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**Legal Case-notes Febuary 2019**

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 six court decisions covering diverse situations associated with subdivision, development and land use activities from around the country;

- A successful appeal against refusal of consent to a subdivision for rural living lots within a "Rural Character Landscape" area near Wanaka. The hearing took place before the Council's decision on the proposed district plan was issued, but the decision was issued subsequently. The relevant rules in the proposed plan were treated as operative but objectives and policies of the operative plan remained relevant;
- An appeal against refusal of consent for a non-complying rural subdivision near Auckland, where the housing on the proposed subdivided site had already been lawfully established. The consent was granted following mediation and subject to conditions that prevented further subdivision of the new site;
- A decision by the Court of Appeal to overturn a decision of the High Court on judicial review of the AUP Independent Hearings Panel decision on zoning of a property on Auckland's North Shore. The issue involved reliance on certain submissions provided by the Council's planner.
- An unsuccessful appeal by a Waihi Beach development company against issue of an abatement notice for breaching conditions of consent that required trucks bring fill material from a quarry to avoid use of the road through the shopping centre of the town and use a longer route. This appeal against the abatement notice was distinct from a challenge to the condition(s);
- An unsuccessful application for judicial review of a decision by Auckland Council to grant consent for extensions to a house and construction of a swimming pool at Herne Bay, Auckland on a non-notified basis;
- A prosecution by Auckland Council of a person associated with a saga of offences under the RMA and Building Act on numerous properties around the region.

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**CASE NOTES FEBRUARY 2019:**

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**Ballantyne Barker Holdings Ltd v Queenstown Lakes District Council -** [2018]NZEnvC181

***Keywords: subdivision; district plan; district plan proposed***

The Court made an interim decision regarding the appeal by Ballantyne Barker Holdings Ltd ("BBHL") against the refusal by commissioners of Queenstown Lakes District Council ("the council") of BBHL's proposal to subdivide 48 ha of land owned by it near Wanaka township into rural living allotments.

The Court considered the proposal, which now was to create seven smaller lots, and a larger balance lot, each with a residential building platform. The site was within the Rural General

zone of the Queenstown Lakes Operative District Plan ("the OP"). It was within the "Rural Character Landscape" of the proposed District Plan ("the PP"). The council's decisions on the PP were issued shortly before the Court was ready to issue a decision on the case. The Court stated it was common ground that the consequence of this was that the rules applicable to the present case were those in the PP because they were to be treated as operative under ss 86B and 86F of the RMA. In the present case, the Court concluded that the objectives and policies of the OP were still relevant.

The Court considered the proposal under s 104 of the RMA and considered relevant provisions of the Otago Regional Policy Statement (operative and proposed), the OP and the PP. Issues addressed included the development's visibility, whether the development constituted sprawl along roads, form and density, and effects on rural amenity. The Court concluded that the existing development in the area was not yet at a threshold and that any adverse effects on neighbours would be generally mitigated by the conditions. The Court found that positive effects of the proposal included the proposed landscaping and underground reticulation of services. The Court concluded that on balance a five-lot subdivision was appropriate, which would not be an over-domestication of the site and the area and that the appropriate lots were as specified.

Accordingly, the appeal was allowed and consent granted, subject to the conditions and amended plans being approved. A timetable was set for the parties to lodge amended conditions with an amended landscaping plan. Costs were reserved with any application to be lodged and served within 15 working days from the final decision.

Decision date 23 October 2018 Your Environment 24 October 2018

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**Giles & Third v Auckland Council** _ [2018] NZEnvC 221

***Keywords**: **resource consent; conditions; subdivision; rural; consent order***

The Court considered the proposed agreement between Auckland Council ("the council") and the appellant to resolve the appeal against refusal of resource consent by commissioners at first instance for a proposal for the subdivision in a rural area so to create an extra lot, where the housing on the site was lawfully established under previous planning regimes. The commissioners found that consent would not be granted under s 104(1)(b) of the RMA because the non-complying lot was well under the minimum area required, the subdivision was inconsistent with the strategic objectives and policies of the Regional Policy Statement and was contrary to the provisions regarding rural subdivision under the Auckland Unitary Plan ("AUP").

