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Legal Case-notes November 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 seven court decisions covering diverse situations associated with subdivision, development and land use activities from around the country;

- A consent order issued following refusal of the Queenstown Lakes District Council of an application for rural residential subdivision of a property in the lower Cardrona valley near Wanaka;
- An unsuccessful application seeking to prevent Horowhenua District Council piping a roadside drain near an archaeological site Kowhai Park, Levin;
- A consent order resulting from an application to develop an aged-care facility on rural land near Kumeu, West Auckland;
- An unsuccessful appeal against an abatement notice issued by Auckland Council relating to an unauthorised boarding house at Mt Roskill, Auckland;
- A High Court judicial review and decision on costs in favour of a local society which had been awarded judicial review of a non-notified decision by Christchurch City Council of funeral director's premises;
- A further interim decision from the Environment Court relating to a proposed re-development of a former convent site at Island Bay, Wellington.

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

CASE NOTES NOVEMBER 2018:

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Criffel Deer Ltd v Queenstown Lakes District Council _ [2018] NZEnvC 104

Keywords: resource consent; conditions; consent order; subdivision; landscape protection

The Court considered the draft consent order submitted by the parties in resolution of the appeal. Criffel Deer Ltd ("CDL") appealed against the refusal of consent by Queenstown Lakes District Council ("the council") of consent to subdivide four existing lots on Mt Barker, near Wanaka, into four new lots and create a residential building platform on each of the three smaller new lots. The site was in a Visual Amenity Landscape in the district plan.

The Court noted that by the proposed resolution of the appeal, one of the four proposed new lots in the subdivision was to be omitted, so that the consent would relate only to the three other parcels. Further, the Court had suggested that the proposed condition 17, which ostensibly prevented further subdivision, should be replaced by a restrictive covenant. CDL had volunteered to register such a covenant in favour of a neighbour's land.

The Court stated that it was concerned about the present and other subdivisions in the Rural General Zone in the Upper Clutha basin because they might enable urbanisation of rural land by "creeping stages". Although the Court now expressed reservations about the precise wording of the restrictive covenant, it was still a useful technique. The Court accordingly made the substantive orders sought under s 179(1) of the RMA. The appeal was allowed to the extent

that the resource consent was granted subject to the revised conditions and the revised plans, attached to the present decision. The appeal was otherwise dismissed. There was no order for costs.

Decision date 4 September 2018 Your Environment 05 September 18

See QLDC commissioners hearing report and decision 12 May 2017 via this link:

https://www.qldc.govt.nz/assets/Resource-Consents/Commissioners-Decisions/Decision-of-the-Commission-Criffel-Deer-Limited-RM160559.pdf

(Note: the Court's decision contains interesting comments about the relative usefulness of private covenants compared with consent notices. The covenant condition was an "Augier" condition. RHL.)

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Taueki v Horowhenua District Council _ [2018] NZEnvC 109~

***Keywords**: jurisdiction; enforcement order; council procedures; earthworks; stormwater; tangata whenua; heritage value*

V Taueki ("T") applied for an enforcement order to prohibit Horowhenua District Council ("the council") from undertaking works in the Queen St public drain ("the drain"), in the vicinity of Kowhai Park, Levin. The council opposed the application, and was supported by Manawatu-Wanganui Regional Council ("the regional council"). The drain conveyed stormwater from Levin to Lake Horowhenua and followed the path of an historic water course. The relevant section of the drain was located on road reserve adjoining Kowhai Park. The park was 500 metres from Lake Horowhenua. The council wished to lay 1.65 metre diameter drain pipes in a 55-metre-long section of an existing open drain. The council deposed that stormwater in the open drain was currently eroding the edge of the road and destabilizing nearby trees. Re-directing the stormwater through the pipes would prevent such erosion and improve the water quality. The proposed works would neither increase nor decrease the flow of stormwater in the drain. T deposed by affidavit that she and her whanau had an interest in matters pertaining to Lake Horowhenua and the area including Kowhai Park, which was an area known to Maori as Poutahi. The council acknowledged T's interest in the area. T deposed that an archaeological site had been identified in Kowhai Park and recorded in the records of the (then) New Zealand Historic Places Trust as a specified site. Furthermore, a midden site, known as Midden 4, was found within the drain. It was the potential for Midden 4 to be affected by the council's present proposed works which was at issue.

