Newslink Case-notes for October 2018 prepared 20 September 2018.

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Legal Case-notes October 2018

Feedback Please! Any Feedback? Drop us a note!

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

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

This month we report on eight court decisions covering diverse situations associated with subdivision, development and land use activities from around the country;

- A successful appeal against refusal of consent by Auckland Council to an application for subdivision on the outskirts of Warkworth;
- An unsuccessful appeal by an Auckland property owner against convictions for damaging a historic basalt boundary wall in Epsom, Auckland;
- An interim and a final decision on a road stopping appeal at Hamilton;
- A final decision on an appeal relating to a boatshed and jetty in Queen Charlotte Sound;
- A sentencing decision resulting from a successful prosecution of a subdivider of land at Pyes Pa, Tauranga, whose actions caused environmental damage;
- A costs decision resulting from an appeal against the consent of Auckland Council to a development and subdivision at Papakura;
- A successful appeal by an applicant against refusal of consent by Tasman District Council to a proposed subdivision of rural land to facilitate extension of a quarry that is an important source of rock for roading in the area.

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CASE NOTES OCTOBER 2018:

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Albert Road Investments Ltd v Auckland Council _ [2018] NZEnvC 102

Keywords: regional plan; rule; resource consent; conditions; subdivision; interpretation; activity non-complying

Albert Road Investments Ltd ("ARIL") appealed the decision of Auckland Council ("the council") to decline consent for the subdivision into two lots of a 1.6 ha site on the edge of Warkworth at 102 Hudson Rd ("the site"), zoned Future Urban ("FU") in the proposed Auckland Unitary Plan ("PAUP"). The land on the opposite side of Hudson Rd was zoned Residential – Single House ("RSH"). The site presently contained a house and ancillary building.

The Court stated that the central issue was whether the proposal would offend the intent of the new PAUP with regard to the structured future urbanisation of peri-urban land zoned Rural – Rural Production, or would create an adverse precedent. The Court considered the statutory framework. The applicable rule in the PAUP was E39.4.3(A29) ("the Rule"), by which the proposal was constituted a non-complying ("NC") activity. Accordingly, the proposal was considered under ss 104D and 104 of the RMA. Regarding the words "subject to Part 2" in s 104, the Court considered that it could be confident that the new PAUP provisions were up-to-date concerning the priorities in pt 2 of the RMA and this approach was consistent with *RJ Davidson Family Trust v Marlborough District Council* [2017] NZHC 52, (2017) 19 ELRNZ 628. Further, the parties acknowledged that the proposal would have no more than minor effects on the environment. The issues were therefore: whether the proposal was contrary or materially inconsistent with the PAUP objectives and policies; whether granting the consent would give rise to undesirable precedent effects or plan integrity issues, as the council submitted; and

whether the proposal should accordingly be declined consent.

ARIL argued that its strategy for comprehensive structure-planned development of the site, together with other land it owned in Warkworth North, would succeed only if it were able to subdivide and sell smaller lots, without houses on them, so to free up capital. ARIL was concerned that if it was required to wait until such structure plans and plan change process for urban zoning were complete, the likely delay of up to 10 years would make the capital burden of holding the land without realising return on its investment too great. ARIL submitted that the extent of fragmentation would be controlled by the terms of the Consent Notice Condition ("CNC") it proposed, to ensure there would be no development of the site until the rezoning occurred. The Court found that the CNC would satisfy the requirements of s 221 of the RMA, although expressing some reservations as to the certainty of some provisions.

The Court turned to consider the critical issue which was the PAUP's strategic intentions for urbanisation and whether the proposal offended them. In this regard, the Court first evaluated the proper statutory interpretation approach to a subordinate planning instrument, being those principles set out in the Interpretation Act 1999 and the Court of Appeal's decision in *Dunedin City Council v Powell* [2004] 3 NZLR 721. The Court began with related objectives and policies to gain insight into the extent of the restriction intended on subdivision by the NC activity classification and the intention of the Rule. Only if these provisions were unclear would the Court have recourse to other provisions within the PAUP or other documents. In this regard, the Court found that the Auckland Future Urban Supply Strategy, a document which the council addressed in submissions, had no primary relevance to this issue. After considering the respective planning experts' evidence regarding the Rule and the other relevant PAUP provisions, the Court made certain findings. First, the FU zone did not intend to freeze the capacity to use and develop land pending structure planning and urban rezoning, and allowed for some tolerance for land development. Second, the ultimate caveat on land use change and development was that it should not compromise the realisation of urbanisation as envisaged by the PAUP. Third, the assignment of NC activity classification to subdivision signalled the importance of scrutinising subdivision, but did not put a freeze on it. Rather, the FU zone anticipated subdivision applications but on the basis that these were closely scrutinised for compatibility with the intentions of the PAUP. The Court observed that what was meant by "urbanisation" was inherently a matter of degree. Given that a dwelling was a permitted activity in the FU zone, the proposal was not of itself urbanisation.