Following mediation, the Court received a joint memorandum in support of consent orders for the non-complying activity. However, the Court had not been satisfied that the memorandum met the criteria of the Act or the provisions of the AUP. The Court set out its concerns, relating in the main to the fragmentation of rural land, in a Minute dated 12 June 2018 (attached to the present decision). In response to the Minute, the Court had received further specified reports. These made it clear that, as the housing in the present case was established lawfully, the issue was whether the proposal would lead to further fragmentation and that this should be considered as a matter of fact in each case. The Court accepted that in the present case there were particular factors which militated towards the grant of consent, notwithstanding the contrary AUP provisions: the lot was already well established and immediately adjacent to the road with its own entries and infrastructure; it was relatively well-screened from the road and fitted into the existing environment; and the subdivision would have no impact on the current farming operations. The Court concluded that the prospect of further fragmentation was prevented by: the reduction of frontage to the road, and the no-further-subdivision consent notice to be placed with the titles. Overall, the Court was satisfied that consent could be granted, with certain amendments to the conditions.

Decision date 10 December 2018 Your Environment 11 December 2018.

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**North Eastern Investments Ltd v Auckland Council** _ [2018] NZCA 629

***Keywords: Court of Appeal; High Court; judicial review; natural justice***

North Eastern Investments Ltd ("NEIL") appealed against the decision of the High Court ("HC") to dismiss NEIL's application for judicial review. NEIL challenged the procedure adopted by a sub-committee of the Auckland Unitary Plan Independent Hearings Panel ("the IHP") on 20 April 2016 ("the hearing date"). Following that hearing, the IHP made recommendations to Auckland

Council ("the council") regarding the zoning of certain land on the North Shore owned and being developed by NEIL. The IHP also recommended that the council reject NEIL's proposal that the land be designated a precinct for planning purposes. NEIL sought judicial review of the IHP recommendations and the council's subsequent decision to adopt them. NEIL contended that the IHP breached the principles of natural justice in making the recommendations because it took into account certain material, submissions and reports provided by a council planner, Ms T Conner ("C") ("C's material"). C's material did not support NEIL's proposals for rezoning or the precinct for its land. NEIL argued that, as a result of events which occurred prior to and during the hearing, it had been given to understand that neither the council nor the IHP would be relying on C's material, and that NEIL was not given an opportunity to challenge C's material or to make submissions in relation to it.

The Court of Appeal reviewed the procedure adopted by the IHP as prescribed by ss 115, 136, 138(1), 139-140, 146 and 164 of the Local Government (Auckland Transitional Provisions) Act 2010 ("LGATPA") to hear submissions on the Proposed Auckland Unitary Plan ("PAUP"). However, the Court stated that the issues arising in the present case were not generic to all cases heard by the IHP, but instead stemmed from particular events that occurred before NEIL's submissions were heard by the IHP on the hearing date. They continued because of the manner in which the IHP hearing on the hearing date proceeded and culminated in the matters which the IHP relied on in its decision. The Court emphasised that the procedures used by the IHP generally to carry out its statutory functions were not otherwise called into question.

The Court reviewed C's material and the history of the procedures of the council and the IHP regarding submissions procedures relating to the PAUP topics of rezoning and precincts, together with further events heading up to the hearing date. The Court, after considering the IHP's recommendations, the present grounds of appeal and the HC decision, took the view that the key issue was whether the IHP was obliged to put NEIL on notice that it might rely on C's material, even though C did not appear at the hearing on the hearing date. The Court observed that the only reasonable conclusion to be drawn from the whole of the evidence was that by the time of the hearing date the council was no longer relying on C's material in relation to the issue of zoning. Were that not the case, the council would have referred to C's material in its legal submissions and have complied with directions that C be available for cross-examination at the hearing. Furthermore, counsel for NEIL had referred twice in his submissions at the hearing to the fact that the council had withdrawn C's evidence and the IHP did not correct this assertion. The Court was persuaded by the events occurring between 9 March and 5 April 2016 that the council decided not to rely on C's material regarding zoning. While it accepted that the IHP had the statutory power to receive C's statement, even though she did not appear at the hearing as a witness, and that it was not for a decision maker such as the IHP to advise a submitter of the issues to which it should respond, the Court stated the position changed when a party such as the council decided not to rely on the evidence of its own witness. If the IHP considered it might rely on such evidence, even though the council had not, it had an obligation to advise NEIL of that possibility, so enabling NEIL to take steps to protect its position, including insisting on the right to cross-examine C. The Court noted that the HC in the judicial review decision had been of the view that cross-examination of C would probably not have caused the IHP to alter its recommendations. That might well have been so, but the Court now stated that the focus in judicial review proceedings was on process rather than substantive outcome. The real point was that NEIL was denied the opportunity to take appropriate steps because it did not know that the IHP might take into account C's material. This amounted to reviewable procedural unfairness.

