding natural hazards. The council kept a list of 13 engineering firms or practices, among which M's practice was not numbered. It was M's submission that if a qualified engineer asserted to the council that he or she had competence in a particular field, then the council must accept that.

The Court stated that the council did not have the in-house expertise to make its own informed assessment of engineering qualifications and experience. Further, the risks and responsibilities
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involved went much wider than the individual landowner involved. The Court found that, in considering an application and a report under the rule, the council should not be obliged to accept at face value an assertion of competence by a person. It made sense for a body in the position of the council to be able to rely an independent and knowledgeable source, such as Engineering New Zealand, on the question of whether any individual engineer had suitable qualifications and experience in a particular field. In interpreting the rule, the Court adopted the approach taken by the High Court in *Nanden v Wellington City Council* [2000] NZRMA 562, in addition to s 5(1) of the Interpretation Act 1999, concluding that the text of the rule was plain on its face. Further, the plain and logical purpose of requiring a certificate from such a qualified person was that the council be assured of the reliability of the certificate and the protection not only of the applicant but of other landowners and the public generally from what might be a significant physical and financial risk in the event of structural failure. The applications for declarations were declined. Costs were reserved.

Decision date 27 February 2018 - Your Environment 28 February 2018.

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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 2018

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Environment report highlights serious land issues. Environment Minister David Parker stated that a report on the state of New Zealand's land has highlighted the impact of urban sprawl, the loss of important wetlands and emerging problems associated with soil compaction.

The *Our land 2018* report, released by the Ministry for the Environment and Stats NZ, confirmed the need for more action to improve land management, Mr Parker said.

The report found that New Zealand loses around 192 million tonnes of soil each year to erosion, of which 84 million is from pasture land.

Mr Parker said Government, farmers and others with an interest in land have a role to play in better managing erosion-prone land.

"The report also confirms the continued loss of our limited wetlands, which contain some of our most precious biodiversity, and filter contaminants from land. We must do more to protect these," Mr Parker said.

"I had already asked officials to begin working on a more comprehensive freshwater national policy statement to address concerns about sediment, wetlands and estuaries," he said.

"Finally, this report must spark a greater effort to build our knowledge of land, as it's clear there are significant data gaps which must be filled," Mr Parker said.

Please click on the link for full statement and report. Media Release Report

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Not such a pretty outlook for Tauranga's Bella Vista homes. *Radio New Zealand* reports that Tauranga City Council has said that all 21 properties in the former Bella Vista Homes development have been deemed "dangerous and affected", or "affected", and cannot be reoccupied. The company which undertook the subdivision was liquidated last year. Read the full story here.

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Canada: Diplomatic immunity can't be used to avoid paying rent. – *The New Zealand Herald* reports that in a case factually similar to a rental stoush in New Zealand, a Canadian court has found that a foreign diplomat cannot use immunity to get out of paying rent, as the Vienna Convention on Diplomatic Relations does not apply to commercial transactions by

diplomats in their host country. The ruling could give an indication of where the controversy in New Zealand will lead, involving an EU diplomat who owes $20,000 in rent and damages for a Wellington rental. Read the full story here.

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State homes in the pipeline for Wellington – *The Dominion Post* reports that Housing New Zealand has invested $48.5 million to build 145 new social housing units in the Wellington area. Read the full story here.

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1,000-section Lake Hawea development queried – The *Otago Daily Times* reports that the necessity for the proposal by Lane Hocking to build up to 1,000 housing units in a special housing area near Lake Hawea has been questioned by Upper Clutha developer Allan Dippie, who is undertaking a subdivision nearby. Read the full story here.

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Fish and Game want to limit high country visitor numbers – *Radio New Zealand* reports that Fish and Game New Zealand has submitted to the Walking Access Commission report on high country areas in the South Island that increased numbers of tourists are harming the environment and that visitor numbers should be reduced. Read the full story here.

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Cadbury World redevelopment given consent – The *Otago Daily Times* reports that Dunedin City Council has approved the proposal to move Cadbury World from Cumberland St to the refurbished Dairy Building in Castle St where, after undergoing a multi-million redevelopment, the tourist complex is expected to attract up to 120,000 visitors each year. Read the full story here.

