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Legal Case-notes June 2020

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;

- An unsuccessful application for judicial review of a decision by Invercargill CC not to notify a variation of resource consent for redeveloping a major block in the central city area;
- An application to the High Court seeking declarations and injunctions requiring each of seven companies associated with Fonterra to produce or cause zero net emissions of greenhouse gases to the atmosphere from its activities by 2030;
- An application for waiver of time for parties seeking to join an appeal against a decision by Western BOP DC to refuse consent to a subdivision to create "conservation lots" near Pukehina in the BOP;
- The outcome of an appeal against proposed zoning of coastal land on the east side of the Coromandel peninsula;
- The decision on appeal against grant of subdivision consent on Otago Peninsula;
- A successful appeal against refusal of consent by Auckland Council for a proposed redevelopment of some properties at Mount Eden, Auckland for mixed use activities.

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CASE NOTES June 2020:

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Thompson v Invercargill City Council _ [2020] NZHC 174

Keywords: High Court; judicial review; resource consent; variation; public notification

This was the decision of the High Court regarding the application by L Thompson ("T") for interim orders, pending his application for judicial review, to prevent HWCP Management Ltd ("HWCP") from demolishing a block in the Invercargill CBD ("the block"). By his decision of 21 January 2020, Gendall J dismissed the application; the reasons for that decision were now set out.

The Court reviewed the background. The block was largely vacant and had been earmarked by Invercargill City Council ("the council") for major commercial redevelopment. By the Court's interim order of 31 December 2019, HWCP was injuncted from proceeding with demolition and thus from being able to proceed with the redevelopment of the block site, according to the resource consents it had been granted. The decision challenged by T was the council's decision not to notify HWCP's application to vary conditions of resource consents for the project. T owned a commercial property in the CBD and argued that the variation decision changed a key condition precedent (condition 19), which required HWCP to provide the council with written confirmation from a trading bank that funding for the first stages of the development was

obtained prior to works commencing. The varied condition (condition 19A) no longer required such written confirmation of funding to be provided. Instead, HWCP was required by condition 19A to provide the council with documentation demonstrating HWCP's commitment to undertake the redevelopment of the site. The concern raised by T was that there might be an undue delay between the demolition and redevelopment work.

The Court reviewed the provisions of and case authority relating to s 15 of the Judicial Review Procedure Act 2016 and noted that the statutory threshold required that the interim relief must be necessary to preserve the applicant's position. The purpose of this was to protect an applicant for judicial review from unfair prejudice arising from delay in having the substantive hearing. Once the statutory threshold was met, the Court had a wide residual discretion and the strength of the applicant's substantive case was a centrally relevant consideration. Also relevant were the public and private repercussions of granting relief. Finally, the Court must consider the balance of convenience and the overall justice of the case.

Applying these principles to the present case, the Court considered whether an interim order was necessary to protect T's position. Although the Court accepted that T had raised at least an arguable issue, it was not convinced that he had a position to preserve. Because T did not appeal the resource consent decision, his judicial review application was confined solely to the variation decision. The substantive position T sought to preserve was the risk that HWCP's development would not follow promptly from the demolition, as the result of condition 19A. However, the Court stated it was plain that if further delay was caused by the grant of interim relief, there was a real risk that the redevelopment would not proceed at all, as HWCP had ongoing costs and faced cancellation of agreed tenancies. The Court was unconvinced that there was any real necessity to preserve a position and it might be suggested that the application was a mere delaying tactic by T.

Regarding the merits, the Court said that T was a third party whose legal rights were not directly prejudiced. The Court rejected submissions that the variation decision had created uncertainty and that the council had improperly reserved to itself a discretion. On the contrary, the Court accepted that condition 19A reflected commercial reality and that condition 19 was unworkable. The Court found it was imperative for the development to proceed that condition 19 be varied. The Court concluded that T's substantive challenge to the variation decision was very weak. Further, the Court did not consider that the variation decision required notification under s 95A of the RMA. In addition, the Court was satisfied that the private repercussions (to HWCP) and the public repercussions (to the community, residents and ratepayers of Invercargill) justified refusing relief.

Finally, the Court was of the opinion that the balance of convenience and the justice of the case clearly favoured refusal of relief. Accordingly, the Court declined to make the interim orders sought or to extend the earlier orders made. Costs were reserved pending the result of the substantive judicial review application.

