Newslink Case-notes for November 2019 prepared 25th October 2019.

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Legal Case-notes November 2019

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

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

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

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

- An application for recall of a previous court decision was granted based on "other very special reason" to give further opportunity to remedy the evidential deficiencies identified in the case.
- Court declarations on an old quarry that the quarry was an existing use and was protected by s 10 of the RMA; and the effects of the activity were the same or similar to the character, scale and intensity of the activity at the time it became an existing use
- A successful appeal against the Environment Court Decision where the High Court remitted the matter back to the Environment Court to reconsider in the light of the present decision.
- A successful application to High Court against Queens Lake District Council to reconsider council's procedures; district plan proposed; public notification; landscape protection; zoning etc. The Court made enforcement orders that the council comply with sch 1, cl 7 of the RMA
- A successful application by the Auckland Council for ex parte interim enforcement orders against owner of land for carrying out unlawful earthworks
- An unsuccessful application for a judicial review of a resource consent where the High Court decided that there was no error on the part of the Wellington City Council.

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CASE NOTES November 2019:

Granger v Dunedin City Council - [2019] NZEnvC 143

Keywords: procedural; subdivision; effect adverse; evidence; time limit

The Court considered the application by Peninsula Holdings Trust ("PHT") for recall of its previous final decision of 3 May 2019, by which the Court allowed the appeal against the grant to PHT of subdivision and land use consent. In the previous decision the Court refused consent for the proposal because it was unable to be satisfied under s 104D of the RMA that the adverse effects of the activity would be minor or that the application would not be contrary to the relevant planning provisions.

The Court reviewed the background to the present application, noting that it had found that the conditions of consent were poorly drawn and likely ineffective for their purpose. The Court had given PHT the opportunity to respond to the Court's concerns and to supply supplementary evidence and had made directions as to the filing and service of such evidence. The subsequent memorandum filed by PHT had not satisfied the Court's directions and further deadlines were set for PHT to file supplementary evidence. Following PHT's failure to file within the time limit set in the Court's
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directions, the final decision was issued. PHT now filed a notice of motion applying under s 278 of the RMA for an order recalling the final decision, and for a rehearing under s 294(1).

The Court considered the principles and relevant case authority to be considered regarding recall of a decision. In the decision in *Horowhenua County v Nash (No 2)* [1968] NZLR 525, three categories of cases were discussed in which a judgment not perfected might be recalled and these categories were subsequently confirmed by the Court of Appeal. The Court now stated that the relevant category to the present case was when there was an "other very special reason" that required the judgment to be recalled. The Court considered whether there might be such a "very special reason" in the present case. Counsel for PHT submitted that PHT's previous lawyers had not understood that the Court's directions required the evidence to be filed by the specified date(s). However, the Court stated it was not apparent that there was any such misunderstanding and in any event the lack of communication with Court regarding the late filing of evidence was inexcusable. However, the Court agreed that justice to the parties, rather than disapproval of the actions of their advisors, must be the guiding point. The Court found there would be no prejudice to the other parties were the decision to be recalled as sought. In addition, the Court was satisfied that PHT was not trying to relitigate the merits and so the Court decided to provide PHT with yet a further opportunity to remedy the evidential deficiencies identified. The application for recall was granted.

Decision: 28/8/2019 Your Environment 18.09.2019.

Whangarei District Council v CPE Trustee Ltd - [2019] NZEnvC 152

Keywords: declaration; quarry; existing use; effect; landscape protection; district plan

The Court considered the application by Whangarei District Council ("the council") for a declaration as to whether there were existing use rights for the quarry operation known as Kamo Scoria Quarry ("the quarry"), located on the western flank of the extinct volcano Mt Hurupaki, at Kamo. The owner of the property was CPE Trustee Ltd. Stan Semenoff Ltd had leased it since 2019. If the quarry were found to have existing use rights, the council asked the Court: to what extent quarrying could take place; whether quarrying was permitted on those areas identified as outstanding natural landscape ("ONL"); and whether any rules in the district plan regulated the quarry.