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Australia: Strict rental laws force domestic violence victims to stay in abusive relationships. *ABC News* reports that rental laws in Australia are creating further obstacles for domestic violence victims to leave abusive relationships. Currently there is no law that permits a victim of family violence to break a rental agreement before the lease is up. Read the full story here.

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Auckland Council postpones vote on proposed sale of seven unwanted properties. *Radio New Zealand* reports that the vote on a report by Auckland Council's corporate property and finance teams which urges the early sale of seven surplus properties in the region, to raise up to $190 million, has been postponed for a month. Read the full story here.

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Tasman District Council faces hurdle in bid to build dam. *Radio New Zealand* reports the Tasman District Council plans to buy Crown river bed and margins in the Lee Valley, south of Richmond, for the construction of a dam faces a critical hurdle, due to Department of Conservation concerns that going ahead with the transfer would put the Crown at risk of significant legal challenge under the Public Works Act. - Read the full story here.

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New $6.9m memorial and civic centre for Matamata-Piako. The W*aikato Times* reports that the newly constructed $6.9 million Civic and Memorial Centre has been officially opened in Matamata. Read the full story here.

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Far North iwi joint venture given consent to extract kauri resin from wetland. The *Northern Advocate* reports that Ngai Takato iwi has entered a joint venture with an Auckland company to extract kauri resin and wax from the Kaimaumau wetland. The Far North Regional Council granted resource consent for the activity. Read the full story here.

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Rise in rents blamed on cost pressure. *Stuff* reports landlords across New Zealand are attributing rents rises to extra costs and regulatory increases, with experts predicting the trend will continue. Read the full story here.

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Penny Bright's home listed for mortgagee sale over unpaid rates. *Stuff* reports activist Penny Bright's Kingsland home is for sale on behalf of the High Court to recover unpaid rates and penalties dating back to 2007. Read the full story here.

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$40 million hotel for Invercargill. *The Southland Times* reports that the Invercargill Licensing Trust is proposing a 10 floor hotel building on the corner of Dee and Don St, Invercargill. There would be a standalone cafe, bar, and restaurant offerings, along with conference venues and on-site parking. Read the full story here.

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Apartments may be sold after resolution of insurance dispute. - *Stuff* reports Christchurch's Cave Rock apartments could go up for sale after a lengthy multi million-dollar dispute over insurance between the body corporate and insurers IAG and the Earthquake Commission was resolved following mediation. Read the full story here.

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Landlord fined $4,100 for non-compliant gas supply. *Stuff* reports a Christchurch boarding house owner gas been ordered by the Tenancy Tribunal to pay $4,100 after a non-compliant gas supply was found at one of her properties. - Read the full story here.

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Building Minister defends ministry over aluminium composite panel cladding. *Radio New Zealand* reports that Building Minister Jenny Salesa has defended her ministry's lack of action over aluminium composite panel cladding on high rise buildings. An engineering audit recommended the Ministry suspend the certification of most panels used in New Zealand. Read the full story here.

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Sewage overflows increase by 379 per cent. *Radio New Zealand* reports that a review by Water New Zealand states the number of times sewage overflowed into the environment rose 379 per cent last year as infrastructure struggled to cope with record rains. Read the full story here.

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Ban on offshore oil exploration. The *New Zealand Herald* reports that the Government has banned new offshore oil and gas permits. Onshore oil exploration will continue in Taranaki, and the existing 57 exploration and mining permits will remain protected. Read the full story here.

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More than 1,000 submissions to Timaru's long term plan. *The Timaru Herald* reports that Timaru District Council's Stephen Doran says that the council has received the greatest number of submissions ever to its proposed Long Term Plan, which proposes the creation of a multi-million dollar "heritage hub" and significant upgrades to the district's roading and stormwater infrastructure. Read the full story here.

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Cambridge former sand quarry land for sale for potential residential subdivision. *The New Zealand Herald* reports that a 1.6 hectare block of land near Cambridge Raceway, which was formerly a sand quarry, is on the market and, as it is zoned Residential under the Waipa District Plan, could potentially be subdivided for the construction of 22 new houses. Read the full story here.

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Rotorua Lakes Council says Ngongotaha infrastructure will cope with proposed special housing. The *Rotorua Daily Post* reports that Rotorua Lakes Council managers have reassured residents of Ngongotaha that the two Special Housing Area proposals, which would see more than 300 new homes built in the village, were needed and would not overwhelm the current infrastructure. Read the full story here.

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