T's application was based on s 314(1)(a)(i) of the RMA. She submitted that the proposed pipe installation was within an archaeological site as defined in the Heritage New Zealand Pouhere Taonga Act 2014 ("the HNZPTA") and that the Court might exercise its jurisdiction under s 314 of the RMA to protect such archaeological site, particularly Midden 4. T was concerned that there was a risk that the council's works might modify Midden 4 and that such work should not be allowed to commence until Heritage New Zealand had considered the matter. The council submitted that it was aware of Midden 4 and did not intend to destroy or modify it, and that the works would be supervised by an archaeologist. The council submitted there was no jurisdiction for the Court to make an enforcement order under s 314 of the RMA based on alleged non-compliance with the HNZPTA. The regional council confirmed that the works were a permitted activity under the regional plan.

The Court considered the provisions of s 314(1)(a)(i) of the RMA and stated it was satisfied that laying the drain did not contravene either the RMA or any of the identified instruments or provisions. Further, as the activity was permitted under both the regional and district plans, there was no basis for the Court to make an order based on a breach of the Act or a rule in a plan. Furthermore, even if the Court found that the works would breach s 42 of the HNZPTA, this would not provide jurisdiction to make an order under s 314 of the RMA. Heritage New Zealand could apply for an order in the Environment Court prohibiting persons from breaching duties under the HNZPTA, but other persons such as T could not bring such an action. Accordingly, T's proceedings failed for want of jurisdiction under s 314(1)(a)(i) of the RMA. In addition, the Court found that the Court was not authorised under s 314(1)(a)(ii) of the RMA to make an anticipatory order on the ground that the thing to be done was noxious, dangerous or offensive or objectionable. This was because s 92 of the HNZPTA precluded persons other that Heritage New Zealand from making such an application relating to an archaeological site. The Court was not satisfied that in the present case the proposed works met the requirements to enable the Court to make an enforcement order. Neither was the Court satisfied that it was
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likely that the works would damage Midden 4 in any way. Accordingly, the application was declined. Costs were reserved.

Decision date 10 August 2018 Your Environment 13 August 2018

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Kumeu Property Ltd v Auckland Council _ [2018] NZEnvC 116~

Keywords: resource consent; conditions

This was the final decision of the Court relating to the application for consent by Kumeu Property Ltd for an aged care facility in the Countryside Living Zone. In its previous decisions concerning the matter, the Court determined that the grant of consent was appropriate on conditions to be finalised, and gave directions as to filing of plans and conditions. The Court now had received a further memorandum from the appellant setting out changes to conditions, to which Auckland Council had agreed. The Court noted that that changes were minor, and approved them. The Court therefore endorsed the conditions of consent as annexed to the present decision marked A with attached plans, for sealing and issue. There was no order as to costs.

Decision date 16 August 2018 Your Environment 17 August 2018

(See previous report in Newslink case-notes July 2018.)

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Jayashree Ltd v Auckland Council _ [2018] NZEnvC 120

Keywords: abatement notice; interpretation; district plan; boarding house

Jayashree Ltd ("Jayashree") appealed against the abatement notice ("the notice") issued by Auckland Council ("the council") on 31 August 2017. The notice required Jayashree to cease using or allowing the use of a property at 34 White Swan Rd, Mt Roskill ("the property") as a boarding house, in breach of a specified rule in the Auckland Unitary Plan ("AUP") and s 9(3) of the RMA. Jayashree asserted that the property was rented as a fixed term tenancy under the Residential Tenancies Act 1986 ("the RTA") and sought cancellation of the notice.