The Court concluded that overall the proposal would not be contrary to or inconsistent with the PAUP objectives and policies; neither would it compromise future urban development of Warkworth North or the wider Auckland region. In addition, the Court found there would be no undesirable precedent or plan integrity effects if the proposal were approved. Granting the consent to the proposal did not affect the integrity of the PAUP; rather the Court found it an initiative to be encouraged.

The Court found that the proposal would satisfy pt 2 and other relevant requirements of the RMA and should be granted consent, subject to the confined issues of the wording of condition 5(b) of the CNC. The Court made the decision an interim one and gave directions as to submissions on the condition. Costs were reserved.

Decision date 26 July 2018 - Your Environment 30 July 2018

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Liu v Auckland City _ [2018] NZHC 1238

Keywords: High Court; prosecution; district plan; rule; heritage value

The three appellants, D Liu ("L"), K Parsons ("P") and Roncon Pacific Hotel Management Ltd ("R Ltd") all appealed to the High Court against their convictions by Judge Kirkpatrick on 25 May 2017 in the District Court under ss 9(3) and 338(1)(a) of the RMA. L and P also appealed against the refusal by Judge Kirkpatrick to grant discharge without conviction. The appellants were found guilty of excavating holes into a basalt stone retaining wall ("the wall") without resource consent in contravention of the provisions of the proposed Auckland Unitary Plan ("PAUP") The offending occurred at properties at 74 and 76 Gillies Avenue, Auckland. R Ltd owned the property at 76 Gillies Avenue. L was a director of R Ltd. P was a building contractor. The property at 74 Gillies Avenue was Alfred Kidd House, a building of historical significance,
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listed in the schedule in Appendix 9 of the PAUP. The boundary between the two properties was drawn along the wall. There was a restrictive covenant attached to the title of 76 Gillies Avenue which prohibited the disturbance or alteration of the stone wall or steps.

The Court reviewed the relevant provisions of the PAUP, including the heritage rule which placed an overlay on modifications to buildings or structures of a Category B Heritage place, requiring resource consent ("the heritage rule"). In addition, the Court noted a rule which provided that earthworks for the installation of fences was a permitted activity ("the fencing rule"). After considering various definitions in the PAUP, the Court observed that there was a general rule to the effect that the most restrictive activity status determined the overall activity status of the proposal.

The Court considered the appeals against conviction and reviewed the decision of the District Court. The appellants based their appeals on the basis that the Judge erred in applying the PAUP rules and, in the alternative, that the actions did not amount to a breach of such rules, and that the fencing rule and the heritage overlay could be read together. Further, the appellants argued that the excavations did not constitute a modification of the historic place, and did not result in permanent modification of the wall as they were able to rectify the offence by restoration works. Auckland Council ("the council") argued that the excavations into the wall were not covered by the fencing rule and that the heritage rule should take primacy over the fencing rule. The Court now noted that under s 232 of the Criminal Procedure Act 2011 the High Court could allow an appeal from a Judge-alone trial only if it was satisfied that the Judge erred in the assessment of the evidence to such an extent that a miscarriage of justice had occurred. In this regard, not every error caused a miscarriage of justice. In the present case, Court accepted that the Judge had erred by citing the preamble to the fencing rule when discussing the heritage rule. However, the Court found that little depended on that. Furthermore, the Court accepted that the fencing rule should be considered as an overlay but rejected the appellants' submission that the fencing rule supervened the heritage rule. In fact, the Court was of the opinion that the fencing rule had no application at all. The offending did not occur in relation to earthworks undertaken regarding a fence but in relation to a man-made wall which was a structure, and so the fencing rule was not relevant. The interference was modification to a structure which was a feature of the historic heritage place. This was a discretionary activity requiring resource consent, which was not obtained. The offence was committed. The appeal against conviction was dismissed.

