Newslink Case-notes for July 2018 prepared 20 June 2018.

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Legislation Case-notes July 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 against refusal by Auckland Council of consent to a residential development in the Countryside living zone at Kumeu. Consent was granted with amendments to the proposed development;
- A conundrum where Auckland Council as a consent authority was pitted against itself as an applicant over refusal to grant consent to works in an esplanade area at Orewa;
- An unsuccessful appeal by a trust ostensibly to prevent the Auckland Council from issuing S224(c) certificates when stormwater management from new residential development at Takanini might disadvantage the trust's land;
- A successful prosecution by Auckland Council of parties involved in mismanagement of a subdivision for residential development at Glenfield;
- An application for discovery of documents recording inspections by Auckland Council of possible unauthorised earthworks at Tuhirangi Road, north of Helensville;
- A prosecution for poor management of a construction project that resulted in a discharge of concrete into a drain and stream from a development site at East Coast Bays;
- A prosecution in respect of unauthorised activities occurring at a land-fill site at Paremata.

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CASE NOTES July 2018:

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Kumeu Property Ltd v Auckland Council – [2018] NZEnvC 27

Keywords: resource consent; rural; retirement housing; activity discretionary; amenity values

Kumeu Property Ltd ("KPL") appealed against the refusal of resource consent by commissioners of Auckland Council ("the council") for a proposal for a supported care facility on the corner of Taupaki Rd and State Highway 16 ("'the site") in the Auckland rural area, within the Countryside Living Zone ("CLZ"). The proposal, originally for 289 residents and with buildings up to five storeys, was now significantly reduced in terms of building scale and number of residents.

The Court noted that the proposal was one of the first to be considered under the largely operative provisions of the Auckland Unitary Plan ("AUP") and assessed it under s 104 of the RMA. Regarding the relevant planning documents, the Court stated that the issue in the case turned upon how the activity was defined in terms of the CLZ, and how character and amenity

were determined and applied. The Court addressed five factors: the relevant AUP provisions; how the AUP dealt with rural character and amenity; residential activity under the AUP; the existing rural character and amenity around the site; and the impact of the proposed activity on rural character and amenity. After reviewing the zoning structure of the AUP, whereby the region was broken into urban and rural zones, and the six residential zones in the AUP, the Court noted that the word "residential" itself was not defined. Residential zones were only within urban areas; however, this did not mean that residential activity, dwellings and buildings could not occur in the rural area. The Court then addressed how the AUP dealt with rural character and amenity in its policies and objectives. From its consideration of the relevant AUP provisions, the Court concluded that: when assessing rural character amenity, the urban nature of residential buildings was not relevant to rural character, amenity or biodiversity values; residential buildings, whether within rural or rural zones, included retirement villages and supported residential care; rural lifestyle development or living were not defined; that the present proposal was for a residential activity and building; and the CLZ specifically anticipated residential activity within it. The Court concluded that the proposed aged care facility was intended as a retirement village/supported care facility. Further, the Court was satisfied that the current, amended, design sought to maintain or enhance the rural building forms of the area. Landscaping and wetland planting would mitigate visual impacts on neighbours.

Regarding rural character and amenity in the location, the Court stated that neither rural character nor rural amenity was defined in the AUP. However, it was clear from the provisions that the intent within the CLZ was that there might be smaller sites fragmented from the existing dominant 4 ha lots size, if other areas with more elite soils would be combined. The Court considered attempts in previous cases, decided under the former Rodney District Plan, to identify the elements that went into rural character and amenity. Overall, given the changes made to the proposal, the Court considered that the activity was now at a lower end of intensity and at a lower level of site coverage and scale and further that the visual effects would be within the range anticipated within the CLZ.

Evaluating the proposal under s 290A of the RMA, the Court considered that the changes to the proposal were sufficient to mean that the rural character and amenity in the area would be maintained or enhanced. With particular conditions of consent, and the landscape design conditions discusses, the Court concluded that consent should be granted. The Court saw particular benefit in providing the opportunity for rural living for the aged. Costs were reserved but applications discouraged.