The Court noted that a stay of the notice had been granted and the Court had agreed to delay the hearing of the appeal until other proceedings in the High Court were resolved. Such proceedings concerned matters under the RTA by which Mr Karmarkar ("K"), the director of Jayashree, had brought an appeal from findings of the Tenancy Tribunal to the High Court ("the HC") concerning the enforcement of outstanding rent from tenants of another Auckland property. K argued that the other premises were not subject to a boarding house tenancy. The HC, by its decision of 17 April 2018, upheld the Tenancy Tribunal's finding that the other property was subject to a boarding house tenancy.

The present Court now stated that it had received affidavit evidence from council officers and there was little dispute from K as to the facts of the present matter. There were more than 10 people living in the property, 16 of whom had signed a tenancy agreement, there was one shared kitchen, and shared bathroom and toilet facilities. The Court referred to and adopted the HC's analysis and findings and found that in the present case the tenancy was also one for a boarding house. Accordingly, the Court determined that the property was a boarding house. There was no resource consent for it and Jayashree was in breach of the plan rule and s 9(3) of the RMA. The appeal was refused. Costs were reserved.

Decision date 21 August 2018 Your Environment 22 August 2018:

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Rochdale Precinct Society Inc v Christchurch City Council _ [2018] NZHC 467

Keywords: High Court; judicial review; public notification; district plan; home occupation; commercial service; rule; parking

Rochdale Precinct Soc Inc ("the Society") applied for judicial review of decisions by Christchurch City Council ("the council") not to notify, and then to grant, an application by Bell, Lamb and Trotter (2014) Ltd ("the company") for resource consent. The company was a funeral director whose business premises were damaged in the Canterbury earthquakes. Andrew Bell ("B"), a director of the company, wished to use his property at 1 Rochdale St, Christchurch ("the property"), which was within the residential suburban zone of the district plan, for the provision of private funeral services, as a home occupation, which was then a permitted activity. Provisions of the replacement Christchurch District Plan ("the DP") contained new rules relating
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to home occupation, in particular relating to car parking and traffic provisions, which meant that B needed to apply for resource consent. The Society comprised people who resided at properties in Rochdale St and considered themselves adversely affected by the proposed activities at the property.

The Court considered the application for consent. The assessment of environmental effects considered that the application was for a home occupation, a restricted discretionary activity (RDA), which would breach two activity standards, relating to gross floor area, and car parking, and identified three non-compliances with Chapter 7 of the DP. The council's notification report concluded that the activity fell within the DP definition of a "commercial service", with discretionary activity status, rather than a "home occupation", which was a RDA. Further, the report identified non-compliances with Chapter 7 of the DP and concluded that effects on cultural values and visual amenity would be at least minor and so recommended public notification. However, the council's appointed independent Commissioner decided that notification was not necessary, concluding that the activity was a home occupation and that there were no special circumstances to warrant public notification. The council's substantive report recommended that the application be declined because the adverse effects had the potential to be more than minor in the residential context. However, the Commissioner granted consent, concluding that the adverse effects were no more than minor and the proposal was not inconsistent with the DP.

The Society now alleged that, with regard to the notification decision, the council Commissioner erred in treating the proposal as a home occupation rather than a commercial service activity with the consequences that it was wrongly considered under s 104 and 104C of the RMA, rather than under ss 104 and 104B and that all the adverse effects were not considered. With regard to the substantive decision, the Society alleged that the council wrongly considered the activity status of the application, failed to consider Chapter 7 rules non-compliances and erred in applying the permitted baseline.