Decision date 31 March 2020   Your Environment 10 April 2020

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Smith v Fonterra Co-operative Group Ltd _ [2020] NZHC 419

Keywords: High Court; declaration; nuisance; duty of care; strike out; emission; Māori values; Māori land; jurisdiction; emission; iwi

M Smith ("Mr S") filed a statement of claim against seven defendant companies, each of which was either involved in an industry which released greenhouse gases into the atmosphere, or supplied products which released greenhouse gases when burned. The claim raised three causes of action in tort: public nuisance; negligence and breach of an inchoate duty. The remedies sought by Mr S were declarations and injunctions requiring each defendant to produce or cause zero net emissions from its activities by 2030. The defendants each applied to strike out the proceedings, on grounds that that they disclosed no reasonably arguable causes of action. Mr S asserted he was of Ngāpuhi and Ngāti Kahu descent and was the climate change spokesman for the Iwi Chairs' Forum. He claimed customary interests in lands in Northland in proximity to the coast and containing sites of cultural significance. The claim referred to the effects of the release of greenhouse gases to the atmosphere, global warming and climate change and the scientific consensus as to the necessity to limit further warming by climate change to 1.5 degrees Celsius.

The Court reviewed the reports of the Intergovernmental Panel on Climate Change and New Zealand's legislative response, including the emissions trading scheme and climate change
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legislation with the 2050 targets and emissions budgets. Against that background, the Court considered whether the law of torts had any application, given the suite of measures put in place by Parliament, and referred to a joint paper by three New Zealand senior jurists Climate Change and the Law, prepared for the Asia Pacific Judicial Colloquium held in Singapore in May 2019, which noted that the issues arising from climate change did not easily conform to existing forms of legal action, with matters such as causation forming a constraint to litigation. The Court then addressed the causes of action raised in the present case. Under public nuisance, Mr S claimed he would suffer physical loss to the land and cultural sites due to climate change with increasing health impact to Māori communities, and that the defendants had interfered with public health, safety, comfort, convenience and peace. The Court reviewed the constituent element of the tort of public nuisance, noting that an individual citizen could bring an action only if there was some special or particular damage suffered over and above that suffered by the public generally. In the Court's view, the damage claimed by Mr S was neither particular nor direct and not appreciably more serious than that suffered by the public generally. Further, the pleaded harm was not the direct result of the defendants' activities but from a number of consequential and indirect steps. An additional obstacle to the claim was that the public right he claimed was interfered with did not have a direct connection with the damage to Mr S's customary interests in the land or cultural sites. Finally, the tort required that the act be unlawful and all the defendants were acting in accordance with all relevant statutory and regulatory requirements. The Court found the public nuisance claim was untenable and struck it out.

Turning to consider the claim in negligence, the Court said that it was common ground that the duty alleged by Mr S was novel namely, that each of the defendants owed him a duty to take reasonable care not to operate its business in a way to cause him loss by contributing to dangerous interference with the climate system. Case authority had established that whether it was appropriate to find a novel duty depended on not only reasonable foreseeability and the degree of proximity but also on whether factors external to the relationship made it fair, just and reasonable to impose the claimed duty. Regarding the first factor, the Court concluded that the damage claimed by Mr S was not a reasonably foreseeable consequence of the defendants' actions or omissions. Damage was foreseeable only where there was a real risk of damage and the Court did not consider that the defendants could have apprehended that there was any real risk to the customary land and sites of Mr S. Further, the defendants' collective emissions were miniscule in the context of global greenhouse gases and it would not be fair to impose liability on them. Turning to the issue of causation, the Court considered whether Mr S would have suffered the damage "but for" the alleged negligence of the defendants and concluded, after considering case authority from the Court of Appeal, that the damage claimed was not a reasonably foreseeable consequence of the defendants' acts. In addition, there were difficulties in Mr S claiming the required proximity. There was no proximate relationship between him and any of the defendants. The defendants were not the most appropriately placed persons to avoid the damage claimed; it was the Government which could require the necessary collective action by emitters. To recognise the duty claimed would expose the defendants to an undue burden of legal responsibility, far in excess of their contribution to greenhouse gas emissions, and would also create indeterminate liability for the defendants. Finally, the Court identified several policy considerations which mitigated against finding for the novel duty of care alleged. