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Legal Case-notes May 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".

The Case-book Editor Roger Low can be contacted through the National Office, or by e-mail, Roger Low<rlow@lowcom.co.nz>

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

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

- A partly successful appeal by a neighbour against grant of subdivision and land use consent for a residential property at Kaikoura;
- A further interim decision on appeal by DOC relating to rules in the TCDC District plan regulating earthworks and provisions to protect against kauri dieback fungal disease;
- An application to the High Court for leave to appeal decisions of the district court on prosecutions brought by Canterbury Regional Council against a company that had undertaken works in the bed of the Selwyn River. The main issue was interpretation of "bed" in the RMA:
- An unsuccessful application for judicial review of decisions relating to a plan change of land in the Airport zone at Paraparaumu airport;
- A prosecution by Waikato Regional Council of a person who had undertaken unauthorised works on illegally reclaimed land in the coastal marine area at Coroglen, on the Coromandel peninsula;
- The final decision of the Environment Court on a partly successful appeal against refusal by of consent for subdivision of a rural property near the Clutha River at Luggate;
- The summary by Thomson Reuters of the probable final decision on Mr Mawhinney's court saga previewed last month.

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CASE NOTES May 2019:

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Fitzgerald v Kaikoura District Council _ [2018] NZEnvC 238

Keywords: resource consent; conditions; district plan; subdivision; land use consent; effect

A Fitzgerald ("F") appealed against the decision by Kaikoura District Council ("the council") to grant resource consent to F's neighbours A and C Gulleford ("G") to subdivide their property and build a second dwelling on the new site.

The Court observed that the appeal raised the issue of whether under the Kaikoura District Plan ("the plan") land use consent might be granted in the absence of building plans, as was the present case. Addressing s 104(1) of the RMA, the Court noted that the application was for restricted discretionary activities and the plan restricted such discretion to any particular non-compliance with minimum size requirements and any encroachment into separation distances from an internal boundary. Absent any other guidance, the Court fell back on the relevant provisions of the plan. Regarding the subdivision application, the Court was satisfied that the proposal's density would be in keeping with the character of the locality. Regarding the land use

consents for setback intrusions and dwellings on undersized sites, the Court stated that in the absence of any building plans, it was unable to determine how a future dwelling, together with the cottage, would respond to the relevant plan provisions. However, the Court considered that the existing cottage on an undersized site would have no effect on F's amenity, and he had raised no other issues.

Accordingly, the appeal in relation to: the subdivision consent was declined and the subdivision confirmed; the land use consent was declined and the use of the land by the existing dwelling confirmed; the retrospective approval of a non-compliance of the "cottage" was upheld, and resource consent declined; and the land use consent for a future dwelling on lot 2 was upheld and resource consent declined. The Court directed that an amended subdivision plan be resubmitted and that the parties respond to the draft conditions of consent as attached to the present decision. Costs were reserved.

Decision date 29 January 2019 _ Your Environment 30 January 2019

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Director-General of Conservation v Thames-Coromandel District Council _ [2018]NZEnvC244

Keywords: district plan; rule; earthworks; tree protection

This interim decision followed *Director-General of Conservation v Thames-Coromandel District Council* [2018] NZEnvC 133 which confirmed that district plan provisions to regulate earthworks for kauri dieback disease ("KDB") were intra vires the RMA. The primary function of the present decision was to determine disputes about earthworks rules for inclusion in the Thames-Coromandel District Council's ("council") proposed district plan ("PDP") Rural Zones to control the spread of the kauri dieback pathogen (Phytophthora agathidicida).