Turning to consider the appeal against sentence, the Court noted that the grounds were that: the Judge erred in assessing the gravity of the offending; the Judge failed to consider the efforts by L and P in repairing the wall and the boundary position; the consequences of conviction, in proportion to the low seriousness of the offending, were severe. In response, the council submitted that the level of offending was moderate, and the gravity of the offending was increased by the fact of the restrictive covenant and the fact that L was expressly warned by the District Court in a previous prosecution of the need to personally understand and comply with the plan rules. Regarding consequences, L and P submitted they would be limited in travelling overseas. The Court noted that its approach on an appeal against sentence was by way of rehearing. The test under s 107 of the Sentencing Act 2002 ("the SA") was an objective one: that there be a real and appreciable risk that contended consequences would occur. If this test was met, the Court had a discretion to discharge without conviction under s 106 of the SA. In the present case, the Court was satisfied that the offending was moderately serious. Parliament had chosen to protect heritage sites from interference by imposing criminal liability on such interference. Submissions that the interference was unintentional were irrelevant as the offence was one of strict liability. Further, the Court stated that the consequences of conviction were no more than those typically attendant on conviction, and there was nothing which was out of all proportion to the gravity of the offending. The appeal against the refusal to discharge without conviction was dismissed.

Decision date 22 June 2018 - Your Environment 25 June 2018

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Re Hamilton City Council _ [2018] NZEnvC 66

Keywords: road stopping

The Court considered, under s 342 and sch 10 to the Local Government Act 1974 ("the LGA"),
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the application by Hamilton City Council ("the council") for confirmation of the council's decision to stop a 700 m section of Ruakura Rd and a 500 m section of Percival Rd ("the proposal"). The proposal was supported by Tainui Group Holdings Ltd ("Tainui"), which considered it was necessary to enable the further development of the Ruakura Inland Port ("RIP") project. Opposing the stopping were Mr and Mrs Julian ("J") and Mr and Mrs Goodwin ("G") (together "the objectors"), who owned properties on Ryburn Rd, which were among 30 properties known as the Percival/Ryburn enclave ("the enclave").

The Court reviewed the proposal. The sections of road stopped together now provided access to the enclave. The proposal included moving the rail crossing nearer to the enclave, and a new access route was proposed, which would increase the travelling time from the enclave to the city. The proposal included the provision of new shared paths for walking and cycling, and contained conditions to protect the residents of the enclave. The Court reviewed the background, which included the RIP's origin in the Waikato-Tainui settlement with the Crown in 1995. This was followed by the development of the Ruakura Growth Cell area and the Hamilton Urban Growth Strategy, adopted in 2009, anchored via the Waikato Regional Policy Statement and the newly operative Hamilton City District Plan. Tainui now asserted that it required certainty in relation to the stopping, in order to progress the development of the RIP, for which consents had been granted. The objectors raised concerns relating to the extra distances required to travel by the new route, the increased traffic safety issues, the necessity to cross the railway line and the adverse effects of increased noise.

Regarding the LGA, the Court noted that, under cl 6 of sch 10 it must consider: the district plan; the plan of the road sections to be stopped; the council explanation for the stopping; and the objections. However, prior to undertaking such analysis, the Court addressed matters raised by the objectors which fell outside the LGA framework. These included the option of an alternative route. The Court stated that it was not authorised under the LGA to enquire as to the best method of achieving the objectives of a road stopping or to weigh alternatives. Turning to consider the matters that it was required to address under the LGA, the Court accepted that to enable the RIP to be fully developed the roads indicated must be stopped, to provide for the railway siding to transport containers to and from the RIP. The council's explanation of the proposal was clear. Regarding the district plan, the Court considered the relevant policies and rules and was satisfied that overall the proposal was consistent with them, with exception of an issue relating to Road 2 traffic and access. Regarding noise concerns raised by the objectors, the Court considered expert evidence as to the existing noise environment and the noise associated with the proposal, including that of the trains. The Court was satisfied that while there would be changes in the local noise environment, these would be limited in number and would not be unreasonable.

The Court concluded that there was reasonable cause for the proposal and the needs which the current roads fulfilled would be adequately met by the new access route. The stopping was subject to the conditions which further addressed residual concerns. Subject to the remaining issue relating to Road 2 traffic, the Court intended to confirm the stopping. However, the decision was an interim one, and the Court gave the parties the opportunity to address the remaining issue, and set a timetable for responses.

Decision date 7 June 2018 Your Environment 11 June 2018

Re Hamilton City Council _ [2018] NZEnvC 118

Keywords: road stopping

This was the final decision of the Court concerning the application by Hamilton City Council ("the council") for confirmation of the stopping of a 700 m section of Ruakura Rd and a 500 m section of Percival Rd. By its reserved interim decision of 11 May 2018, the Court confirmed the stopping subject to final drafting of conditions. The Court had now received the joint memorandum of counsel which resolved outstanding issues. The Court stated it was satisfied that the proposed conditions were appropriate and confirmed they were to be added to the conditions attached to the interim decision. Costs were not encouraged, but were reserved.