The Court turned to consider whether relief should be granted. The Court accepted that it was arguable that the procedural error might not have had any appreciable effect on the ultimate outcome, but this could not be stated with any certainty now. The IHP clearly took C's material into account because it cited it in its recommendation. The Court was persuaded that there was a real risk that the IHP's decision regarding the precinct issue was influenced by information contained in C's material regarding zoning issues. Accordingly, NEIL should be granted relief. The Court was informed that the IHP remained in existence and could re-hear NEIL's submissions.

The appeal was allowed. The IHP's recommendations regarding the precinct and zoning were both set aside, and the IHP was directed to make new recommendations under s 144 of the LGATPA regarding those matters, following a process which addressed the errors identified by the Court of Appeal. Following receipt of the IHP's recommendations, the council was directed to make a new decision. The Court made orders and directions as to costs.

Decision date 17 January 2019 Your Environment 18 January 2019.

(See previous report in Newslink Case-notes December 2018.)

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**Double R Developments Ltd v Western Bay of Plenty District Council _**

[2018] NZEnvC 197

***Keywords: abatement notice; resource consent; condition; road limited access; enforcement; council procedures***

Double R Developments Ltd ("the appellant") appealed against the abatement notice issued by Western Bay of Plenty District Council ("the council"). The notice required the appellant to comply with condition 7 ("the condition") of its resource consent relating to a subdivision of a site at Hanlen Ave, Waihi Beach ("the site"). The condition required the appellant to use an indirect, and significantly longer, route to bring fill material from a quarry on Waihi Beach Rd to the site, which avoided passing through the centre of the town of Waihi Beach. The council had received complaints about the high volume of trucks associated with works on the site going through the town and issued abatement notices to the appellant and to Beach Contractors Ltd whose trucks transported the fill.

The Court reviewed the application for consent and the process by which the consent was granted noting that, although the appellant had lodged an objection with the council regarding conditions 6 and 10 (relating to the extent of the flood hazard area), it had not queried or objected to the condition. The Court stated that in the present case, there was no claim that any of the grounds in s 325(5) of the RMA applied. Rather, the appeal was based on the lawfulness or appropriateness of the condition and the on the validity of the actions of the council's enforcement officer. Regarding the condition's validity, the Court considered s 108 of the RMA and long-standing case authority that the standard of reasonableness of a condition was that it must not be so unreasonable that no reasonable planning authority could have imposed it. The Court emphasised that a legal challenge to the validity of a condition did not relieve the consent holder from complying with the challenged conditions pending the outcome of such challenge. The Court accepted that the RMA did not generally control the use of roads. However, where traffic generated by a land use would aff ect other road users in a way that control of such effects was necessary, there was jurisdiction for a consent authority to impose a condition controlling heavy vehicle movements associated with a land use which required resource consent such as the condition in the present case. The Court stated that the appellant seemed to be raising issues as to the substantive merits of the condition which should appropriately be raised in an application under s 127 of the RMA, rather than in an appeal against enforcement measures taken. The appellant accepted it had notice of the condition's terms prior to the grant of consent and that the condition was clear in its terms. The Court stated that the condition plainly was imposed for a resource consent purpose, being the amenity of Waihi Beach and avoiding adverse effects of heavy transport activities on the main street, and also fairly and reasonably related to the activity for which consent was granted. The Court found that the condition met the administrative law standard of reasonableness.

Regarding the appellant's challenge to the validity of the enforcement action, the Court considered allegations that the warrant of the enforcement officer had not been properly made or issued, that the warrant had been issued under improper delegation of the council's power and that, although the named officer had issued the notice, he had not served it. The Court found no basis or objective merit in these arguments. The appeal was refused. The notice was confirmed. Costs were reserved.

Decision date 7 November 2018 Your Environment 08 December 2018

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**Ennor v Auckland Council** _ [2018] NZHC 2598

***Keywords: High Court; judicial review; public notification; view***

The High Court considered the application by B Ennor (“E”) for judicial review of the decision by Auckland Council (“the council”) to grant resource consent to E’s neighbours, J and E Parker (“P”), to extend their house and install a pool. E and P lived at adjacent houses in Galatea Terrace, Herne Bay: E at number 12, and P at number 14. The council, having determined that the activities covered by the resource consent required a discretionary activity consent under the relevant planning instruments, prepared a report recommending non-notification, and

granting, of the application. In its non-notification decision, the council assessed that: the works would have less than minor effects; there were no special circumstances warranting public notification; there were no persons affected requiring limited notification under s 95E of the RMA; and there were no grounds for the council to exercise its general discretion under s 95A(1). P later was granted a variation by which the pool was moved from the front to the rear of P's house, and the roof line was changed.