Decision date 29 March 2018 - Your Environment 3 April 2018

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Auckland Council v Auckland Council - [2018] NZEnvC 56

***Keywords**: jurisdiction; appeal procedure; party; council procedures*

This was the decision of the Environment Court on preliminary issues as to jurisdiction and procedure. The matter concerned the decision of Auckland Council, by its hearing commissioners, ("the council as consent authority") to refuse to grant resource consent to Auckland Council ("the council as applicant") for works for a walkway on, and the protection from erosion of, the esplanade reserve at Orewa Beach ("the works"). The council as applicant now wished to appeal under s 120(1)(a) of the RMA.

The Court considered a preliminary issue of whether a local authority which was both the applicant for resource consent and the consent authority could lodge an appeal against its own decision. Mr Webb was appointed as *amicus curiae*. The Court stated that it was unfortunate that no formal record was kept of how the decision to lodge the appeal was made, despite the fact that it was unusual for a council to appeal against its own decision. The Court stated that there was no issue with a council being an applicant for consent, nor a consent authority; s 12(2) of the Local Government Act 2002 ("the LGA") provided power and capacity to do so. Further, s 14 of the LGA provided that a local authority should conduct its business in a open, transparent and democratically accountable manner. However, the issue arose because the council *qua* applicant was unhappy with the decision of the council *qua* consent authority. The Court reviewed the general legal principle that a single entity had unity of purpose and that one could not sue oneself and, further, that the Crown spoke with one voice. The Court considered decisions where unincorporated groups were held to be "persons" as defined in s 2 of the RMA,
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but found these were not apposite to the present case. They were not authority for the proposition that an identifiable legal entity with full capacity to make and implement its own decisions could be divided into two or more "persons" by disaggregating its structure into unincorporated bodies. After a detailed consideration of relevant case authority, the Court, with the assistance of *amicus*, was unable to reach a conclusive view as to the law.

The Court reached the conclusion that there was no express authority from New Zealand or the United Kingdom that a council, as applicant for resource consent, might not appeal against its own decision as the consent authority. The Court obtained some assistance from a decision of the Supreme Court of the United States which focused on the issue of whether a proceeding presented a justiciable case, beyond the identities of the parties. In the present case, the Court noted that various parties under s 274 supported and opposed the Orewa proposal. Notwithstanding the unity of identity between the appellant and respondent, the Court concluded there was a real issue to be determined as to whether consent should be granted or not. The issue concerned other parties than the council. Given the position of such interested parties, the Court concluded that it did not need to reach a final conclusion on the council's role. The Court accordingly determined not to take any step to restrict the council *qua* applicant from pursuing its appeal against the decision of the council *qua* consent authority, and the appeal should proceed. Procedural directions were given.

Decision date 23 May 2018 - Your Environment 24 May 2018

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Sabatier v Auckland Council - [2018] NZEnvC 60

Keywords: enforcement order interim; stormwater

The Court considered, as a matter of urgency, applications by J Sabatier and F Knobloch, as trustees of the Sabatier Family Trust ("the Trust") for interim enforcement orders, under 320 of the RMA, against Auckland Council ("the council") and Addison Developments Ltd ("ADL"). The orders sought to prohibit the council from processing, approving or issuing certificates under s 224(c) of the RMA for two stages of a multi-staged housing subdivision at 250 Porchester Rd, Takanini, Auckland ("the site"). If such certificates were issued, an order was sought prohibiting the use of the certificates by the consent holder. A third order would prohibit the drainage of stormwater under the Trust's property. ADL was undertaking the subdivision in seven stages, under two subdivision consents granted by the council. The development was to provide 1,160 new homes. Stormwater runoff from the site was to be captured and sent to twin stormwater detention ponds before being discharged to an existing council piped stormwater system. However, the council did not intend that this should be the final stormwater solution; under an amended stormwater management plan the main stormwater main would be constructed at a changed location, which altered the internal drainage of the development and would potentially have an effect on the use of the Trust's land. The Trust accepted that such a permanent solution might affect its land, but sought to minimise such effect and be compensated for it.

The Court concluded that the Trust had not established that the Court had jurisdiction to make the orders sought. Given this, the Court found that overall justice was served by refusing the orders. Further, the balance of convenience lay in the order not being made as the Trust had other remedies. The orders sought by the Trust concerned s 224(c) of the RMA, which restricted the deposit of a survey plan. The Court stated that the effects of the orders sought would be to prohibit the council from exercising its statutory powers. Furthermore, the application was ill-timed because it was predicated upon there being a reviewable error by the council in the future exercise of its powers. The essence of the Trust's claim was that the council was likely to wrongly certify the conditions of subdivision had been complied with, and that such possible certification would contravene the RMA. The Court stated that the Trust had not established whether the Court could prohibit the council from exercising a statutory power which it was bound by law to exercise. The Court was entitled to assume that the council would do so in accordance with the provisions of the RMA. If it did not do so, the Trust had other remedies, including judicial review. The application was declined. Costs were reserved.