Decision date 16 August 2018 - Your Environment 20 August 2018

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Doig v Marlborough District Council _ [2018] NZEnvC 105
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Keywords**: **resource consent; conditions

This final decision followed the interim decision of 1 May 2018 on the appeal regarding consent for a boatshed and jetty in Queen Charlotte Sound. In the interim decision the parties were asked to amend the conditions of consent to reflect the Court's findings and to ensure greater clarity.

The Court stated that Marlborough District Council ("the council") did not seek any further amendments to the conditions. The appellant wished to make an amendment to condition 8 to avoid potential confusion as to its meaning. The Court agreed to the amendment. Accordingly, the appeal was allowed in part subject to the final conditions, marked Annexure 1 as attached to the present decision. Costs were reserved.

Decision date 1 August 2018; Your Environment 2 August 2018 (For the previous report see case notes for September 2018 – RHL.)

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Bay of Plenty Regional Council v Singh _ [2018] NZDC 13866

Keywords**: **prosecution; subdivision; earthworks; resource consent; abatement notice; wetland

A Singh ("AS") was sentenced after pleading guilty to five charges, laid by Bay of Plenty Regional Council ("the council") relating to earthworks on a property at 642 Kennedy Rd, Pyes Pa, Tauranga ("the site"). The property was owned by AS and other members of his family as trustees for the Takhar Trust ("the Trust"). AS was both a trustee and beneficiary of the Trust and employed by it and he was also one of the holders of the resource consent for the development. The other holder of the consent was AS's father, M Singh ("MS"). However, the council opted only to charge AS. The site was 12.3 ha, consisting of a valley with moderately steep slopes draining into flat areas and a wetland, with a stream running through it. The stream ultimately flowed into the Kopurererua Stream. The resource consent was for large-scale earthworks to establish an urban subdivision and authorised the temporary discharge of contaminated water to land with a condition that no more than one hectare of earth was to be exposed at any one time. The charges related to events between March and June 2017 when AS repeatedly discharged stormwater contaminated with sediment from the earthworks into the stream. Council inspectors found that the erosion and sediment controls were not properly maintained and the exposed area exceeded one hectare. The council issued a total of four abatement notices over the period, but the offending continued until finally enforcement orders were issued.

The Court considered the sentencing principles as established by the Sentencing Act 2002 ("the SA") and case authority. The environmental effects of the offending were to the stream on the property. The Kopurererua Stream catchment was listed in the regional plan as a habitat and migratory pathway of indigenous fish species and these qualities were listed in the consent. The failures to implement sediment and stormwater control had caused significant damage to the stream over several months and further the wetland on the property, required to be left intact in the consent, had been drained and cleared and native and exotic trees had been cleared. The result was potential injury to protected indigenous species. There was a measurable decrease in water and habitat quality downstream of the earthworks and thick deposits of sediment had been made on stream margins for 700 metres downstream. The Court stated that the offending was related to the single development and was all based on AS's failure to comply with the conditions of consent. The council submitted that the level of suspended solids in the immediate vicinity of the site was the highest level it had ever measured.

The Court closely considered the sentences imposed in several previous comparable cases and concluded that the appropriate starting point for a fine would be $190,000, to reflect the scale of the offending, the failure to comply with the consent and council notices and the commercial nature of the activity. No allowance was given for past good character. The Court found that there was a commercial purpose to the offending, that it was done to cut costs to the Trust which would otherwise have had to engage a capable contractor to do the works. The Court gave a discount of 25 per cent for early plea, which set the level of fine at $142,500.

With reference to s 40 of the SA, the Court then considered AS's ability to pay the fine. It was MS who was the settlor and appointer under the Trust deed, and MS had total control of the Trust. AS lived with his parents and had no assets other than a life insurance policy. After
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adjourning the hearing for a pre-sentence report to be prepared and for enquiries to be made about the Trust, the Court stated that there was an indemnity clause in the Trust deed which provided for the Trust to indemnify trustees regarding liabilities incurred on behalf of the Trust. Financial reports presented in respect of two companies owned by the Trust showed negative equity and losses. The council's enquiries, however, led to it submitting to the Court that there was in fact substantial capital in the Trust, more than enough to pay the present fine. The Court queried the prosecuting council's decision not to charge all the trustees with the offending, but accepted that such a decision was within the scope of the prosecutor's discretion. After much consideration, the Court concluded it was unable to treat the assets of the Trust as being available to pay for the fine, because the defendant charged, AS, was not in control of the Trust nor of its assets. On that basis, the Court found that AS had limited means to pay a fine and limited the fined imposed to $40,000, which the Court said fell well short of the achieving the SA's purposes and principles. In addition, the Court imposed the maximum under s 55(2) of the SA, of 400 hours of community work. Ninety per cent of the fine was to be paid to the council.