The Court considered the parties' preferred approaches and wording. The Court determined that to implement the relevant biodiversity objective and policies, earthworks in the Rural Zones needed to be managed having regard to the control of KDB in three different situations, irrespective of the activity for which they were undertaken. The Court examined the situations of earthworks outside a KDB hygiene zone; earthworks with existing use rights inside the hygiene zone; and earthworks without existing use rights inside the hygiene zone and made findings on appropriate rules. The Court was concerned that the lack of cross-referencing to KDB in the Minerals section of the PDP might result in KDB risk management requirements being overlooked in the mineral consenting process. The council was directed to include appropriate cross referencing in the Minerals section to the Earthworks rules. Amendments directed for the Rural Zone were collated in Annexure A to the decision. Parties were directed to confer on the detailed wording of the Rural Zone amendments and to make other changes as directed. Parties were to make any comments on the details of the amendments within six weeks of the decision. At the same time, they were to file corresponding provisions for the Rural Lifestyle and Conservation Zones and the Minerals section. The material filed was to be in a form suitable for endorsement and inclusion in the PDP by Final Decision. Costs were reserved.

Decision date 31 January 2019 _ Your Environment 04 February 2019.

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Dewhirst Land Company Ltd v Canterbury Regional Council _ [2018] NZHC 3338

Keywords: High Court; leave to appeal; prosecution; river; interpretation; water divert; earthworks

This was an application to the High Court by Dewhirst Land Co Ltd ("the company") and M Dewhirst (together "the appellants") for leave to appeal two decisions of the District Court ("DC"). The decisions concerned the resolution of disputed facts for sentencing purposes regarding prosecutions of the appellants by Canterbury Regional Council ("the council") for breaches of s 13 of the RMA relating to water diversion restrictions in the Selwyn River ("the river"). The main issue was the proper interpretation of the term a "bed" in a river as defined in the RMA.

The Court reviewed the proceeding in the DC. The appellants had cleared vegetation on the farm owned by the company on land adjacent to the right bank of the river, up to the point where there was an existing formed bank, which the appellants considered to be the edge of the river bed, and they created a gravel bund along that bank. As a result, the council laid four charges of unlawfully: excavating the bed of the river, erecting a structure, damaging flood control vegetation in the river bed, and diverting water from the river. The appellants pleaded

guilty to the charges but disputed the council's summary of facts, in particular regarding whether the bund and area of vegetation cleared was within the "bed" of the river. In the DC, the Judge preferred expert engineering evidence of the council to that of the appellants and found that the council had proven beyond reasonable doubt that the facts were made out. The appellants now posed four questions of law as to whether the DC: failed to identify and apply the correct test for determining the extent of the river in terms of the definition of "bed" in s 2 of the RMA; took into account irrelevant matters when considering the appropriate flow when determining the extent of the river bed; erred in assessing that certain land on the south bank of the river supported values which might be expected in a river and which required protection under s 13 of the RMA; and erred in concluding that the appellant's expert evidence could not be revisited when determining the proper location of the true right bank.

The Court granted leave to appeal on the first ground, regarding the correct test for determining the river bed, noting that the council did not oppose it. The Court stated that the answer to the appeal related to the proper application of the law, rather than in the various expert evidence explanations; it was only after the legal definition was determined that the evidence might be properly analysed. After addressing the definition in s 2 of the RMA of "bed" in relation to any river, the Court noted that the term "bank" of a river was not defined, but took it to mean "a raised border to a water feature that constrains the water's usual movement". In a braided river such as the Selwyn, the location of the river bank was more contentious. The Court determined that for the present purpose the RMA defined river "bed" as the space of land which the waters of the river covered relating to its fullest flow without overtopping its banks, and not relating to its annual fullest flow (emphasis added by the Court). The Court observed that the phrase "annual fullest flow" was used in the RMA in relation to subdivisions, esplanade reserves, etc and was not used in relation to "all other cases" in para (a)(ii) of the definition in s 2. However, s 2 of the statute gave no further direction on what "fullest flow" meant, and this was problematical. The Court found that the river bed was the area between the reasonably observable banks of a river. While not as clear as in other rivers, the sloping banks of a braided river might still be found. The banks of the river was the border between the land that may be covered by a significant but usual flow, over a reasonable period of years of river activity cycles and land that is occasionally eroded or flooded by the river. The river bed was separate from the margin or flood plain which often surrounded a river. The Court stated it was important to ensure that the term river bed was interpreted in the light of the ss 5 and 6 of the RMA. The Court found that the DC in its decisions erred by applying the wrong legal test to the issue of river "bed". The fact that an individual might be prosecuted for activity on a river bed emphasised the importance of adopting a straight forward approach that was largely in keeping with the general understanding of what the true "bed", as delineated by its observable banks, was. The council had failed to do that in the present case. Accordingly, the Court remitted the case to the DC to make a factual assessment of the extent of the river bed, based on the correct legal test.