Decision date 29 May 2018 - Your Environment 30 May 2018
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Auckland City Council v DRT Construction Consultant Ltd - [2017] NZDC 23751

Keywords: prosecution; district plan; earthworks; resource consent

DRT Construction Consultant Ltd ("DRT") was sentenced after pleading guilty to two charges, laid by the then Auckland City Council ("the council"), relating to unauthorised earthworks undertaken in breach of a resource consent and in contravention of ss 9(3) and 338(1) of the RMA. The consent was granted by the council to Ms Gu ("G") to subdivide a property at 14 Crystal Ave, Glendene ("the site"). Although DRT was instructed to be responsible for the project management of the subdivision, in fact G's daughter, S Huang ("H") managed the development of the site, and H delegated certain tasks to various other companies and entities. The Court noted that the actual description of what was meant by "project management" was not defined in any documentation. The Court stated that some person, or H, but certainly not DRT, instructed GTG Earthmoving Ltd ("GTG") to actually undertake the earthworks on the site, which it did carry out. GTG was originally charged in relation to the matter but the charges were withdrawn. Acting on a complaint, a council officer visited the site and observed that earthworks had occurred beyond what was consented to and an unsupported vertical cut had been made below the edge of a neighbour's driveway. Following the visit, despite council directions, the works continued, without proper supervision. A site survey confirmed that the volume of earthworks was undertaken in excess of that allowed by the consent. The cut on the boundary had partially undermined the neighbour's concrete driveway, which was no longer safe to use.

The Court considered the sentencing principles. The effect of the works was to cause subsidence and instability. There was potential for erosion of land to occur causing discharges of sediment, which in a highly urbanised environment such as Auckland should be avoided. After considering comparable cases, the Court set the starting point for a fine at $15,000 to reflect the culpability of the defendant, which was more than highly careless. From this the Court made a five per cent deduction for previous good character, in addition to a 25 per cent discount for early guilty plea. Accordingly, DRT was fined $10,687. Ninety per cent of the fine was to be paid to the council.

Decision date 11 April 2018 - Your Environment 12 April 2018

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Vipassana Foundation Charitable Trust Board v O'Brien - [2018] NZEnvC 5

Keywords: procedural; discovery of documents; evidence

Vipassana Foundation Charitable Trust Board and Keep the Peace Makarau Valley Inc ("the applicants") applied for orders of discovery and inspection as follows: that Auckland Council ("the council") discover records of its inspections of properties at 287/297 Tuhirangi Rd, ("the sites") together with any reports relating to compliance or enforcement action, or resource consents concerning earthworks at the sites occurring since 27 October 2017; that the first, second and third respondents ("the respondents") discover all written communications, plans or calculations relating such earthworks; and that access be granted to the sites by an independent earthworks expert in order to evaluate compliance of such earthworks. The reasons given for the application were that the council would not reveal the information sought, the explanations by the respondents regarding the earthworks were inconsistent with photographic evidence; there was a risk of the earthworks continuing unabated and the council had failed to comply with its statutory duty under s 84 of the RMA.

After considering the affidavits in support, the Court noted that, under s 278 of the RMA, it had the same powers as the District Court in the exercise of its civil jurisdiction. Many aspects of that jurisdiction were codified in the District Court Rules 2014 ("the Rules"), including discovery and inspection relating to evidence. Under r 8.2 of the Rules the parties' obligation in relation to discovery were described. Under r 9.25 of the Rules, the power to make an order for inspection was outlined. However, the Court noted that in the Environment Court there was no automatic requirement that a standard form of discovery be used and it was necessary to consider and apply the Rules in the different context existing in the Environment Court.

The Court considered the criteria for making an order for discovery. Regarding the council, the Court stated that the application had been overtaken by events and no order was necessary.