The Court considered the history of the site, noting that scoria quarrying activity began in the 1950s, prior to the first relevant district plan of 1967. The Court traced the activity from that date through the subsequent planning provisions and considered the resource consents granted up to the present time. The latest resource consent was granted in July 2017, granting quarrying rights for 30 years, in acknowledgement of the existing use rights and "the lack of offsite adverse effects on water quality and soil conservation values". The Court considered the provisions of s 10 of the RMA and noted it was accepted that the existing use had been established on the site from well before the establishment of the district plan and so met the requirements of s 10(1)(a)(i) and further that the activity had not been discontinued for a period of 12 months or more under s 10(2). The matter to be considered was whether, under s 10(1)(a)(ii), the effects of the use were the same or similar in character, intensity and scale to those previously existing.

After considering submissions by s 274 parties as to hours of operation and truck movements, the Court said it was satisfied that overall the effects were likely to be less than they were at the time the quarry became an existing use activity. Regarding the physical extent of the quarry, and whether quarrying activity was allowed within the ONL, the Court had no evidence other than its own observation on its site visit. The Court stated that there was a potential adverse amenity effect should the present ridge be removed by quarrying and if views of the quarry so became visible and part of the landscape character. However, the Court had no jurisdiction in the present application for declaration to impose any limitation on the operation which was an existing use. The Court concluded that the extent of the quarry footprint, shown on the diagrams as being outside the ONL, currently enjoyed existing use rights; however, it declined to make any declaration on that issue. Regarding the district plan provisions, the Court concluded that the activity relied on existing use rights and thus the district plan did not regulate the activity; no declaration was required.

The Court made declarations that: the quarry was an existing use and was protected by s 10 of the RMA; and the effects of the activity were the same or similar to the character, scale and intensity of the activity at the time it became an existing use and therefore met the requirements of s 10. Directions were given as to applications for costs.

Decision: 12/9/2019 Your Environment 07.10.2019.

Environmental Defence Society Inc v Otago Regional Council [2019] NZHC 2278

Keywords: High Court; rule; regional policy statement; New Zealand Coastal Policy Statement; port; coastal; effect

The Environmental Defence Society Inc ("EDS"), supported by Royal Forest and Bird Protection Soc of New Zealand Inc and Otago Regional Council ("the council"), appealed against the decision of the Environment Court ("the EC") of 28 September 2018 ("the EC decision"). The matter concerned provisions of the Proposed Otago Regional Policy Statement ("PORPS") and how to provide for the ports in the Otago region in a way that would "give effect to" the New Zealand Coastal Policy Statement ("NZCPS"). In the EC decision, the EC adopted the view of Port Otago Ltd ("the Port") that the provisions of the PORPS (namely policy 4.3.7) did not require port activities *in all cases* to avoid the effects of policies 11(a), 13(1)(a), 15(a) and 16 of the NZCPS ("the avoidance policies"). EDS appealed on the grounds that the EC failed to give effect to, and materially misinterpreted, the NZCPS and that the policy for the Dunedin and Port Chalmers Ports, as formulated by the EC, was unlawful. EDS submitted that the avoidance policies in the NZCPS required the PORPS to make provision that the Port *must* avoid adverse effects on the environment. In response, the Port and Marlborough District Council ("MDC") argued that the provisions of the PORPS and the NZCPS could be reconciled and that the avoidance policies of the NZPS could be interpreted so that the Port could avoid such effects as far as practicable and otherwise remedy, mitigate or use adaptive management to address such effects.