The Court found that the second ground also succeeded. The DC had taken into account an irrelevant ground, namely the expert council evidence that a 50-year return flow period was an appropriate starting point for determining where the bed boundary lay. However, the third and fourth grounds were dismissed, as the Court found these did not concern questions of law. Accordingly, leave was granted to appeal on the first two questions of law, and the case was remitted to the DC.

Decision date 5 February 2019 _ Your Environment 7 February 2019

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Auckland Council v Banora _ [2018] NZDC 22253

Keywords: prosecution; enforcement order; abatement notice; district plan; rule; esplanade reserve; flooding

A Banora ("B") was sentenced in the District Court having pleaded guilty to two charges under the Building Act 2004 ("the BA") and two under the RMA, laid by Auckland Council ("the council"). The matter concerned works undertaken by B at 82 Wolverton St, Avondale ("the site") and on reserve land adjacent to the site. Under the BA, he was charged with unlawfully carrying out works to construct a retaining wall and retaining system at the site and with failing to comply with a Notice to Fix issued by the council under the BA. Under the RMA, B was charged with permitting the contravention of s 9(3) and a rule in the district plan by undertaking earthworks and vegetation removal without resource consent and also with contravention of an abatement notice issued by the council requiring all such works to cease. A final enforcement
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order was issued, which was appealed to the High Court and then to the Court of Appeal (the latter was withdrawn). In addition, there was an ongoing civil proceeding between B and the council, but that decision had not been issued at the time of the present decision.

The Court reviewed the charges and the history of the proceedings. The site was close to a stream and between the site and the stream was an esplanade reserve. Part of the site was identified as a flood plain and having unstable ground. B had constructed a retaining wall/system on the site, extending into the neighbouring property, without proper erosion and sediment controls and had concreted over the public footpath. The Court considered the regulatory framework and the plan rules which had been breached by the works before addressing the appropriate starting point for the fine under the BA, with reference to case authority. The Court considered that the offending was deliberate and B was personally responsible for undertaking and commissioning the works, and he failed to apply for building consent although informed by the council that this was necessary. He did not comply with the Notice to Fix. The Court noted that B submitted extensive material relating to the civil proceedings against the council. However, the Court did not accept that this provided any justification for B to fail to apply for building consent. Although B may have believed he was justified, objectively speaking his actions were unreasonable. In the Court's view, the two BA offences should have separate starting points and adopted the sum of $15,000 for each.

Turning to consider the RMA offences, the Court referred to relevant case authority before adopting a starting point of $30,000 for the charge under s 9(3) and $20,000 for the breach of the abatement notice. Looking at the matter in totality, the Court concluded that the starting points were justified. Although the effects on the environment of the offending could not be accurately assessed, there had been adverse effects and B's culpability was one of the most deliberate the Judge had come across. Regarding mitigation, a five per cent discount was allowed for B's lack of previous conviction and his age and state of health. The Court noted that the guilty plea was entered only the Friday prior to the date set for the trial and the prosecution would have had to undertake significant preparation. Only 10 per cent was discounted for the plea. Accordingly, B was convicted and fined: for each BA offence, $12,150; for contravention of the abatement notice, $17,100; and for contravention of s 9(3) of the RMA, $25,650. Ninety per cent of the fines were to be paid to the council, under respectively s 389 of the BA and s 342 of the RMA.