Regarding the respondents, the Court found it was reasonable to assume there might be written communications concerning the earthworks on the sites and it was likely that such communications would be relevant. Further, it seemed unlikely that the respondents would discover such documents or make them available for inspections without a Court order, so such an order was reasonably necessary. However, the Court was not satisfied that an order for inspection was reasonably necessary. Accordingly, the respondents were ordered to discover all written communications and any plans and calculations as specified. In all other respects the application was dismissed. Costs were reserved.

Decision date 15 February 2018 - Your Environment 16 February 2018

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Auckland Council v Tse – [2017] NZDC 29091

Keywords: procedural; discharge to land; discharge to water

P Tse (“T”) and S Huang (“H”) were sentenced, having pleaded guilty to a charge, laid by Auckland Council (“the council”) of permitting the discharge of concrete to land and to water. The defendants were involved in a concreting operation at a property at East Coast Rd (“the site”). A bund erected by the defendants failed and the concrete flowed into a road drain and then into a stream.

The Court considered the sentencing principles as established by the Sentencing Act 2002 and case authority. After considering similar cases, the Court stated that a starting point between $20,000 - $30,000 would be considered for the offending. It would be likely that this would be reduced significantly for good conduct and early guilty pleas. Accordingly, it was possible that the outcome for the defendants would be under $10,000 in terms of a fine. The Court then considered remediation sought by the council, together with an enforcement order under s 314 of the RMA to require payment of the council’s costs of remediation, being $43,374.

The Court proposed to the parties a resolution on the basis that: remediation costs were met by the defendants each paying half; court costs and solicitor’s costs were paid by the defendants; and the defendants were otherwise convicted and discharged. This would result in an outcome against each defendant of around $22,000, and would remediate the effects on the environment caused by the offending and would hold the defendants accountable. Orders were made accordingly.

Decision date 7 February 2018 - Your Environment 8 February 2018

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Porirua City Council v Judgeford Heights Ltd [2017] NZDC 24204

Keywords: prosecution; resource consent; enforcement order; landfill

The defendants Judgeford Heights Ltd ("Judgeford"), B McPhee ("M") and C & M Transport Ltd ("C&M") pleaded not guilty to nine charges laid by Porirua City Council ("the council") relating to the operation of a cleanfill at Paremata-Haywards Rd, Judgeford ("the site"). The site was within the rural zone of the district plan. Judgeford was the owner of the site, C&M was a transport business and M was a director of both Judgeford and C&M. Cleanfill activities were carried on at the site under a resource consent granted by the council to previous owners. Following ongoing contraventions of the consent, the Environment Court granted the council an enforcement order by consent against the three defendants. The present charges related to alleged breaches of the enforcement order, in particular orders 3(f) ("the concrete crushing charges") and order 4(d)(iv) (the reporting charges"). The Court noted that the defendants had entered guilty pleas to a number of other charges relating to their activities on the site.

The Court first considered the concrete crushing charges which alleged that Judgeford and M contravened order 3(f) by: causing or permitting concrete crushing operations on the site and causing or permitting truck movements associated with concrete crushing operations between certain dates. The Court stated that the issue was whether the council had established beyond reasonable doubt that the offences had occurred. The Court accepted that the facts created an understandable suspicion on the part of the council officer that concrete crushing operations were being conducted. However, evidence from the defendants was such that the Court was unable to find the offences proved to the required standard and so found all three defendants

not guilty on the concrete crushing charges. Turning to consider the four reporting charges laid against Judgeford and M, the Court noted that order 4(d)(iv) of the enforcement order required reports to be made to the council regarding the volume and type of material entering and leaving the site on each truck, and that this requirement contained an implicit requirement that such reports be accurate. The charges alleged that the defendants had misreported the volumes. The Court stated there were clear differences between information in the driver entry reports and the monthly reports made to the council. The differences were caused by a deliberate alteration made by the defendants to allow for a compaction factor; the monthly reports to the council did not relate to the loose volumes of materials in the trucks. The Court found that Judgeford and M failed to accurately report as required the volume of material in each truck as it entered the site and they were accordingly found guilty of the charges. Finally, the Court considered charges relating to firewood. The council alleged that Judgeford and M misreported the specific type of material in trucks as "firewood" when in fact it was logs. After some discussion as to the definition of "firewood", the Court found Judgeford and M guilty of the firewood charges. The Court adjourned the proceedings for sentencing in conjunction with other charges to which the defendants had pleaded guilty.