The Court considered the notification requirements under ss 95A-95D of the RMA which were in force at the time the council made its notification decision and the proper approach to the interpretation of the relevant provisions of the DP, applying *Powell v Dunedin City Council* [2004] 3 NZLR 721 (CA). The Court concluded that the application was clearly for a home occupation because: B was engaged in the funeral home business, the occupation was to be undertaken within a residential unit and was to be undertaken by a person residing in that residential unit. The Court stated that it was the activity which was to be considered and found that the Commissioner properly addressed the issue and made no error. However, the Court stated that the real matter at issue was whether the council Commissioner failed to take into account that the proposal breached certain rules in Chapter 7. The classification of the activity as a home occupation was not the end of the matter; such an activity must nevertheless comply with the other requirements of the DP. After considering the relevant rules and other provisions, together with the submissions of the parties, the Court concluded that an objective reading of the notification decision suggested that the Commissioner did not address Chapter 7 matters or did not do so properly. The car parking matters were not referred to at all. It appeared that the Commissioner did not understand the extent of matters he was required to address, and it appeared that he mistakenly assumed that notification was governed by Chapter 14 of the DP, and so did not consider the Chapter 7 breaches and their impact. This was an error. Regarding the substantive decision, the Court found that if the Commissioner erred regarding the permitted baseline, it was immaterial to the decision.

Having found that the Commissioner erred in failing expressly to consider Chapter 7 matters in the notification decision, the Court considered whether relief should be granted and whether any relief would have a practical value. In the present case, the consequence of the decision not to notify the application was to shut out from participation whose who opposed the proposal. There had been no decision as to the correct analysis of the car parking and other traffic requirements of the proposed activity and, under s 95B of the RMA, notification to any affected parties was mandatory. Judicial review was granted. The notification and substantive decisions were quashed. The council was directed to commence the process afresh. Directions were given as to costs.

Decision date 4 April 2018 Your Environment 5 April 2018

Rochdale Precinct Society Inc v Christchurch City Council _ [2018] NZHC 1708

Keywords: High Court; costs

The High Court considered an application for costs by Rochdale Precinct Soc Inc ("the Society")

following the Society's largely successful application for judicial review of resource consent decisions made by Christchurch City Council ("the council"). The Society and the council had agreed that as between them, costs would lie where they fell. The Society now sought costs against Bell, Lamb and Trotter (2014) Ltd ("BLT"), the second respondent in the judicial review and the recipient of the consent. BLT submitted that costs should lie where they fell, as it had been successful on two of the four broad issues raised. Further, BLT submitted that, because the council had abided by the Court's decisions, BLT had effectively stepped into the role of the council in defending the proceedings.

The Court considered the principles applying to its discretion to award costs, as set out in the High Court Rules 2016. The Court considered case authority to the effect that whether a party was successful depended on whether it achieved success overall, and stated that it was clear that the Society should be considered the successful party. Lack of success on all grounds was no reason alone to depart from the ordinary rule that costs followed the event, although it might justify a reduction in costs. The Court agreed with the Society that arguments advanced by BLT regarding the need to provide compliant parking were insupportable. However, these did not require significant time or resources in submissions or in the judgment. On the other hand, the Court stated that the Society's arguments regarding Chapter 14 of the plan were misconceived and its arguments regarding Chapter 7 were to a degree unnecessary. Further, the Society's argument regarding the permitted baseline was ill-conceived and unnecessary. This led to significantly increased costs for BLT. On balance, the Court considered that a 20 per cent reduction in the costs award was warranted. The Court also reduced the Society's expert expenses by 30 per cent.

After considering case authority regarding costs as between unsuccessful parties, the Court observed that prima facie the council and BLT were jointly and severally liable. However, the Court, which had the task of assessing the overall justice between the parties in the particular circumstances, might vary the prima facie rule. In this case, the Court found that neither the council nor BLT should shoulder the full burden of a costs award. The Court agreed that the council's election to abide the Court's decision hindered rather than assisted the proceeding, and was particularly unhelpful given the fact that the proceeding considered the provisions of a new district plan. The election was also unhelpful coming as it did after filing statement of defence and it led to the Court requesting, after the hearing, further specific submissions from the council. In these circumstances, the Court stated that the council by abiding the Court's decision could not absolve itself of its reasonable and fair share of the costs burden. The Court assessed liability of the council to be 40 per cent of any costs award and that of BLT to be 60 per cent.