Decision date 13 February 2019 _ Your Environment 14 February 2019

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Sheffield Properties Ltd v Kapiti Coast District Council _ [2018] NZHC 3290

Keywords: High Court; judicial review; district plan change; airfield; zoning; strike out; trade competitor; activity prohibited; jurisdiction

Sheffield Properties Ltd ("Sheffield"), owner of interests within the Paraparaumu Town Centre, applied for judicial review of the decision by Kapiti Coast District Council ("the council") to approve Private Plan Change 84 - Airport Zone ("PPC84"). Kapiti Coast Airport Holdings Ltd ("KCAHL") owned and operated the Kapiti Coast Airport and Kapiti Landing, a mixed-use development in Paraparaumu on land within the Airport Zone. KCAHL sought PPC84 to enable it eventually to seek resource consents for various developments in the Airport Zone. PPC84 changed the rules in the operative district plan for certain retail activities so that their activity status was changed from prohibited to discretionary or non-complying. After the council publicly notified KCAHL's request for PPC84, Sheffield made submissions opposing it. On 20 July 2016, the Environment Court made declarations that Sheffield and two other parties were trade competitors of KCAHL. Sheffield nevertheless pursued its submission on PPC84. The Independent Hearing Panel ("IHP") appointed by the council recommended that PPC84 be approved. The council notified its decision to do so on 25 October 2017 ("the decision"). Time to appeal that decision expired on 6 December, with no appeals being filed.

Sheffield's grounds for judicial review included that: the decision failed to determine whether prohibited status was the most appropriate activity status and applied the wrong legal test; changes were made to the plan which were not "on" PPC84 and were out of scope; and the council failed to take account of the Wellington Regional Policy Statement. In reply, KCAHL and council had applied to strike out Sheffield's application for review on the grounds that: judicial review was barred by s 296 of the RMA; the proceeding was brought with undue and prejudicial delay; and the proceeding was an abuse of process.
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The Court reviewed the principles of strike-out pursuant to r 15.1 of the High Court Rules 2016 before considering whether Sheffield was barred by s 296 of the RMA. This in turn involved consideration of pt 11A of the Act, which limited the right of persons to appeal any proceedings, including those relating to a plan change, to circumstances where such appeal was not for the purpose of preventing trade competition. The Court noted that under pt 11A of the RMA trade competitors were required to show an interest more than that of a member of the general public before they could participate. The provisions in pt 11A were intended to restrict anti-competitive appeals motivated by trade competition. Furthermore, s 296 of the RMA prevented a party from applying for judicial review unless its right of appeal had been exercised. Although the Court accepted Sheffield's reference to Privy Council authority to the effect that the administrative law jurisdiction of the High Court was not totally excluded by s 296 of the Act, the present circumstances did not warrant the Court's exercise of the residual jurisdiction. It was the intention of the legislature that the RMA not be used to further a trade competitor's interest over its rival and the judicial review procedure should not be used to try to circumvent that. The Court stated that Sheffield elected not to appeal the decision and was now precluded by s 296 of the RMA from applying for judicial review.

The Court, in the event that it was wrong, also considered whether Sheffield's delay justified its application being struck out. KCAHL submitted that if the application was not struck out, the final planning outcome for the Airport land would be held up for an indeterminate time and the uncertainty would be prejudicial to KCAHL. The Court found that, while delay alone would not be sufficient to justify strike-out, taken along with other considerations, the delay pointed to a pattern of behaviour by Sheffield of attempts to interfere with the development of a trade competitor. Furthermore, the Court concluded from its findings that Sheffield brought the present proceeding not to raise legitimate public law concerns with the process followed by the council but with the predominant ulterior motive of protecting its own commercial interests and stifling the development of KCAHL's land holdings. This ulterior motive was an abuse of process. Accordingly, the proceedings were struck out. Directions were given as to applications for costs.

Decision date 24 January 2019 _ Your Environment 25 January 2019

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Waikato Regional Council v Savage _ [2018] NZDC 25377

Keywords: prosecution; earthworks; discharge to land; coastal marine area

D Savage ("S") pleaded guilty to four charges laid by Waikato Regional Council ("the council") relating to unlawful excavation and other works undertaken by S at his property at 152 Hodge Rd, Coroglen, Coromandel, by which contaminants were discharged to land, and the foreshore was disturbed, by excavation to enlarge a drainage channel and the construction of a culvert and boat jetty. It was accepted by the parties that some of the offending took place on land which had previously been illegally reclaimed (not by S) from the coastal marine area ("CMA"). S stated he was unaware that such reclaimed land was not part of his property.