The Court considered the relevant statutory provisions, including ss 95E and 104 of the RMA, and adopted the threshold test for an "affected person" as provided by Mander J in *McMillan v Queenstown Lakes District Council* [2017] NZHC 3148. The applicable objectives and policies of the Proposed Auckland Unitary Plan ("PAUP") and the Legacy Plan were addressed before the Court stated that the three main grounds for review were: errors in the council's notification assessment on the application and the variation; errors in the substantive decisions, and that the council acted unreasonably in failing to discuss the applications with E and in failing to make a site visit to E's property. E argued that the adverse effects arising from the proposal included reduction in amenity and enjoyment, diminution of visual amenity, loss of sunlight and loss of privacy and seclusion. Furthermore, E argued that the notification and substantive decisions did not refer to key parts of the planning instruments, in particular those relating to the Single House zone and the Special Character Overlay and the effects of moving the pool to the rear of P's house.

The Court reiterated that judicial review was not an opportunity to revisit the merits of a council decision. Addressing the council's application decisions, the Court stated that, although the non-notification and substantive decisions were "not models of their kind", and lacked an assessment of the merits of the application by express and specific reference to the relevant plans provisions, nevertheless the Court did not consider that the council erred in deciding to grant consent on a non-notification basis. There was no material error in the calculation of the percentage increase in building coverage and it was now accepted that the pool was a permitted activity. What was important in the present case was the changes to the bulk of the built form and the location of such changes. The Court dismissed concerns about the council's failure to visit E's property and was satisfied that the council had sufficient regard to relevant plan provisions and had considered matters of key importance to E. In particular, regarding E's loss of sea views, the Court stated that impairment of views would be considered when assessing the effects of the bulk of a proposed development on neighbours. "Views" informed amenity values, and it was reasonable for neighbours to assume that effects on their views would be considered if the proposed development infringed bulk and location standards. However, in the present case the council's task had been to assess whether E was an affected person in context, namely in a well-established suburban environment characterised by large trees and hedges. The Court stated that there could be no expectation that existing views or outlook would be protected or preserved in such context. Rather, the council's task was to consider the effects of bulk on neighbours having regard to that suburban context and the provisions of the planning instruments. This the council had done and there was no error made.

While the Court accepted that the proposed additions to number 14 represented a substantial change to E's immediate environs and impacted on her views to the sea, the council was dealing with a relatively minor addition to the rear of an established residential building which was otherwise compliant. There was no expert evidence that the likely scale of the visual effect on E was minor or more than minor. From the Court's supervisory capacity on review, there was no reason to doubt the correctness of the notification or substantive decisions. Regarding the variation, the Court determined that the additional effects of the variation were *de minimis*, given that the pool was a permitted activity under the PAUP. The application was accordingly declined. Submissions on costs were invited by the Court which stated that it was minded that costs should lie where they fell, given its comments about matters lacking in the council's decisions.

Decision date 26 October 2018 Your Environment: 29 October 2018.

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**Auckland Council v Mao** _ [2018] NZDC 17092

***Keywords: prosecution; building***

J Mao ("M") was sentenced having pleaded guilty to one charge under the Building Act 2004 ("the BA") and seven charges under the RMA relating to properties at 387 Ormiston Rd and 88 Fairburn Rd, Auckland. Judge Thomson had previously given a sentencing indication on 22
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May 2018.

The District Court now proceeded to consider the matter on the basis of a fine and reparation. The Court expressed uncertainty as to M's actual financial position and noted its concerns as to the level of influence that Mr Lau, previously convicted and sentenced to a period of imprisonment for RMA offences, had upon M's actions. The parties were agreed that the sum of $778,000 was being sought for reparations. The Court considered what would be a reasonable contribution towards that sum to be imposed on M. The $778,000 figure was made up of $622,000 regarding Fairburn Rd and the balance in relation to Ormiston Rd. Mr Lau was bankrupt and the company was in liquidation. There was no other party liable. The Court stated that M's acquiescence in Lau's actions, willingness to sign documents and her assuming positions which she was told to adopt placed M in a difficult position. However, the Sentencing Act 2002 provisions and the importance of complying with enforcement orders led the Court to conclude that a reasonable contribution by M to the reparation regarding both properties was a payment of the sum of $155,000. In addition to this, M was fined globally in respect of the Fairburn Rd property the sum of $24,000 and $30,000 in respect of the Ormiston Rd property. Regarding the BA charge, M was fined $10,000. In total, M was ordered to pay $155,000 in reparation and $64,000 in fines. Ninety per cent of the fines were to be paid to the council, under s 294 of the RMA.