Decision date 13 December 2017 - Your Environment 4 January 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 July 2018

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New Housing and Urban Development Ministry. Minister of Housing and Urban Development Phil Twyford has announced a new Ministry will be set up to help the Government deliver on its housing priorities.

The new Ministry of Housing and Urban Development will be established from 1 August 2018. It will officially start operating on 1 October 2018.

Mr Twyford said the new Ministry will be the Government's lead advisor on housing and urban development. It will provide across-the-board advice on housing issues, including responding to homelessness, ensuring affordable, warm, safe and dry rental housing in the private and public market, and the appropriate support for first home buyers.

Initially, the Ministry will be set up by moving functions across from existing agencies, and look at utilising funding from their existing operational budgets:

- From the Ministry of Business, Innovation and Employment: the housing and urban policy functions, the KiwiBuild Unit and the Community Housing Regulatory Authority.
- From the Ministry of Social Development: policy for emergency, transitional and public housing.
- From the Treasury: monitoring of Housing New Zealand (HNZ) and Tāmaki Redevelopment Company (TRC).

The changes won't affect where people go to for help with housing. The Ministry of Social Development will continue to assess people's need for housing support and manage the public

housing register.

"The Ministry of Housing and Urban Development will help us deliver our bold and ambitious plan to build much-needed affordable housing, and create modern and liveable cities ready for the future," Phil Twyford said.

Please click on the link below for full statement: Media Release

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Stats NZ: Over 3% of home transfers in March quarter to overseas buyers. Statistics New Zealand stated that in the March 2018 quarter, 3.3 per cent of homes transferred were to people who did not hold New Zealand citizenship or resident visas.

“The proportion of homes transferred to overseas people rose to 3.3 percent in the March quarter, from 2.9 percent in the December 2017 quarter,” property statistics manager Melissa McKenzie said. Ms McKenzie said the increase was driven by a fall in the total number of transfers, and a small rise in the number of transfers to overseas people. - Please follow the link below for the full statement: Media Release

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RMLA Conference 2018 registration is open. The RMLA’s annual Conference, under the heading ‘Reform or Transform’ is now open for registration. The conference is taking place over 20-22 September at Te Papa in Wellington.

New Zealand’s physical and policy landscapes have morphed considerably since the Resource Management Act’s (RMA) inception in 1991 – as have the material issues that confront us today. The RMA was both ground-breaking and world-leading in terms of putting sustainability firmly at the forefront of a national economic growth strategy. Twenty-six years and twenty-one Bill amendments later, New Zealand now stands at a crossroads.

We have strayed far from the RMA’s original philosophy of providing a one-stop, effects based system with a high degree of district and regional decision-making, grounded on public participation and appeal rights. Compounded by the most recent 2017 Resource Legislation Amendment Act, there is now a multiplicity of process options, increased national direction, additional complexity and reduced opportunities for public participation and appeals.

In view of the current state of our waterways, soil quality and erosion, per capita emissions, wealth divide, housing crisis and climate-related weather events, New Zealand needs to consider whether it continues along the path of incremental reform; or whether it is time to identify a more appropriate framework for achieving resilience in the environmental, community and economic outcomes that we seek as a nation.

Full programme information can be found at this link: Link

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Rent squeeze in Queenstown blamed on Airbnb. *Stuff* reports a rent crunch in Queenstown is being blamed on increasing properties being turned over to short-term letting, combined with pressure from a growing tourism sector. Data from Infometrics showed "whole house" Airbnb listings in Queenstown were equal to 14 per cent of the total housing stock, while rental data from Trade Me indicates the median price at which people were offering properties for rent on the site had gone up 12.9 per cent since January, at $790 per week - $240 a week more than the median Auckland asking rent. - Read the full story here.

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Appeal to Environment Court about Upper Hutt flood mapping. *The Dominion Post* reports that a dispute about a flood risk map which has been included in the Upper Hutt City Plan will go to the Environment Court. The community group Save Our Hills argues that the current modelling for the map is inaccurate and inflated, and should be reviewed by an independent expert. Read the full story here.

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Plans unveiled for new Napier War Memorial Centre. *Stuff* reports that Napier City Council has unveiled plans for the city's war memorial centre. The council is considering options for the
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war memorial design, Roll of Honour and external signs. Read the full story here.