Accordingly, the Court found that the Society was entitled to costs on a scale 2B basis, reduced by 20 per cent, together with disbursements, less 30 per cent of the expert evidence costs. The Court ordered that BLT's liability was limited to 60 per cent of that total.

Decision date 3 August 2018 Your Environment 6 August 2018

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Wellington Company Ltd v Save Erskine College Trust (No 4) _ [2018] NZEnvC 106

Keywords**: **resource consent; building; heritage value

This was the fourth interim decision of the Court on the appeal by The Wellington Company Ltd ("TWC"), under s 195 of the RMA, against the refusal by Save Erskine College Trust ("SECT") of consent to demolish heritage buildings. By its previous decisions, the Court had moved towards a position whereby the former Erskine College chapel building on the site in Island Bay, Wellington, would be saved and restored, while accepting that TWC might be granted consent to demolish the main convent building.

In the present case, the Court summarised and considered matters submitted by the parties. The Court noted that SECT had sought that the bond, which the Court had directed should replace previous conditions regarding completion of works of the site, should be for the whole of the cost of the chapel strengthening and refurbishing works. However, the Court stated that this argument was not open to SECT, given the terms of the previous decisions. There was no need for TWC to suffer the fiscal drag of posting such a bond. Further, the Court rejected the imposition of a requirement for Code Compliance Certification before the bond would be released. The Court made further findings and statements as guidance and expressed a hope that the parties could now finally agree on, and submit to the Court, draft conditions of consent along with information to support the setting of the bond at an appropriate level.
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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 November 2018

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NZLS: New Land Transfer Act implementation. The New Zealand Law Society notes the coming into force of the new Land Transfer Act 2017 on 12 November 2018, and the update from Land Information New Zealand (LINZ) on its implementation. New regulations have been submitted to Cabinet, and LINZ has new guidelines to provide information on how to meet the new regime. - Please click on link for full statement. media release

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Land Transfer Regulations 2018 (LI 2018/193) _ These regulations replace the *Land Transfer Regulations 2002*, which are revoked by the *Land Transfer Act 2017* (the Act). These regulations come into force on 12/11/2018.

The regulations—

- specify the information that must be contained in, and documents that must accompany, certain electronic or paper instruments that are lodged:
- specify which electronic or paper instruments may be lodged only if they are certified, what must be certified, and who must certify them:
- require the certifier of an electronic instrument to retain certain evidence for 10 years after the date on which the instrument is lodged for registration or notation:
- specify the parties who are treated as having executed a certified electronic instrument:
- specify the parties who must execute a paper instrument, and how they must execute it:
- set out how a person may apply for various dealings:
- set out the conditions and powers that are implied in a mortgage whose priority is postponed:
- set out the rights and powers that are implied in various classes of registered easement:
- allow a non-contact order under the *Victims' Orders Against Violent Offenders Act 2014* to be included as evidence in an application for a withholding period (to preserve the safety of a person or their family):
- specify the information that must be contained in, the documents that must accompany, and the periods that must be specified in certain notices given under the Act:
- prescribe $10,000 as the maximum amount of a claim that must be made to the Registrar alone (instead of the Attorney-General and the Registrar), who may accept liability for its payment:
- specify the fees payable for various matters:
- provide for various other matters.

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NZLS: Māori Land Court Judge being sought.

A new Judge of the Māori Land Court is being sought and the Minister for Māori Development is calling for expressions of interest. The position is based in Wellington.

The Māori Land Court's primary objective under Te Ture Whenua Māori Act 1993 is to promote and assist in the retention of Māori land in the hands of its owners, and the effective use, management and development of that land by or on behalf of its owners, their whānau and hapū.