The Court considered the sentencing principles. Regarding the environment affected, the Court stated that to the north of the reclaimed land was an area of saline wetland, which the Court stated had special status under the Marine and Coastal Area (Takutai Moana) Act 2011. Furthermore, parts of the wetland were within a Whitianga Harbour Area of Significant Value, recognised for its significance to Hauraki iwi and as a nationally important wildlife habitat. Parts of the wetland were also mapped as Significant Natural Area in the Waikato Regional Policy Statement. Adverse effects caused by the offending related to the discharge of soil and sediment into water, with potential for direct adverse effects on fish and invertebrates. The Court noted that the parties had agreed that enforcement orders should be made against S in the terms attached to the decision. The Court considered the offending was moderate and set the starting point for a fine at $45,000. S's agreement to the making of the enforcement orders, attached to the present decision, was taken as a mitigating factor, for which a 10 per discount was allowed. A further 25 per cent deduction was made for early guilty plea. The Court determined that an appropriate fine was $30,000, being $7,500 on each charge. S was ordered to pay court costs and solicitor fees. Ninety per cent of the fine was to be paid to the council.

Decision date 18 January 2019 _ Your Environment 21 January 2019

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Willowridge Developments Ltd v Queenstown Lakes District Council _ [2019] NZEnvC 19

Keywords: resource consent; subdivision; conditions

By its interim decision of 31 May 2018 on this matter, the Court granted resource consent, on a more limited basis than that sought, for subdivision of 118 hectares of rural land owned by Willowridge Developments Ltd ("WDL"). As directed by the Court, WDL had now filed a further set of plans and conditions to give effect to the interim decision.

The Court noted that WDL had provided two sets of conditions and plans. The Court agreed with Queenstown Lakes District Council ("the council") that one option was inappropriate and so considered only the other option, which complied with the Court's view as expressed in the interim decision. The Court considered the proposed conditions relating to various matters including sealing of a road, a reptile translocation plan, planting, fencing, provision of a bond, and staging of the development and made decisions and amendments as specified. The Court made orders confirming the conditions of consent, as attached to the present decision. Costs were reserved.

Decision date 1 March 2019 _ Your Environment 04 March 2019

(See previous report in Newslink August 2018. RHL)

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Auckland Council v Mawhinney _ [2019] NZHC 299

Keywords: procedural; strike out; appeal vexatious; subdivision

This decision concerned an application by Auckland Council ("the council") for an extended order under s 166 of the Senior Courts Act 2016 ("SCA") seeking to prevent the respondent P Mawhinney ("M") (and any interests he represented) from commencing any proceedings against it in relation to land in the Waitakere Ranges. M opposed the application and sought that it be struck out.

The protracted dispute (over 25 years) between the parties concerned applications by M for land use consents and subdivision consents at land at Anzac Valley Rd, Waitakere. The Court described the history of the extensive proceedings, and noted the council had provided a schedule of the proceedings involving M which was attached to the decision as Schedule B.

Regarding M's application for strike out, the Court did not consider any of M's claims were tenable. The Court stated that a strike out application that did not have a hope of succeeding did M no favours when faced with a claim that he too readily brought meritless proceedings.

The Court considered s 166 of the SCA, which provided that an order restricting a person from commencing or continuing a civil proceeding may have a limited, extended or general effect. The council had sought an extended order against M. In order to activate s 166, the council, under s 167(2) of the SCA, had to identify at least two proceedings that were "totally without merit". The Court, after examining proceedings involving M and related parties, identified three proceedings commenced or continued by M that it considered were totally without merit. All three had been struck out in their entirety. As the threshold had been met, the Court considered whether it should make the order sought.