The High Court reviewed the EC decision and relevant case authorities, including *Environmental Defence Soc Inc v New Zealand King Salmon Co Ltd* [2014] NZSC 38, [2014] 1 NZLR 593. The EDS alleged that the EC had made two errors of law. First, that it erred in its interpretation of the NZCPS and as a consequence reached certain wrong conclusions. Second, as a consequence of the first error, the EC failed to "give effect to" the NZCPS in the PORPS, as it was required to do under s 62(3) of the RMA. Regarding the first alleged error, the Court was satisfied that the EC erred by concluding that there was a "conflict" between NZCPS Policy 9 (regarding ports and the recognition that a sustainable national transport system required an efficient network of safe ports) and the avoidance policies in the NZCPS. The Court now stated that policy 9 of the NZCPS must be read on its terms, alongside the avoidance policies, and there was no reason to assume that the avoidance policies did not apply. Further, the EC's proposed resolution of the alleged conflict, by recourse to the "procedural" NZCPS Policy 7(1)(b)(ii) (regarding strategic planning) in order to circumvent the requirement to avoid adverse effects on other policies was an error. Turning to consider the second alleged error, regarding the EC's failure to give effect to the NZCPS, the Court noted that the avoidance policies were prescriptive, which meant that the PORPS must require port activities to "avoid adverse effects" on outstanding coastal sites, including activities associated with safety and efficiency. The EC had erred in its recommendation otherwise. The Court agreed with the EDS that the EC's finding that adverse effects were to be avoided in "almost all" circumstances was inconsistent with the NZCPS provisions. Similarly, the EC's assertion that the PORPS might give some effect to the avoidance policies, without giving full effect, was an adoption of the overall broad judgment approach rejected by the Supreme Court in *King Salmon*. The consequence of these erroneous conclusions was that the EC considered itself able to undertake a s 32 cost benefit analysis to determine the effects management framework for the Port: this was wrong in the High Court's view.

The Court concluded that the EC erred in its interpretation of the NZCPS and as a consequence failed to give effect to the NZCPS, as required by s 62(3) of the RMA. The errors of law were material and affected its ultimate determination. Accordingly, the Court found that the EC failed to properly implement the NZCPS in the PORPS, contrary to the decision in *King Salmon*. The Court set aside the EC decision and remitted the matter back to the Environment Court to reconsider in the light of the present decision. Costs were reserved.

Decision: 11/9/2019 Your Environment 09.10.2019.

Arthurs Point Outstanding Natural Landscape Society Inc v Queenstown Lakes District Council [2019] NZEnvC 150

Keywords: council procedures; district plan proposed; public notification; landscape protection; zoning; enforcement order

Arthurs Point Outstanding Natural Landscape Soc Inc ("the society") applied under s 314(1)(f) of the RMA for an enforcement order requiring Queenstown Lakes District Council ("the council") to re-notify: a summary of two submissions made in response to a review by the council of parts of its operative plan; and certain proposed District Plan maps relating to the area around Arthurs Point, Queenstown. The matter concerned Stage 1 of the council's review of the proposed Queenstown Lakes District Plan, notified in August 2015 ("Stage 1"). The Court stated that Stage 1 was actually a large set of plan changes which included a Landscape chapter containing mapping of lines (identified in Stage 1 as a key substantive change) that identified outstanding natural landscapes ("ONLs") and features. The present application concerned the maps in Stage 1, specifically maps 13 and 39. Map 13 showed the Wakatipu Basin surrounded by a brown line which demonstrated the boundary between the ONL and the other urban, industrial and rural landscapes. Although the village of Arthurs Point was urban in nature, the Court noted that it was within the ONL boundary shown on map 13 and was therefore part of the ONL of Wakatipu Basin. On the larger scale map 39 of Arthurs Point and environs, no ONL boundary was shown because the brown line was off the map. In their decision on Stage 1, the council commissioners drew a circle on map 39 around the Arthurs Point urban area ("the Shotover Loop area"), and so in effect excluded such land from the ONL landscape, rezoning it within the Urban Growth Boundary ("UGB"). Submissions were made in response to Stage 1, including two by owners of properties in Atley Road, which were in the Shotover Loop land, and it was these which were now sought to be renotified.