A Māori Land Court Judge's core responsibility is to exercise the jurisdiction of the Māori Land Court and the Māori Appellate Court conferred by Statute, principally under Te Ture Whenua

Māori Act 1993. The Chairperson of the Waitangi Tribunal may also appoint judges of the Māori Land Court under the Treaty of Waitangi Act 1975 to serve as presiding officers for Waitangi Tribunal inquiries. - Please follow the link for the full statement. Media release

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Beachfront home seawall dispute. _ *Stuff* reports that construction of a home's seawall protruding onto Milford Beach in Auckland has caused controversy with some residents saying it is "stealing the beach". The wall is within the property boundary and consented. Read the full story here.

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Court of Appeal rules against West Coast mine. _ *Stuff* reports the Court of Appeal has found that the Buller District Council misinterpreted its role under the Reserves Act in granting Stevenson Mining access to conservation land at Te Kuha for a coal mine. The Court said the council could not let the economic benefits of the mine to the region outweigh the requirement to protect the reserve. Read the full story here.

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Auckland Council's development arm fails to use budget. *Radio New Zealand* reports that Auckland Council's development arm, Panuku, has spent just 27 per cent of its budget in the year to June 2018. Read the full story here.

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Puriri Park state house development in Northland. _ The *Northern Advocate* reports that Housing New Zealand will begin construction of state houses on part of a Whangarei recreational park, Puriri Park, next year. Housing New Zealand bought part of Puriri Park in June from the Ministry of Education and the land is zoned as residential. Read the full story here.

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Negligence action in the US against suppliers of e-scooters as Lime releases 1,000 in New Zealand. *The New Zealand Herald* reports that Auckland Transport says it has worked closely with Auckland Council on the licensing of Lime e-scooters in the city and is monitoring their use. This comes as a class action has been launched in the United States accusing the suppliers of e-scooters of negligence following injuries involving the scooters. Read the full story here.

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Forest and Bird wins appeal against opencast coal mine. *Radio New Zealand* reports that the Court of Appeal has upheld the appeal by Forest and Bird against Stevenson Mining's proposal for a new opencast mine at Te Kuha on the West Coast, using reserve and conservation land. Peter Anderson, Forest and Bird's lawyer, says the decision is a precedent for future coal mine applications on reserve land. Read the full story here.

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Next phase in rewrite of Overseas Investment rules. _ Associate Finance Minister David Parker has announced that the Government is launching the second chapter in its rewrite of the Overseas Investment Act to ensure investments are consistent with New Zealand's national interest.

This will also focus on reducing complexity and cutting unnecessary red tape.

The first phase included the ban on foreign buyers acquiring existing homes, which takes effect on October 22, as well as measures to encourage foreign investment in forestry.

"We know that steps can be taken to simplify the rules for those making productive investments in our economy, while adequately protecting our most sensitive assets including our pristine land - the envy of the world.

"In the second phase of our reform we will ensure New Zealand remains an attractive destination for beneficial, long-term foreign direct investment, while examining ways to ensure prospective foreign investments are consistent with New Zealand's national interest.

"It is likely that a broad, but rarely used, discretion to decline approval for significant foreign investment, such as infrastructure assets with monopoly characteristics, will be introduced."

Legislation to implement the changes is expected to be completed by 2020.

The Government will consult widely on options for reform. Public consultation will take place in the first half of 2019.

The work will be led by the Treasury. Please click on the link for full statement. media release

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Opposition to 840-house development near Cromwell. The *Otago Daily Times* reports that River Terrace Developments Ltd's application to Central Otago District Council for a private plan change that would allow an 840-house development near Cromwell has met with overwhelming opposition. Concerns raised include the effects of the development on nearby orchards, loss of rural land and issues arising from the creation of a satellite development near Cromwell. Read the full story here.