The Court considered there were numerous factors justifying the making of a restraint order. The Court stated that in spite of the numerous proceedings that had been struck out M paid no mind to forcing the council to incur further costs. The Court noted that M had largely failed to pay any costs and had been rendered bankrupt twice as a consequence. Further, M had continually brought proceedings about largely the same matters and resorted to litigation "at the drop of a hat"; M had paid little respect to prior decisions and continued to make the same arguments over and over presumably in hope of finding a judge who was receptive of them. The Court considered the three proceedings in themselves were enough to justify an extended order under s 166. Further M's wider history of litigation with the council reinforced the Court's view that an order under s 166 was appropriate. Any question of law to be tried was resolved many years ago and even if M could point to occasional successes on small points this did not prevent a finding that the proceedings as a whole were vexatious or totally without merit. The Court considered an extended order to be appropriate and likely to be effective in preventing ongoing abuse of the Court's processes by M.

The Court considered the terms of an order as sought by the council to be appropriate. The Court considered that exceptional circumstances existed (under s 168(2) of the SCA) that justified a term of five years. The Court therefore made an order that M was, in any capacity, including but not limited to as a trustee of a trust, restrained from commencing or continuing any
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civil proceeding (or matter arising out of a civil proceeding) that related in any way to the parcels of land identified in Schedule A to the judgment for a period of five years.

Decision date 22 March 2019 _ Your Environment 25 March 2019

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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 May 2019

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RMA plans will be easier to make and understand

Environment Minister David Parker has announced that plans will be easier to prepare, use, and understand under the Resource Management Act (RMA) with the release of new National Planning Standards.

David Parker said the move would reduce compliance costs and address criticisms that RMA plans are unduly complex.

"Standardising the format of local government plans made under the RMA and the definitions used in them is a step forward," David Parker said at the New Zealand Planning Institute's Conference today.

"The new Standards do not determine local policy matters or the substantive content of plans, which remain the responsibility of local councils and communities," David Parker said.

The Standards will improve how the RMA operates and reduce costs to both councils and plan users.

While there will be some up-front cost to councils the first time they update their plans to meet the Standards, this will be vastly exceeded by the savings to those who use them, including councils.

The new Standards will address some of the undue complexity of RMA plans and will also help transition planning documents to electronic interactive plans, helping to make them more user friendly for the public and resource management practitioners.

The new Standards will come into force on 3 May. Most councils will be able to implement the majority of them as part of their next plan review. Please click on the link for full statement Media Release

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$55 million trade training school to be built.

The New Zealand Herald reports that Manukau Institute of Technology is to build new $55m trade training school. The 9000-square-metre facility will house an air conditioning and refrigeration school, a training school for plumbing, an electrical trades' school, and training for building and civil construction, engineering and automotive trades. Read the full story here.

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Auckland's City Rail Link cost increases by $1 billion

Radio New Zealand reports that the cost of building Auckland's City Rail Link project has risen from $3.4 billion to $4.4 billion. City Rail Link chief executive Dr Sean Sweeney said the cost increase reflected significant changes impacting the project in the past five years. Read the full

story here.

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Land requested for affordable development in Arrowtown

Radio New Zealand reports that Queenstown Lakes District Council has received a request from the Queenstown Lakes Community Housing Trust to transfer land in Arrowtown for a 65-unit development. Read the full story here.

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Historic Greymouth hotel to be demolished

Stuff reports that Revingtons Hotel in Greymouth is to be demolished following the decision of an independent hearing commissioner. Revingtons Hotel and the adjacent Waitaki House, which will also be demolished, are listed as category 2 heritage items by the Grey District Council and Heritage New Zealand. Read the full story here.

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Government wipes debt for HNZ meth testing tenants

People living in Housing New Zealand properties who were wrongly evicted because of flawed methamphetamine contamination policies will have their related debts with the Ministry of Social Development written off. - Please follow the link for the full statement. media release

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Consultation on far-reaching building sector reforms

The New Zealand Herald reports that plans have been revealed by the Ministry of Business, Innovation and Employment for the biggest changes to the Building Act in 15 years. A discussion paper is now available, detailing the scope of the proposed reforms. Submissions can be made until June 16. Read the full story here.