Decision date 13 August 2018 Your Environment 14 August 2018

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Sabatier v Auckland Council _ [2018] NZEnvC 117

Keywords: costs; enforcement order interim; council procedures

Tonea Investments (NZ) Ltd and Tonea Properties (NZ) Ltd ("Tonea"), and Addison Developments Ltd ("Addison"), applied for costs against J Sabatier and I Knobloch as trustees of the Sabatier Family Trust ("Sabatier"). Tonea had joined the proceedings brought by Sabatier for interim enforcement orders against Auckland Council ("the council") and Addison. The orders were refused because Sabatier had not established the Environment Court had jurisdiction to make them. Sabatier had wanted to prevent the council from exercising its statutory power to release a certificate under s 224(c) of the RMA confirming compliance by Addison with the conditions of a subdivision consent. The matter concerned the discharge of stormwater from a multi-staged housing subdivision at Takanini being undertaken by Addison, which Sabatier claimed would affect the use of Sabatier's neighbouring land. Tonea now sought costs against Sabatier of 75 per cent of its total costs. Addison sought indemnity costs against Sabatier. Sabatier opposed the applications, submitting that it was placed in the position of having to commence court action because the council had failed to consult with it over the council's intention that Sabatier land would receive stormwater from the development.

The Court considered the principles and case authority relevant to the exercise of its discretion to award costs under s 285 of the RMA, noting that both applicants in the present proceeding sought an order above the usual range of costs. The Court stated that Addison and Tonea still did not have a permanent solution to the very complex issue of stormwater drainage. It seemed likely that a solution would involve Sabatier's land and its concerns were substantive. Further, some 10 weeks had passed since the previous decision and the council had not yet issued s 224 certificates. The Court was satisfied that the council was seized of the compliance issues raised by Sabatier and of the need to give those matters very careful consideration.

The Court stated that justice required that it not set aside the wider context giving rise to the proceeding. While Sabatier did not establish that the Court had jurisdiction to make the orders sought, the Court concluded that in all the circumstances it was just not to exercise its discretion and so declined the applications for costs.

Decision date 16 August 2018 Your Environment 17 August 2018

(See the previous reference in Case-notes July 2018)

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Lee Valley Limestone Ltd v Tasman District Council _ [2018] NZEnvC 122

Keywords: resource consent; subdivision; quarry; effect adverse

Lee Valley Limestone Ltd ("LVLL") appealed against the decision of commissioners of Tasman District Council ("the council") to decline consent for the creation of one new lot, containing 18.4 ha ("the site") from two other lots, by boundary adjustment and amalgamation. The issues arising concerned potential adverse effects on amenity of neighbouring rural residential properties. LVLL was a subsidiary of Taylors Contracting Ltd ("Taylors") which worked for the

council, providing rock protection along the district's rivers and coastlines. The shortage of suitable rock for such works had led to LVLL investigating the site as a suitable source of rock. A quarry site was identified and an agreement entered into with the landowner. The subdivision applied for involved a boundary adjustment, which was agreed to be consistent with the relevant provisions of the Tasman Resource Management Plan ("the plan") and would not cause any adverse environmental effects. LVLL proposed to extract rock by quarrying during the period between January to mid-April each year, with maximum volumes of extraction and limited hours of operation. It was the potential effects of the proposed quarrying operation with which the present appeal was concerned.

The Court noted that the proposal was overall a discretionary one and so considered it under s 104(1) of the RMA. The site was in land zoned Rural 2 in the plan with Rural Residential zone land within 400 m nearby. The relevant statutory instruments included the RMA, the National Policy Statement for Freshwater Management 2017, the plan, and the Tasman Regional Policy Statement ("the RPS"). The RPS recognised the importance of the district's rock resources but did not establish a priority for quarrying over the preservation of rural amenity. The plan sought to ensure mitigation, avoidance or remedy of adverse effects on rural amenity. Regarding such potential effects, the Court considered effects of noise, dust and traffic, and concluded from the expert opinion that the potential off-site effects would be contained within acceptable limits and that there would be no significant adverse effects on the character and amenity value of the area. When objectively appraised, the Court found that such effects would be no more than minor.

The Court reviewed the redrafted conditions and was satisfied that these identified the performance standards to be met by the proposed management plans. The Court stated that all matters identified during the hearing had been appropriately addressed in the final draft of conditions, which were accepted and appended to the present decision. For the reasons stated, the appeal was upheld and the resource consent granted, subject to the conditions attached. Costs were not reserved.