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Group protesting housing development in South Auckland. _ *Manukau Courier* reports a group called Save Our Unique Landscape is opposing a proposed housing development near the protected Ōtuataua Stonefields reserve at Ihumātao in South Auckland. Fletcher Residential wants to build more than 450 houses on the land, which the protesters say is "sacred" and should be preserved for future generations. Read the full story here.

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Landowner and Waikato DC in dispute over old bridge. *Stuff* reports landowner Nick Knight and the Waikato District Council have been in dispute for two-and-a-half years over a condemned bridge that provides access to Mr Knight's land near Ngāruawāhia. Mr Knight says the council should fix the bridge because the district plan says every home should have access to a formed, council-maintained road. The council says the rules were different in 1989 when the land was subdivided, and Mr Knight is not landlocked because his property borders a paper road. Read the full story here.

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Book calls for action against "the invading sea". *Otago Daily Times* reports Dunedin environmental advocate Neville Peat has released his book *The Invading Sea*. During his 12 years as a councillor with the Otago Regional Council and Dunedin City Council, Mr Peat was involved in studying, mapping and measuring the coastal areas around Dunedin. He believes central government has a vital role to play in supporting local councils to face the reality of climate change. Read the full story here.

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Plans revealed for privately-funded $1.8b waterfront stadium. *Newsroom* reports the Auckland Waterfront Consortium has revealed its plans to build a $1.8 billion, 50,000 seat, covered stadium, which would be privately funded by giving a international developer rights to build thousands of homes on land at Bledisloe Wharf and Eden Park.

The group wants Auckland Council, which owns the Ports of Auckland company upon whose land the new stadium would stand, to agree to move the working wharf at Bledisloe to the other side of Auckland to the Port of Onehunga for imports of cars and other freight. Read the full story here.

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Shoppers warned about "greenwashing". *Radio New Zealand* reports that consumer advocates have warned shoppers that some products aren't as "green" as they seem, a practice called "greenwashing". Since 2013, two companies have been prosecuted and fined for making unsubstantiated environmental claims. Read the full story here.

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Genesis Energy considers importing coal amid gas shortage. *The New Zealand Herald* reports that the present shortage of gas had led Genesis Energy to consider importing coal to run its power station at Huntly. Read the full story here.

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Gore subdivision bylaw would require rainwater storage tanks in new buildings. The *Otago Daily Times* reports that rainwater storage tanks will be required for new buildings under a Gore District Council's bylaw, currently under review. The council's regulatory and planning general manager Dr Ian Davidson-Watts says this would relieve some of the pressure on urban water supplies and reduce the impact of heavy rainfall on stormwater networks.

Read the full story here.

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DOC permanently closes 21 tracks to prevent spread of kauri dieback. *Radio New Zealand* reports that Conservation Minister Eugenie Sage has announced the closure of 21 Department of Conservation tracks, in Kaitaia, the Kauri Coast, Great Barrier Island, Hauraki, Waikato and Tauranga in order to try to slow the spread of Kauri dieback disease. Read the full story here.

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Artificial reef considered for Marlborough Sounds. The *Marlborough Express* reports that Marlborough District Council coastal scientist Dr Steve Urlich has proposed the construction of artificial reefs in the Marlborough Sounds to revive marine life and to attract divers and tourism to the region. Read the full story here.

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OMV granted two-year extension for oil and gas well off Otago Coast. *Radio New Zealand* reports that the Government has given Australian oil and gas company OMV two more years for its exploratory well in the Great Southern Basin. Read the full story here.

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Attempts to stop construction of Herne Bay helipad. *The New Zealand Herald* reports that residents and environmentalists opposed to the building of Rod Duke's helipad on the Herne Bay waterfront are asking the High Court to halt the construction. The opponents say that effects on people on the beach were not taken into account by Auckland Council when the consent for the proposal was granted and that aspects of the building do not comply with the terms of consent. Read the full story here.