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Prime Minister launches Construction Sector Accord

Stuff reports that five ministers, including Prime Minister Jacinda Ardern, have announced the creation of an "accord" they hope will end issues of sub-standard building. The accord calls on the industry and government to work together to tackle systemic problems in the sector. Read the full story here.

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Bella Vista saga costs Tauranga City Council more than $4 million

The *Bay of Plenty Times* reports that Tauranga City Council has incurred $4.2 million in costs in just over a year responding to the Bella Vista saga. The costs include site security, homeowner support, legal work and building assessments. Read the full story here.

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Auckland construction company in liquidation

The NZ Herald reports that Auckland construction company BHSSR, previously called MR8 Construction, has gone into voluntary liquidation. One creditor has alleged that $50,000 is outstanding for work undertaken last year. Read the full story here.

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Historic grandstand at Blenheim's A&P Park to be demolished

Stuff reports that a historic grandstand at Blenheim's A&P Park will be demolished after an independent commissioner allowed the demolition with a list of conditions to preserve the heritage value of the wider park, including the sheep pens and the entrance gates and wall. Read the full story here.

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More Govt funding needed for pastoral lease purchases

Stuff reports two environmental groups are calling on the Government to significantly increase funding available for purchasing environmentally important South Island high country pastoral lease land, following Government's decision to end tenure review. Read the full story here.
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Court orders Chinese owner of Wairarapa farm to settle access dispute before selling

Stuff reports a High Court judge has ordered Hong-Kong based Eric Chun Yu Wong, who plans on selling his Wairarapa sheep station back to an un-named Kiwi buyer, to enter arbitration with the Walking Access Commission before the sale of the Kawakawa Station land. The Walking Commission and Mr Wong have been deadlocked over access to a forest hut and tramping route for over two years. Read the full story here.

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Kiwis holidaying in Ireland shocked by hidden camera in AirBnB accommodation

The New Zealand Herald reports a New Zealand family holidaying in Ireland were shocked when they discovered a hidden camera overlooking the lounge and kitchen area of the Airbnb they were staying in. Despite paying in full for three days' stay at the accommodation, they decided to leave early as they no longer felt comfortable at the house. - Read the full story here.

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Govt blamed for unruly Housing NZ tenants

Stuff reports the government "no eviction" policy has been blamed for the public having to endure unruly and anti-social behaviour by tenants of state housing. Housing and Urban Development Minister Phil Twyford denies there is a "no eviction" policy, stating that Housing NZ takes a 'sustaining tenancies' approach, meaning eviction is a last resort and reasonable steps are taken to support tenants and their families to stay in their homes for as long as they need them. - Read the full story here.

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Property owners plan on ignoring health and safety problems

Newshub reports a recent study by the University of Otago has revealed a quarter of property owners they had interviewed, who had failed warrant-of-fitness (WOF) checks carried out on their residential properties, are unwilling to ameliorate identified health and safety problems. Renters United says the study raises serious questions, and stresses that the only way Healthy Home Standards can be "meaningfully implemented and enforced" is through a WOF scheme. Read the full story here.

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Waikanae business owners plead with landlord to lease long-empty premises

Stuff reports locals and business owners on the Kāpiti Coast want the owner of vacant shops in Waikanae's Mahara Place to lease them, arguing that the empty premises are letting the area down and forcing some businesses to relocate. Kāpiti Coast district councillor Michael Scott said the shops had been deliberately kept vacant for 20 years despite offers from people – including the Kāpiti Coast District Council – to rent or buy them and wants councils to have the ability to force a commercial landlord to rent property after long-term vacancies. - Read the full story here.