The Court stated that the general issue was whether the council followed a fair process when identifying a new inside edge to the ONL around Arthurs Point. The Court noted that the treatment of Arthurs Point area in Stage 1 had been the subject of two previous procedural decisions between the same parties. The Court reviewed scheme of Stage 1, the maps and the submissions and stated that the notification of Stage 1 did not inform the reader which provisions or sets of provisions of the operative plan were being retained and which were not. The Court stated that after the initial notification of Stage 1, the next notice made was the council's notification of the summary of decisions requested ("SDR"), under the RMA, sch 1, cl 7. This included summaries of the relief sought in the two submissions in question in the present case. By the brown line, the Shotover Loop land was excluded from the ONL, and included within the UGB. As no submission had sought this outcome, the Court said the change was presumably made using powers in sch 1, cl 16(2) of the RMA. However, the Court now expressed doubts as to whether either of the tests applying to cl 16(2), namely where the change was of minor effect or where it was to correct minor errors, was satisfied in the present case.

The Court then considered the requirements of sch 1, cl 7 and the issue of fairness, referring to the High Court decision in *Albany North Landowners v Auckland Council* [2017] NZHC 138. The Court stated that in the present case there were three ways in which persons interested in changes to the Arthurs Point zonings would find relevant submissions: by searching the online SDR; by examining the Online Rezoning Map ("ORM") or by inspecting the hardcopy SDR. The Court found that ORM was not reasonably accessible. Furthermore, the hardcopy SDR of the relevant submissions was arranged in an unhelpful way and was insufficiently accurate. The Court concluded that there were serious problems regarding the location of the ONL brown line around the Shotover Loop. The Court distinguished *Albany North Landowners*, finding that, while a reasonable level of diligence must be expected of landowners and potential submitters, the present case differed from that in the High Court case in that: the proposal was a series of plan changes, not a new plan; the s 32 reports recommended no general change to the ONL boundaries; there were no cross-submissions lodged on rezoning at Arthurs Point; and the online map was not reasonably accessible and was not linked to the Stage 1 webpage.

The Court determined that the requirements of the RMA, sch 1, cl 7 had not been observed because the two relevant summaries of submissions were "illogical (and therefore unreasonable) and misleading (and therefore unfair)". The Court acknowledged that if it were to exercise its discretion under s 314 of the RMA, this would delay Stage 1 becoming operative and would mean further costs would be incurred by the council. However, the Court stated that the public interest was in getting a fair hearing of the issues, and any delay or costs resulting arose from the council's own actions and the process it chose to adopt. Accordingly, the Court made enforcement orders that the council

comply with sch 1, cl 7 of the RMA by re-notifying a summary of the decisions requested by the two submissions in the required terms. The drawing of the ONL boundary line, the movement of the UGB, and the rezoning of the Shotover Loop were suspended. Leave was reserved for any party to apply to amend the orders made. Costs were reserved.

Decision: 11/9/2019 Your Environment 03.10.2019.

Auckland Council v Noe Westlaw NZ | Checkpoint NZ | Alert24
NZ 15/10/2019 18/9/2019 [2019] NZEnvC 159
Link: Westlaw NZ | Brookers Online
Digest:

Keywords: enforcement order interim

Auckland Council ("the council") applied ex parte for interim enforcement orders against R Noe ("N") respecting unlawful fill that had been placed on N's land, and on adjacent land, at 2294 State Highway 16, Helensville ("the site"). The orders were sought under ss 314(1)(a)(i), 314(1)(b)(i), 314(1)(da) and 315(2) of the RMA. The grounds for the orders included that if the activities did not cease: they would continue or were likely to, contravene specified provisions of the Auckland Unitary Plan ("AUP"); and that the orders were necessary to avoid, remedy or mitigate actual or likely adverse environmental effects including those to human health, soil and water.

The Court considered the evidence of the council as to the history of the proceedings. Council officers had reported earthworks including construction fill and debris, including concrete, metal and plastic at the site which raised the ground level above that permitted. The council issued an abatement notice to N and subsequently undertook a search, under warrant, of the site, which resulted in a further abatement notice being issued. Soil samples taken at the site showed that lead, zinc, pesticides, and asbestos were present which demonstrated that the fill was not cleanfill and exceeded the AUP criteria for soil acceptance.