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Christchurch suburban pool rebuild. *The Press* reports that ratepayers will contribute $1.25 m toward building a new $5m pool at the site of the former Edgeware Pool. Read the full story here.

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Appeal against zoning of land near Wanaka Airport. The *Otago Daily Times* reports that Jeremy Bell, whose 14 ha strip of land is situated across State Highway 6 from Wanaka Airport, will appeal against the refusal by Queenstown Lakes District Council to change the land's zoning from Wanaka Airport Zone to Airport Mixed Use Zone. Read the full story here.

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Wind farm for Kaimai Ranges? *The New Zealand Herald* reports that resource consents will be sought from Hauraki District Council and Waikato Regional Council for a $180 million windfarm to be constructed on the northern Kaimai Ranges. Read the full story here.

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New $30m hotel for Kaikoura. *Radio New Zealand* reports that Kaikoura Mayor Winston Gray has welcomed plans by Sudima Hotels to build a new 118-room hotel in the town. Construction of the $30 million hotel is due to be completed at the end of 2019. Read the full story here.

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Proposal to change lake operating guidelines on hold. *The Southland Times* reports Meridian Energy has put off a controversial proposal to change the hydropower operating guidelines for Lakes Te Anau and Manapouri as the power company heads into mediation with parties opposed to aspects of the Southland Water and Land Plan. Read the full story here.

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23,600 new homes to be built on state land in Auckland. *The New Zealand Herald* reports that Housing New Zealand is working with businesses to develop 23,600 new Auckland residences on state-owned land, of which 11,000 will be new state houses and the rest affordable and free-market places. Read the full story here.

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Chinese owner fights access to NZ farm. *Stuff* reports the Chinese owner of a $3.3 million Wairarapa sheep station is in a dispute with the NZ Walking Access Commission over public access to a forest hut and tramping route on his land. The dispute is to go to independent mediation. If a resolution cannot be reached, the Overseas Investment Office has the power to order the property be sold. Read the full story here.

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Waiwera Water bottling facility inspected for asbestos. *Stuff* reports that an asbestos inspector and WorkSafe NZ have visited the Waiwera Water bottling facility after a contractor reported that he saw it in the ceiling and the walls. WorkSafe are waiting on the inspector's report to determine whether further action is necessary. Read the full story here.

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Samoa plans to outlaw single-use plastics. *Radio New Zealand* reports that Samoa is planning to join other Pacific nations such as Vanuatu and Papua New Guinea in prohibiting the use of single-use plastic items. Read the full story here.

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Christchurch Airport Novotel water leaks a "disaster". *The Press* reports that a water leak at the $82 million Novotel Christchurch Airport has caused significant structural damage and follows construction delays due to problems with steel and pre-fabricated bathroom fittings. The hotel project is a partnership between AccorHotels and Christchurch Airport International Ltd, which is owned by Christchurch City Council and the Crown. Read the full story here.

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Restructured Fletcher Building hopes to build thousands of homes. *The New Zealand Herald* reports that a house-panel factory which Fletcher Building plans to develop in Auckland as part of its company restructuring would enable thousands of new dwellings to be built in faster than usual construction time. Read the full story here.

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NZLS: Ngāti Tūwharetoa Claims Settlement Bill approved. A report from the Māori Affairs select committee recommends that the Ngāti Tūwharetoa Claims Settlement Bill be passed with amendments.

The Bill seeks to give effect to matters contained in the deed of settlement signed between the Crown and Ngāti Tūwharetoa on 8 July 2017.

The deed will be the final settlement of the historical Treaty of Waitangi claims of Ngāti Tūwharetoa resulting from acts or omissions by the Crown before 21 September 1992. It also records the acknowledgements and apology that the Crown offered to Ngāti Tūwharetoa.

Please follow the link below for the full statement. media release

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Proposed foreign buyers ban relaxed on apartments and for Singapore nationals. *Stuff* reports that the Government is to accept changes suggested by the majority of the Finance and Expenditure Committee in their report on the Overseas Investment Amendment Bill.

The proposed foreign property buyers ban is to be relaxed for foreign investors looking to buy apartments. They will be allowed to keep apartments bought off the plan, as long as they are part of a development that is 20 or more units large.