Decision date 22 August 2018 - Your Environment 23 August 2018

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The above brief summaries are extracted from "Alert 24 - Your Environment" published by Thomson Reuters and are reprinted with permission. They are intended to draw attention to decisions that may be of interest to members. Please consult the complete decisions for a full understanding of the subject matter.
Should you wish to obtain a copy of the decision please phone Thomson Reuters Customer Care on 0800 10 60 60 or by email to judgments@thomsonreuters.co.nz.

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

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Other News Items for October 2018

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Tenant lawyer wins case on $3,000 per week rental property.

Stuff reports the Tenancy Tribunal has awarded prominent Auckland lawyer Murray Tingey over $10,000 in compensation for his landlord's failure to repair a multi-million-dollar property in a desirable Auckland suburb. Mr Tingey also successfully challenged a rent hike which saw the weekly rent rise from $2,500 per week to $3,000. - Read the full story here.

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MBIE reviewing Tauranga City Council over Bella Vista development failure

The New Zealand Herald reports that the Ministry of Business, Innovation and Employment is reviewing several Tauranga City Council building control activities, following the failure of the Bella Vista subdivision. Read the full story here.
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Land owners in failed Bella Vista development out of pocket.

Stuff reports five people who paid over the odds for a house-and-land package through Bella Vista Homes have been left with empty sections worth significantly less than what they paid for them and little recourse, after the Tauranga developers went into liquidation. The "Forgotten Five" are separate from those involved in the now-evacuated Bella Vista Homes development on Lakes Boulevard, who are battling Tauranga City Council for a market rate payout after 21 properties were revealed in March 2018 to be unsafe due to shoddy construction. - Read the full story here.

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Cross-lease property nightmares: neighbours at war.

Stuff reports the owners of cross lease titles on land in West Auckland are at war with each other over access via a shared driveway and limitations on rights to alter the property. An Auckland Council report states the owners of a cross lease property technically own the whole piece of land together, while leasing their exclusive areas, and the absence of consent for alterations, such as construction or changes to other structures including fences, could be considered a breach of lease. Read the full story here.

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Police investigate Avondale Bowling Club land sale

Stuff reports police are investigating a controversial land sale in Auckland, after the ownership of Avondale Bowling Club changed hands twice in one day with more than a half million dollar mark-up. - Read the full story here.

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US company gets approval to buy Waikato farm land

Waikato farm land will be converted to redwood forest following approval for a United States company to buy the land for 7 million dollars.

The New Zealand Redwood Company is buying 1,148 hectares of farm land at Matiere, in the Waikato.

The Minister for Land Information and the Associate Minister of Finance made the decision under the Overseas Investment Act.

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

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Christchurch district plan change "red-zoning by stealth"

The Press reports Christchurch City Council bosses and elected representatives are in dispute over claims the district plan was deliberately altered, potentially leaving homeowners in flood-prone areas millions of dollars out of pocket. Community leaders said the apparent sabotage amounted to "red-zoning by stealth".

Read the full story here.

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Major buildings with combustible cladding not properly audited

Radio New Zealand reports that some major buildings with polyethylene-type aluminium composite panels are not being properly audited to ensure their safety systems work properly. Read the full story here.

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$24m rebuild of Wainuiomata High School

Stuff reports the Prime Minister has announced that Wainuiomata High School will get a $24 million refurbishment. All the classrooms will be replaced and the rest of the school upgraded and modernised. Read the full story here.

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Department of Conservation ceases lead shot use due to effect on kea

The Otago Daily Times reports that the Department of Conservation has stopped using lead shot in predator control in South Westland, after high levels of lead were found in kea. Kea are apparently attracted to eating lead because of its sweet taste. Read the full story here.

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Large subdivision development in Raglan

Stuff reports that a 117-hectare, 550-section subdivision development in Raglan, the Rangitahi project, is attracting strong demand. Building is expected to begin in February 2019.

Read the full story here.

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$35 million "Earth Village" proposed in the Bay of Islands

The New Zealand Herald reports that Korean spiritual leader, Seung Heun Lee, plans to spend $35 million building an "Earth Village" on the outskirts of Kerikeri. The scale of the investment was revealed in a presentation to a Far North District Council meeting in Kerikeri. Read the full story here.

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Waimea dam project to proceed

Stuff reports that Tasman district councillors have voted to proceed with the $102 million Waimea dam project. The vote reversed a "no" decision made nine days earlier. Read the full story here.

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Two new South Island hydro stations

Stuff reports that Pioneer Energy has two new hydro-electric stations under construction, the Matiri near Nelson and The Upper Fraser facility near Alexandra in Central Otago. They are expected to be operational by late 2019. Read the full story here.