The Court considered the grounds for making an ex parte order under s 320(2) of the RMA, noting that it was a significant matter to make an order against a person who knew nothing about it until he was served with it. The Court stated it had called a judicial telephone conference with N and the council. This procedure was a half-way house, referred to as being on a *Pickwick* basis, between proceeding on notice and doing so ex parte. At the conference N had advised he would take steps to deal with the problem. After three such conferences and a hearing, the Court made revised orders.

The Court stated it was satisfied it was necessary to make interim orders against N in relation to the contaminated fill on the site as there was a strong arguable case that the material deposited contained unlawful fill. It was also appropriate to make orders to prevent further non-compliance, limit the risk of contamination and require the preparation of a remediation plan. The Court was further satisfied that, by proceeding on a *Pickwick* basis and holding a hearing at short notice, the interests of justice were protected. Accordingly, the Court made interim enforcement orders as set out in the decision, to take effect from when they were served. Costs were reserved.

Decision: 18/9/2019 Your Environment 16.10.2019

Auckland Council v Noe - [2019] NZEnvC 158

Keywords: enforcement order interim

By this decision the Court made the enforcement orders described. The reasons for making the orders were set out in *Auckland Council v Noe* [2019] NZEnvC 159, which was issued on the same date as the present decision.

Decision 18/9/2019 Your Environment 16.10.2019.

Aspros v Wellington City Council - [2019] NZHC 1684

Keywords: High Court; judicial review; resource consent; conditions; public notification; dwelling

P and B Aspros ("the plaintiff") applied for judicial review of Wellington City Council's (the council") decision to grant resource consent on a non-notified basis for the demolition of existing buildings and the construction of a new dwelling in Brooklyn, Wellington, zoned Outer Residential in the district plan.

The dwelling was owned by P and D Lee and N Hughes ("the owners"), who were the plaintiff's neighbours.

The High Court reviewed the history of the application and the decision by the council, issued on 21 December 2017, to grant resource consent under s 104 of the RMA, subject to conditions. The council decided that under ss 95A and 95D of the RMA the effects of the proposal on the environment were minor and so it did not publicly notify the application. Further, under ss 95B and 95E of the RMA, the council decided that any adverse effects on any person were less than minor and no parties were adversely affected so as to justify limited notification. This was despite the fact that A had shown interest in the works. The Court reviewed the principles applicable to judicial review and noted that its role was not to substitute its opinion for that of the council; rather it was to consider the legality of the process by which the decision was made.

The four issues considered by the Court in the present case were whether the council erred by: accepting an application which did not comply with s 88 of the RMA; its application of the recession plan, the site coverage and the permitted baseline standards and so misapplied ss 92 and 104 of the RMA; failing to notify publicly or make limited notification of the application under ss 95A and 95B of the RM; and imposing unenforceable conditions. Considering the first alleged error, the Court stated that the completeness of an application was determined under s 88(2) and sch 4 of the RMA. In the present case, the plaintiffs argued that the council accepted the application when it lacked fundamental elements. However, with reference to case authority, the Court stated the discretion to decide whether or not an application was complete was an administrative function, to be made by the council in the light of the particular application, and was not a merits-based consideration. In the present case, the Court found that the council acted within its statutory authority to accept the application under s 88 of the RMA. In contrast, the process under s 92 related to whether there was adequate information before the council, and was a quasi-judicial decision. The Court did not find it necessary to decide whether adequacy of information for decisions under the RMA was a standalone ground of review, because it found that the standard in *Discount Brands Ltd v Westfield (New Zealand) Ltd* [2005] NZSC 17, [2005] 2 NZLR 597 was met in the present case. The Court found that the council had the further information it sought under s 92 of the RMA before it made its decision to grant consent and not to notify the application. The Court listed the information available to the council, which included the earthworks assessment and information on the other matters in contention. In addition, an architect and the council's planner had provided further specified material to the council. Overall, the Court found that the approach in *Discount Brands* as to the adequacy of information was met. There had been no error by the council.