Decision date 15 January 2019 Your Environment 16.January 2019

(See previous reports involving Mr Lau and several of the properties mentioned in this case on which unconsented development work had been undertaken. The cases had been reported previously in Newslink December 2016, February and December 2017 and March 2018 - RHL)

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

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## Other News Items for February 2019

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**No demand for Lake Hawea SHA, say locals** 17/1/2019.

The *Otago Daily Times* reports that the 400-lot housing development at Lake Hawea approved by Queenstown Lakes District Council as a Special Housing Area, is not needed, says a spokesperson for the Lake Hawea Community Association, which opposes the SHA proposal. Read the full story here.

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**The Wellington Company will seek to pursue Shelly Bay consent.** 17/1/2019.

*The Dominion Post* reports that the $500 m housing development sought by The Wellington Company at Shelly Bay will likely return to the consent process, and no appeal will be mounted against last year's Court of Appeal decision. Read the full story here.

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**$20m Government spend for safety measures on Gisborne highways** 14/1/2019.

*The Dominion Post* reports that Associate Transport Minister Julie Anne Genter has announced $20 million funding for various safety measures for roads in Gisborne, to be added to the $232 million which the NZ Transport Agency has already allocated for roads in the region. Read the full story here.

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**$200m apartment block proposed for Auckland** 14/1/2019.

*The New Zealand Herald* reports that Campbell Barbour, of NZ Retail Property Group, says that a building consent application is being prepared for a $200 million, nine-storey, 63-unit apartment block to be constructed beside Milford Centre retail hub on Auckland's North Shore. Read the full story here.

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**$8m Cromwell wastewater upgrade produces good results** 15/1/2019.

The *Otago Daily Times* reports that Central Otago District Council has called the $8m upgrade of its wastewater treatment plant a major achievement. The plant installed New Zealand-designed aquarators, which allow bacteria and algae to dispel harmful matter and clean the water, resulting in dramatically decreased E.coli levels in Lake Dunstan. Read the full story here.

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**Fine for unlawful building works at Papamoa campground** 15/1/2019.

*The Bay of Plenty Times* reports that Papamoa Village Park Ltd has been fined $24,750, on charges laid by Tauranga City Council, for constructing five residential units at its campground without building consent. Read the full story here.

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**KiwiRail completes Parnell section of CityRail Link** 16/1/2019.

*The New Zealand Herald* reports that KiwiRail has completed a project of construction work to improve access to the Strand railway yard in Parnell as part of the over $3 billion City Rail Link, scheduled for completion in 2024. Read the full story here.

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**Port Otago to demolish several buildings** 16/1/2019.

The O*tago Daily Times* reports that Port Otago is undertaking a $3 million project to clear a site on Fryatt St of sheds containing asbestos and also considering demolishing the dilapidated brick Waterfront Industry Commission building in Port Chalmers, which was in the past the centre of waterfront disputes, as part of an overall plan to increase public access to the waterfront. Read the full story here.

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**Dozens of abandoned or in-debt Waikato properties sold over decade** 14/1/2019.

*Stuff* reports dozens of abandoned or in-debt Waikato properties have been put up for sale by councils over the past 10 years. South Waikato District Council has processed seven rating sales sales, three of which were abandoned properties, one vacant land and three due to rates arrears. Taupō District Council has processed seven rating sales, five of which were abandoned land and two rating sales. Read the full story here.

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**Tenants in $1,200-a-week rental home win case against landlord** 15/1/2019.

*Stuff* reports the Tenancy Tribunal has ruled in favour of a couple renting a property in an exclusive street in the Auckland suburb of St Johns who sought compensation from their landlord over repairs and maintenance not being done on the property as required, or taking months or years to finish. - Read the full story here.

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**Rules ambiguity required 8,000 valuation re-checks** 11/1/2019.