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Urban Development Authority proposed for Auckland

The New Zealand Herald reports that Housing Minister Phil Twyford is proposing to establish a new Ministry of Housing and Urban Development, and in Auckland an Urban Development Authority. The Authority would have control of 12 to 15 major housing developments in Auckland and be able to override the Unitary Plan.

Read the full story here.

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Government to spend $16.9 billion on New Zealand's transport system.

Stuff reports that Transport Minister Phil Twyford has announced the Government is to spend $16.9 billion on transport in its three-year transport programme. Read the full story here.

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Bid to mine Chatham Rise seafloor.

The Otago Daily Times reports that Chatham Rock Phosphate plans to mine the sea floor of the Chatham Rise, between the Chatham Islands and Banks Peninsula. The company wishes to suction up 1.5 million tonnes of phosphate nodules from the seafloor, in depths of up to 450 m.

Read the full story here.

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Rental law change could benefit cat owners, but dog owners still miss out.

Stuff reports proposed changes to rental laws that would include giving tenants some rights to keep pets could make a big difference for cat owners while potentially being less useful for dog

owners, the RNZSPCA has acknowledged. - Read the full story here.

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Permission denied for a large apartment and commercial development on Dominion Rd

The New Zealand Herald reports that Panuku's proposed new housing development on the corner of Dominion and Valley Rds, Auckland, has been refused consent by planning commissioners. Read the full story here.

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Auckland residential consent approvals up 28 per cent *The New Zealand Herald* reports that Statistics New Zealand has released information showing 12,845 Auckland consents issued in the year to July, a rise of 28 per cent. Read the full story here.

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Government to make life better for renters

Housing and Urban Development Minister Phil Twyford has announced that the public is being asked for feedback on new Government proposals aimed at making life better for renters.

"Our tenancy laws are antiquated and don't reflect the fact that renting is now a long-term reality for many of our families. A third of all New Zealanders now rent," Phil Twyford said.

"Insecure tenure can forcer families to continually move house. This is particularly tough on children whose education suffers when they have to keep changing schools."

Phil Twyford urges landlords, tenants and other interested people to have their say on the proposals covered in a discussion document on reforming the Residential Tenancies Act released today.

"We want to strike a balance between providing tenants with security of tenure and allowing them to make their house a home, while protecting the rights and interests of landlords."

The discussion document covers proposals on:
-ending no cause tenancy terminations while ensuring landlords can still get rid of rogue tenants
-increasing the amount of notice a landlord must generally give tenants to terminate a tenancy from 42 days to 90 days
-whether changes to fixed-term agreements are justified to improve security of tenure
-limiting rent increases to once a year
-whether there should be limitations on the practice of 'rent bidding'
-whether the general obligations that tenants and landlords have remain fit for purpose
-better equipping tenants and landlords to reach agreement about pets and minor alternations to the home
-whether further controls for boarding houses are needed to provide adequate protection for boarding house tenants
-introducing new tools and processes into the compliance and enforcement system.

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

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Central Otago DC to gain $2.8m from possible sale and subdivision of Alexandra land

The Otago Daily Times reports that Central Otago District Council stands to accrue $2.8 million from the sale and subdivision of a 6.5 hectare block of land owned by the council in Alexandra. Read the full story here.

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Construction of Wellington Airport safety wall suggested

The Dominion Post reports that Wellington Airport has suggested in its application to the Civil Aviation Authority that if an extension at the northern end of the runway is required, a wall could be built above Cobham Drive to increase safety at that part of the runway. Read the full story here.

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Auckland Council misinterpretation of special character area rules means 430 consents invalid. *Radio New Zealand* reports that holders of 430 resource consents granted by Auckland Council must re-apply for consent, following the Environment Court finding that the special character area rules in the Auckland Unitary Plan had been misinterpreted by the council. Read the full story here.

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High Court rejects South Taranaki seabed mining application.

Radio New Zealand reports that the High Court has rejected a bid by Trans Tasman Resources to mine ironsands from the bottom of the ocean off the coast of South Taranaki. Read the full story here.

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New $100 million Fonterra plant opens in Canterbury

Radio New Zealand reports that a new cream cheese processing plant has been opened in Darfield by Fonterra. It is estimated that the $100 million plant will make up to 24,000 metric tonnes of the product annually for sale to the Asian market. Read the full story here.

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New $400m apartment and retail complex proposed for Wynyard Quarter

The New Zealand Herald reports that Fu Wah New Zealand has lodged an application for resource consent with Auckland Council to build a $400 million, 435-unit apartment and retail complex in Auckland's Wynyard Quarter. Read the full story here.