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Foundation repair for Auckland skyscraper project. *Stuff* reports that construction was stopped for a few days on the Seascape apartments in Auckland when it was discovered that some of the concrete poured for the foundations was hollow in places and in need of repair. The 52-storey building will be the largest residential skyscraper in New Zealand. Read the full story here.

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Abolition of letting fees may help get rid of bad property managers. *The New Zealand Herald* reports an industry consultant claims that although Government plans to abolish letting fees may not save renters money, it could help protect them from bad property managers. Property managers currently charge new renters letting fees as a means to recover the costs involved in looking for tenants. With letting fees generating up to three quarters of the profits of a typical property management company, small and poorly run businesses may struggle to manage the transition to a new fee structure and go out of business. - Read the full story here.

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$6m Arrowtown development to produce "baked" radiata pine building product. The *Otago Daily Times* reports that Abodo Wood Ltd has set up a $6 million development in Cardrona Valley to produce a new eco-friendly pine product which is suitable as an internal or external cladding for buildings in harsh and dry conditions. The company's "baking" process, developed first in Finland, is said to double the timber's stability and greatly reduce its moisture content. Read the full story here.

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Tolaga Bay logs and slash to be incinerated. *Hawke's Bay Today* reports that the many thousands of logs littering Tolaga Bay Beach since the June wash-out will be burned in incineration pits, according to Uawanui chairperson Victor Walker. Gisborne Mayor Meng Foon is hoping the the burning operation will go smoothly before the summer visitors arrive to enjoy the beach.

Read the full story here.

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Wairarapa rail to get $96m government funding Westlaw NZ | Checkpoint NZ | Alert24
NZ 10/10/2018

Radio New Zealand reports that Transport Minister Phil Twyford has announced $96 million government funding for infrastructure for Wairarapa rail.

Read the full story here.

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New $200m highrise building for Auckland CBD planned Westlaw NZ | Checkpoint NZ | Alert24
NZ 10/10/2018

The New Zealand Herald reports that a 180-metres high tower, the winning design created Melbourne architects Woods Bagot, is planned to be built at 65 Federal St, in Auckland's CBD. ICD Property anticipates that construction of the $200 million proposal will be finished within four years.

Read the full story here.

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Chinese company to develop hundreds of residential sites in Orewa.
The New Zealand Herald reports that the Overseas Investment Office has given consent to Changda International New Zealand, 60 per cent owned by the Chinese government, to purchase 35 hectares of residential land in Orewa and create almost 600 new housing lots. Read the full story here.

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$7.6m for safety gates at Auckland rail level crossings. *The New Zealand Herald* reports that Auckland Transport and the New Zealand Transport Agency have pledged to invest $7.6 million to install automatic gates and other safety measures at 11 rail level crossings in Auckland, following several recent deaths at such crossings. Read the full story here.

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Transport groups call for rail line linking Auckland city centre to airport. *Stuff* reports that two transport groups - the Public Transport Users Association and NZ Transport 2050 - have called for a train service, rather than trams, running between central Auckland and the airport. The groups say the Government's plans for light rail to the airport have it "all wrong". Read the full story here.

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French cruise ship and captain convicted and fined after grounding in protected Snares Islands. *Radio New Zealand* reports that Compagnie du Ponant and Captain Regis Daumesnil, a French citizen, were fined $70,000 and $30,000 respectively in Wellington District Court after admitting charges of endangering human life and entering a prohibited zone, laid by Maritime New Zealand and the Department of Conservation, following the grounding of the cruise ship L'Austral at the Snares Islands. Read the full story here.

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$15m predator control plan for Dunedin. The *Otago Daily Times* reports that Conservation Minister Eugenie Sage has launched a $15 million Predator Free Dunedin project to destroy predator populations within 31,000 hectares of land in the Dunedin areas of the Otago Peninsula and the Orokonui Ecosanctuary. Read the full story here.

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