It has also been announced that Singapore will join Australia as a "carve-out" nation, allowing its citizens to enjoy the same rights as New Zealanders to buy property. Read the full story here.

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$16b Regional Land Transport Plan for Auckland. *The New Zealand Herald* reports that Auckland Transport's new 10-year funding plan, the Regional Land Transport Plan, will allocate $10 billion for capital expenditure and $6.5 billion for running costs. Most of the expenditure will be on roads. Read the full story here.

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Auckland's Mountain View repairs bill a record $44m. *The New Zealand Herald* reports that the cost of fixing leaks and seismic, structural and fire protection problems at the 99-unit Mountain View apartments in Mt Wellington, Auckland, has reached $44 million, which may be a record for repairing defective residential buildings. Read the full story here.

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Swamp Kauri export appeal to Supreme Court. *Radio New Zealand* reports that the Northland Environmental Protection Society will argue in the Supreme Court that the extraction and export of ancient swamp kauri is illegal. Read the full story here.

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$160m redevelopment for Invercargill. *Radio New Zealand* reports that a redeveloped retail precinct, restaurant, medical centre and additional parking spaces are part of the proposed $160 million redevelopment of Invercargill's town centre. The project is expected to take three to five years to complete. Read the full story here.

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Housing NZ supported living redevelopment in Wellington. *The Dominion Post* reports that Housing New Zealand plans to redevelop its site in Rolleston St, Wellington to build up to 90 residential units, including 20 units for supported living, and hopes that construction will start in early 2019. Read the full story here.

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Local firm to undertake New Plymouth airport upgrade. *Radio New Zealand* reports that Clelands Construction will build New Plymouth's new airport terminal, estimated to cost up to $28 million. Read the full story here.

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Government declines application to mine conservation land at Te Kuha. An application to mine coal on public conservation land near Te Kuha in the Buller District has been declined, Minister of Conservation Eugenie Sage and Minister of Energy Resources Megan Woods announced today.

Rangitira Developments Ltd had applied for an access arrangement under the Crown Minerals Act to mine 12 hectares of public conservation land in the Mt Rochfort Conservation Area, near Te Kuha, as part of a large opencast coal mine.

The 12 ha area is part of the company's 116 ha mining proposal and compromises approximately 10 per cent of the planned mine site and open cast pit. Most of land which the company seeks to mine is within the Westport Water Conservation Reserve vested in, and managed by, the Buller District Council. The Council is the decision-maker for mining access to that area.

Please follow the link below for the full statement. media release

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Regional council deadline for Otago water allocation system. *Radio New Zealand* reports that Otago's water take system, originally based on gold mining rights or deemed permits, has until 2021 to get into line with the RMA water regime, established in 1991. Otago Regional Council's Tanya Winter says the council is preparing for a wave of applications for consent under the the RMA for replacement of the 370 remaining deemed permits. Read the full story here.

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Housing NZ pays $1.3m for Whangarei park for housing development. *The New Zealand Herald* reports that Housing New Zealand's plan to use the 3.2 hectare Puriri Park, which it recently purchased for $1.35 million, for the purposes of a state housing development, has raised concerns with local residents. Read the full story here.

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Crack down on building warrants of fitness in Dunedin. The *Otago Daily Times* reports that Dunedin City Council is cracking down on building warrants of fitness after around 200 property owners across Dunedin failed to get them in time in the past year. Read the full story here.

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Fewer than a hundred RMA prosecutions each year. *The New Zealand Herald* reports that despite thousands of breaches, fewer than a hundred RMA prosecutions are undertaken each year. Read the full story here.

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Calls for stronger measures on cattle grazing near high country river beds. *The Timaru Herald* reports Mick Abbott, in his final report to the Canterbury Aoraki Conservation Board as chairman, has called for stronger protection of high country river beds from grazing. In his report, he stated the process of tenure review continues to produce a range of outcomes and that "the board has been unconvinced by an atomised approach of dealing with each pastoral lease as isolated cases". He says questions remain in terms of the nature and duration of grazing leases (including stocking levels) provided for grazing high country riverbeds. - Read the full story here.