Regarding the issue of the application of the rules and standards, the Court found there had been no error made in applying ss 92 and 104 of the RMA. The application was for a restricted discretionary activity and the council's discretion was limited to the effect of the standards not complied with, namely the recession plane and earthworks. The plaintiff submitted that the measurements in application for consent were not accurate. However, the Court stated that judicial review was not an opportunity to revisit the merits of council decisions. The Court considered the issues raised regarding the application of the standards and found, absent clear error, that it could not uphold the plaintiff's submissions. There was no clear basis upon which to disturb the council's conclusions, and there had been no error of law.

The third issue concerned the standard for limited or public notification. The Court noted that the RMA provisions applying to this issue were those in force at 13 March 2017, which the Court now reviewed. The plaintiff argued that the council made errors under s 95A of the RMA in finding that the adverse effects would be no more than minor. However, the Court accepted council's submissions that there was no evidence of effects that were more than minor. There was no error in the decision not to publicly notify nor in the decision not to make limited notification, and further the council had not conflated the two decisions. Turning to address the fourth issue, the Court rejected submissions that the conditions imposed were unlawful or unenforceable. Accordingly, the application for judicial review was declined. Costs on a 2B basis plus disbursements were awarded to the owners and the council.

Decision date: 26/9/2019 Your Environment 17.10.2019.

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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 2019

Upper Hutt housing development said to threaten peatland Westlaw NZ | Checkpoint NZ | Alert24
NZ 1/10/2019

Radio New Zealand reports that the decision by Upper Hutt City Council to issue a resource consent to a developer to build on Mangaroa Peatland is causing concerns to a wetland specialist and Forest and Bird. However the Greater Wellington Regional Council says its existing rules do protect wetlands but the peatland is privately owned and so cannot be surveyed without the owner's agreement.

Read the full story here.

Ref: 191001CA-5125

Landowner escapes conviction for shooting down drone Westlaw NZ | Checkpoint NZ | Alert24
NZ 3/10/2019

Stuff reports a Nelson man who shot at a real estate agent's drone has had charges against him dismissed. The case hinged on whether the drone was over the landowner's property and whether he had a right to fire the shot. Under common law, he who owns the land, owns everything reaching to the heavens and down to the centre of the earth, and under Civil Aviation rules, a person wishing to fly a drone over another person's property must first get consent from the property owner.

- Read the full story here.

Ref: 191003CA-7211

Government abandons lowest price buying model for construction contracts Westlaw NZ | Checkpoint NZ | Alert24
NZ 4/10/2019

Stuff reports that the Government has made changes to its construction procurement guidelines which drop the "lowest price model". The new rules will use a wider set of considerations for multi-million dollar government contracts which must take into account the financial health of the construction company, the health and safety of its workers and the environmental health of the building.

Read the full story here.

Ref: 191004CA-8618

Auckland Council spends $134 million settling leaky building claims in 2018/19 Westlaw NZ | Checkpoint NZ | Alert24
NZ 4/10/2019

Interest.co.nz reports that the latest figures from Auckland Council's annual report show the council spent $134 million settling leaky building claims in 2018/2019. This exceeded budget by $49 million as a result of the high costs associated with multi-unit claims.

Read the full story here.

Ref: 191004CA-8590

"Significant growth" in Central Otago District construction proposals Westlaw NZ | Checkpoint NZ | Alert24
NZ 9/10/2019

The *Otago Daily Times* reports that the chairman of the Central Otago District Council's hearings panel, Neil Gillespie, says that there has been a significant growth in subdivision proposals and construction projects in the district.

Read the full story here.

Ref: 191008CA-3515

Waihi gold mine expansion approved Westlaw NZ | Checkpoint NZ | Alert24
NZ 9/10/2019

Radio New Zealand reports that the Government has approved OceanaGold's application to purchase land in Waihi in order to expand its gold mining operation there. Previously Minister Eugenie Sage was instrumental in the refusal of a similar application. The present application was considered by Ministers David Parker and Grant Robertson who stated that the approval meant retention of about 340 full-time jobs, and exports valued at $2 billion.

Read the full story here.