*Stuff* reports State-owned valuer QV says unclear rules led to it having to re-check council valuations of 8,000 Auckland properties. In 2018 the valuer was found to have breached the law in the way it re-assessed the properties whose owners had objected to their Auckland Council rating valuations. An audit by the Valuer General found fault with the way QV had subsequently re-assessed the contested values, in particular failure to carry out required on-site inspections. Read the full story here.

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**Ikea megastore store to be built in Auckland** 11/1/2019.

*The New Zealand Herald* reports that Ikea will build a megastore in Auckland although the site
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is yet to be determined. A second store is planned for the South Island. Read the full story here.

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**Fears property managers circumvent letting fee ban** 10/1/2019.

*The New Zealand Herald* reports the Tenants Protection Association fears property managers have found a loophole in the new ban on letting fees after a man was charged for transferring his rental into his niece's name. The Ministry of Business, Innovation and Employment has confirmed the property managers were within their rights to charge him, because the case was considered a variation of his existing tenancy contract and, as such, his property managers could charge him for the costs of their services. The Tenants Protection Association argue that this goes against the spirit of the ban and is contrary to what was intended. - Read the full story here.

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**350m seawall planned for Golden Bay** 10/1/2019.

*Radio New Zealand* reports that residents in Pakawau, Golden Bay have proposed the construction of a seawall to protect their properties from ever-increasing erosion of the coastline by sea inundation. Read the full story here.

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**Christchurch councillor's proposal to sell Canterbury water** 11/1/2019.

*Radio New Zealand* reports that Christchurch City Councillor Aaron Keown's proposal that the council, together with Canterbury iwi, should bottle local water and and sell it overseas has been criticised by a fellow councillor and a water action group as economically short-sighted and contrary to the local government role of guardianship of resources. Read the full story here.

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**"Build-to-rent" apartment development** 10/1/2019.

*Stuff* reports that New Ground Capital is planning a five-storey building at Tamaki in east Auckland with about 178 one and two-bedroom apartments which will be available on three to seven-year leases. Read the full story here.

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**St Clair buildings still off limits to residents** 9/1/2019.

The *Otago Daily Times* reports that the residents of six properties in St Clair, Dunedin, are still unable to enter the buildings from which they were evacuated in December 2018, when Dunedin City Council issued dangerous building notices. Read the full story here.

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**Wellington Airport given extra time to prepare runway extension plan** 8/1/2019.

*Radio New Zealand* reports that the Environment Court has allowed Wellington Airport a further six months to prepare its case for its proposed longer runway. Read the full story here.

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**Opal Tower highlights need for review of unit titles laws in NZ** 8/1/2019.

*Stuff* reports issues of liability for unit-titled apartment blocks have been brought into focus following recent events in Sydney, in which residents of Opal Tower were left living in temporary accommodation when a number of apartments were gutted after cracks were found in the building. Under New Zealand law, an existing body corporate would not be obliged to disclose any significant structural issues to prospective unit buyers unless there had previously been a leaky building claim filed. Legal experts say bodies corporate may see additional positive disclosure obligations imposed by the courts in future, beyond the minimum requirements. Read the full story here.

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**Queenstown Lakes DC notifies beach unsafe to swim** 7/1/2019.

The *Otago Daily Times* reports that a swimming beach at Wakatipu Bay, Queenstown, has been declared unsafe to swim in after routine water monitoring by Otago Regional Council found elevated levels of E.coli bacteria. Read the full story here.

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**$100 million green investment fund could help upcycle old buildings** 19/12/2018.

*Stuff* reports that commercial building specialists say the Government's new $100 million "green" investment fund could help upcycle New Zealand's old buildings. Read the full story here.

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**Change to correct Te Reo spelling for river** 4/1/2019.

The Waitangitaona River on the South Island's West Coast will have one name but it will be spelt correctly under a decision made by Land Information Minister Eugenie Sage.

Te Rūnanga o Makaawhio proposed to the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa (NZGB) in July 2017 that the river be given two names: Waitangitāhuna River downstream from Whataroa and Waitakitahuna-ki-te-Toka upstream, after the original river split in two in a flood in 1967. After public consultation, Te Rūnanga o Makaawhio changed its proposal to give both sections of the river the name Waitangitāhuna River.

The Minister decided to go with a single name with the corrected the spelling so the Waitangitāhuna River is now the official place name for a river that flows northwards from Tatare Range into the Tasman Sea. Evidence shows the misspelling came into use in the mid-19th century. - Please follow the link below for the full statement. media release

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