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NZLS: Keep those tax statements for 10 years, says LINZ

Land Information New Zealand (LINZ) has reminded lawyers that they must retain property tax statements for the required 10-year retention period so that they are available if requested by Inland Revenue.

LINZ has issued a reminder about tax information and compliance reviews. It says its role is to capture property tax data in Landonline when properties are bought, sold or transferred.

- Please follow the link for the full statement. Media release

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Wellington landlords propose alternative to rental WOF

Stuff reports Wellington Property Investors Association, concerned that a compulsory rental warrant of fitness as championed by the Green Party might be too difficult to meet and prompt landlords to sell up, have started a landlord accreditation scheme, under which rental properties are graded to guide tenants. - Read the full story here.

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Fight over water easement leaves Waikato family high and dry

Stuff reports a family in Tokoroa were left without water in their home for three weeks after the dairy farmer next door, from whom they have a legal water easement, turned the water off. The young South Waikato family felt they had no choice but to take out a $14,000 loan to install a water tank. Tokoroa lawyer Arama Ngapo-Lipscombe says the family should not be making the problem their own [such as installing a water tank to deal with the issue] if they are in the right, and the Disputes Tribunal would be the most cost effective way of getting the matter resolved. The family could get an injunction from the High Court, ordering the neighbour to turn the water back on, depending on what was in the easement document. - Read the full story here.

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Melbourne builder pursued over combustible cladding in administration

ABC News reports that H Buildings, a major Melbourne building company, which was facing millions of dollars in claims for combustible cladding has gone into voluntary administration. Building experts are concerned this will be the first of many builders to go into administration,
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leaving residents to face the bill to repair or replace cladding. Read the full story here.

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Central Government plans 10,000 new houses for Mt Roskill.

The New Zealand Herald reports that Housing and Urban Development Minister Phil Twyford has announced that 10,000 houses, including 2,400 Kiwibuild homes, will be built in a 143 ha area in Auckland's Mt Roskill over the next 15 years. Read the full story here.

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Aorangi House in Wellington wins sustainable building award

The Dominion Post reports that the World Green Building Council has given a refurbished 1970s office block in Molesworth St, Wellington, an award for sustainable design and performance. The building was saved from demolition. Read the full story here.

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Environment Court injunction suspends 1080 drop in Hunua Ranges.

Radio New Zealand reports that The Friends of Sherwood Trust have been granted an interim injunction by the Environment Court to suspend the drop of 1080 poison pellets in the Hunua Ranges, based on concerns raised about contamination of the water supply. Read the full story here.

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Palmerston North waterways contaminated by firefighting foam. *Radio New Zealand* reports that firefighting foam at levels above safe drinking water guidelines has been found in streams around Palmerston North. People have been advised not to gather eels or watercress in certain areas. Streams near the airport are especially badly contaminated. Read the full story here.

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Government money for Christchurch stadium

The Press reports that Christchurch City Council has decided that $220 million of the Government's $300 million fund for Christchurch will be spent on a new stadium for the city. The remainder of the money will go on road and transport infrastructure projects and the Avon River Red Zone development. Read the full story here.

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Otago Regional Council using thermal imaging to cull wallaby.

The Otago Daily Times reports that Environment Canterbury is using helicopters with thermal animal-detecting equipment to find and kill wallaby, considered invasive pests, which have spread outside the South Canterbury "containment area". Read the full story here.

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Beekeeper needs funds to continue breeding varroa mite resistant bees.

Radio New Zealand reports that Westport beekeeper Gary Jeffery needs $150,000 to continue developing bees which are resistant to the deadly varroa mite. Read the full story here.

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Dunedin special needs school to get $4m refurbishment.

The Otago Daily Times reports that Education Minister Chris Hipkins has announced a $4 million upgrade for Sara Cohen School in Caversham. Read the full story here.

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127-bed hotel proposed for Christchurch's Papanui Rd.

Stuff reports that the Pandey family have lodged a resource consent application with the Christchurch City Council for a new 127-bed hotel in Christchurch's Papanui Rd, on the site of the derelict All Seasons hotel. Read the full story here.

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Hundreds of houses to be built at Havelock North.

Stuff reports that approximately 400 new houses can be built on rural land on the outskirts of Havelock North following Environment Minister David Parker's approval of a variation to the Hastings District Plan to rezone the land for residential purposes. Read the full story here.

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$150m Otago University building to be built in Christchurch.

The Press reports that Otago University will construct a $150 million building in Christchurch's health precinct. The six-storey building will be completed in 2022 and will house the university's Christchurch campus' laboratories and most of its health research groups. Read the full story here.

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