Ref: 191009CA-6910

Regional Council opposes QLDC application to discharge wastewater into Lake Wakatipu Westlaw NZ | Checkpoint NZ | Alert24
NZ 8/10/2019

The *Otago Daily Times* reports that Queenstown Lakes District Council's application for consent to discharge wastewater excess from its pipelines into Lake Wakatipu has been opposed by Otago Regional Council staff who submit that the proposal is inconsistent with all relevant planning provisions and contrary to s 107 of the RMA.

Read the full story here.

Ref: 191008CA-3529

Consent refused for $200m Mission Bay development Westlaw NZ | Checkpoint NZ | Alert24
NZ 8/10/2019

The New Zealand Herald reports that independent hearing commissioners for Auckland Council have declined the proposal by Urban Partners to construct a $200 million high rise housing and retail building on a 6,527 sq m area on Tamaki Drive at Mission Bay. Reasons given for the refusal included the adverse visual and amenity effects and the excess height of the proposed building.

Read the full story here.

Imaging techniques show hundreds of NZ buildings have defective/missing concrete or steel
Westlaw NZ | Checkpoint NZ | Alert24
NZ 14/10/2019

Radio New Zealand reports that studies by Wellington company Concrete Structure Investigations have demonstrated that critical structural parts of buildings were missing in 1,100 of the 1,200 buildings it scanned since 2016, using ultrasound technology and ground-penetrating radar. Such weakened structures include apartment blocks, offices, public building, most constructed since the 1980s, including in Auckland, Hamilton, Tauranga, Hawke's Bay, Wellington and Christchurch.

Read the full story here.

Ref: 191014CA-0694

Building Act to change to facilitate prefab homes construction Westlaw NZ | Checkpoint NZ | Alert24
NZ 14/10/2019

Stuff reports that Building and Construction Minister Jenny Salesa has blamed the Building Act for making the construction of houses slow and expensive and hopes that the upcoming overhaul of the legislation will streamline the consenting process for the manufacture of high quality prefabricated buildings.

Read the full story here.

Ref: 191014CA-1016

Petition launched for reform of Unit Titles Act Westlaw NZ | Checkpoint NZ | Alert24
NZ 17/10/2019

The New Zealand Herald reports the Fix the Law for Apartments and Units group has launched a petition calling for the Government to reform the law governing New Zealand's $50 billion apartment sector. In particular, the group seeks urgent reform of the Unit Titles Act and a push for the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Bill which was proposed unsuccessfully to the coalition Government in 2018.

- Read the full story here.

Ref: 191017CA-6658

Bill to refresh superannuation system passes first reading Westlaw NZ | Checkpoint NZ | Alert24
NZ 18/10/2019

Social Development Minister Carmel Sepuloni has welcomed the first reading of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Bill.

"This is a Bill that provides us with the opportunity to refresh our superannuation system, contributing to its sustainability while not compromising the support we provide to those who qualify.

"People receiving a standard rate of superannuation will no longer have their entitlement affected because their partner receives a government-administered overseas pension.

"From 1 July 2020, superannuitants will no longer have the option to include their partner who does not qualify in their rate, although those already including their partner can continue to do so," said Carmel Sepuloni.

The Bill will now go to the Social Services and Community Committee for consideration.

- Please click on the link below for full statement

Media Release Ref: 191018CA-0463

Building Act to change to facilitate prefab homes construction Westlaw NZ | Checkpoint NZ | Alert24
NZ 14/10/2019

Stuff reports that Building and Construction Minister Jenny Salesa has blamed the Building Act for making the construction of houses slow and expensive and hopes that the upcoming overhaul of the legislation will streamline the consenting process for the manufacture of high quality prefabricated buildings.

Read the full story here.

$2m budget for final stage of Avon River makeover Westlaw NZ | Checkpoint NZ | Alert24
NZ 21/10/2019

Radio New Zealand reports that the final stage of the restoration of the Avon River after the Christchurch earthquakes has begun. The total project had a budget of $120 million, and this last section will cost $2 million and involves new paving and plantings undertaken by the rebuild agency Otakaro.

Rad the full story here.