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NZLS: Residential land statements reminder

The New Zealand Law Society notes the reminder from Land Information New Zealand about the requirements for residential land statements under s 51A of the Overseas Investment Act 2005. Where a residential land statement is required, the practitioner must obtain it before lodging, or directing to be lodged, the instrument. Please click on link below for full statement. media release

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Volume of house sales is down in REINZ figures

RNZ News reports on the Real Estate Institute of New Zealand's latest House Price Index figures which show that the the number of residential properties sold last month is down 12.9 percent over last year to 6,938. However, prices held up better with six out of 12 regions reaching record high levels. CEO Bindi Norwell thought that the difficulty of accessing finance and legislative changes in prospect were starting to impact the volume of sales. Read the full story here.
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PNG: Drastic measures by protesting landowners

RNZ News reports that protesting landowners in the Eastern Highlands of Papua New Guinea went to the drastic lengths of cutting off the water supply to the town of Goroka in order to get action on the non-payment of land lease rentals alleged to be due to them by the government covering 20 years. They extracted US$800,000 from the government by their action. Read the full story here.

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$6 billion light rail programme for Auckland may be scaled back

The New Zealand Herald reports that Transport Minister Phil Twyford says the Government may have to scale back its $6 billion light rail programme for Auckland by scrapping a line from the city centre to west Auckland. Read the full story here.

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Approval for subdivision at Pisa Moorings

The Otago Daily Times reports that a new 18-lot subdivision at Pisa Moorings has been approved by the Central Otago District Council hearings panel. Read the full story here.

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NZ glaciers' huge loss of ice

The New Zealand Herald reports that a new paper, led by climate scientist Professor Jim Salinger, shows a third of the country's glaciers have melted and flowed into rivers since the late 1970s. The study covers 42 years of measurements of the end of summer snowline altitude for 50 index glaciers, from 1977 to 2018. Read the full story here.

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Consent sought to demolish Bluff's Club Hotel

The Otago Daily Times reports that Bluff Oyster Festival Trust has applied for resource consent to demolish four buildings in Gore St that make up Bluff's Club Hotel, a category 2 heritage building on Heritage New Zealand Pouhere Taonga's list. Read the full story here.

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Invercargill Water Tower building to be strengthened

Stuff reports that the Invercargill Water Tower building will be strengthened at a cost of about $1.3m. The class 1 heritage building, was closed in 2012 due to safety concerns following the Christchurch earthquakes. Read the full story here.

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West Coast landfill "eco disaster"

The New Zealand Herald reports that tonnes of recycling and rubbish has been washing up on Westland district beaches after an old Fox Glacier landfill breached following a major storm. Dr Joshu Mountjoy of NIWA said some of the rubbish would likely end up at the bottom of a deep canyon off the coast, which was home to key marine ecosystems. Read the full story here.

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Rotorua Airport's multi million-dollar upgrade under way

The New Zealand Herald reports that the $2.5 million first stage of the revamp of Rotorua's Airport will be in place by the end of year, including more on-site businesses, increased security and upgraded terminals. Read the full story here.

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Application to discharge waste from offshore drilling operation

Stuff reports that Austrian oil company OMV has submitted a consent application to the Environmental Protection Agency to discharge pollution into the ocean while drilling off the Otago coast. Green Party energy and resources spokesman Gareth Hughes said the consent application showed that the Government's ban on new permits needed to be strengthened. Read the full story here.
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Greater Wellington Regional Council's coastal erosion buffer plan

Radio New Zealand reports that Greater Wellington Regional Council is proposing a 40 m erosion buffer zone at the southern end of Queen Elizabeth Park in Paekakariki which would mean relocating buildings, including the surf club, to a safer area. Read the full story here.

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New $100m Wiri meat plant

The New Zealand Herald reports that $100 million specialist meat plant is being developed at Auckland's Wiri to process product for national supermarket chain Countdown. The 15,700 sqm plant is due to open in the middle of next year. Read the full story here.

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Time halved to seismically strengthen Wellington buildings on arterial routes

Stuff reports that following a Wellington City Council city strategy committee vote, three hundred properties on arterial routes through Wellington will now have just 7 and a half years, instead of 15, to be seismically strengthened. Read the full story here.

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Air New Zealand to build world's largest single arch timber aircraft hangar in Auckland

Stuff reports that Air New Zealand will build a new 10,000 square metre hangar at its engineering base in Mangere, Auckland, which will be the largest single span timber arch aircraft hangar in the world. Read the full story here.

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