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Rental owners fined after real estate agent enters property unlawfully. *TVNZ* reports the Tenancy Tribunal has found Whangārei real estate agent Zoltan Waxman unlawfully entered a rental property without the tenants' consent, making the children's bed whilst there, and has

fined the property owner $365. The Residential Tenancies Act allows landlords to enter their premises to show it to prospective buyers, including for photography for the sale. But if consent from the tenant has not been given, damages up to $1,000 can be awarded for unlawful entry. Read the full story here.

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Plans for Christchurch's Cathedral Square. *The Press* reports that a design for pavilions and people-friendly spaces is planned by Regenerate Christchurch for the Cathedral Square area. Read the full story here.

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Rate of Antarctic ice melt increasing. *Radio New Zealand* reports that the journal *Nature* has published research showing that the Antarctic ice lost since 1992 due to melting corresponds to a sea level rise of 8mm. Read the full story here.

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Christchurch City Council identifies buildings with polyethylene cladding. *1newsnow* reports that Christchurch City Council has identified 29 buildings with highly combustible polyethylene cladding, found to be a cause of London's deadly Grenfell tower fire. Read the full story here.

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Pine Harbour $70m development approved. *The New Zealand Herald* reports that independent commissioners for Auckland Council have granted resource consent to Empire Capital's $70 million proposal to construct 28 apartments, commercial premises, restaurants and shops at Pine Harbour, Beachlands. Read the full story here.

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Queenstown mound dispute heading to Court of Appeal. The *Otago Daily Times* reports that there will be a further appeal relating to the litigation concerning the 5-metre high earth mound built on a property between Queenstown and Arrowtown. The High Court last month allowed the appeal against the Environment Court's decision granting consent for the mound. One of the parties has now lodged an appeal to the Court of Appeal against the High Court's decision not to order the mound's removal. Read the full story here.

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Chinese steel for Seascape skyscraper under Auckland Council review. *Radio New Zealand* reports that Andrew Mintern, Auckland Council's project assessment manager, says that documentation submitted by the developer of the 52-storey Seascape apartment tower is being reviewed by the council to ensure that the steel to be used in the construction, made in steel mills in China, is of a high enough quality to be used in a "seismic-resisting" structure, as required by New Zealand Standard NZS 3404. Read the full story here.

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Landowner rejects wāhi taonga claim. *The Dominion Post* reports an Environment Court judge has proposed mediation between a Hawke's Bay farmer, opposed to having his land classed as wāhi taonga, and an iwi group seeking protection of the land, which includes a traditional mutton bird hunting site. Read the full story here.

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Council accused of 'lowballing' Bella Vista owners. *Stuff* reports residents of the failed Bella Vista development, whose affected properties will be purchased by Tauranga City Council, are angry at Council's negotiation tactics, and fear they are being lowballed. The Council has asked property owners to turn over their sale and purchase agreements of land, building contracts and confirmation of all payments made to Bella Vista, and to outline the legal basis upon which they consider the appropriate measure of loss to be full market value without defects. The homeowners claim what they paid for the houses is irrelevant to loss and the Council should let the homeowners know how their loss will be ascertained. - Read the full story here.

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Council cracking down on derelict property owners. *The Press* reports Christchurch City Council is to begin charging owners of derelict sites, including the Christ Church Cathedral, a monthly fee for encroaching on public space such as footpaths and roads. Read the full story here.

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New Quest $5.7m development for Tauranga CBD. The *Bay of Plenty Times* reports that Quest Apartments NZ will construct a new $5.7 million 42-apartment hotel and retail development in Devonport Rd in downtown Tauranga. Read the full story here.

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Building Institute says too few council building inspectors. *Radio New Zealand* reports that Nick Hill, of the Building Officials Institute, says that the shortage of building inspectors being hired by councils around the country might lead to more botched inspections and cause another situation like that in the Bella Vista development in Tauranga, where the city council had to buy back 21 properties too dangerous to live in. Read the full story here.

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New stats divide opinion over ban on international buyers.

Stuff reports data released by Statistics New Zealand showing 3.3 per cent of house ownership transfers in the March quarter were to non-citizens or non-residents have left opinion divided on whether a ban on international buyers will have any impact. Some commentators argue the foreign buyer ban will not affect the housing shortage in Auckland or impact on house prices in Auckland and other parts of New Zealand. Meanwhile, Associate Finance Minister David Parker maintains the fact foreign activity was higher in the more expensive parts of New Zealand vindicated the move to ban foreign buyers. - Read the full story here.

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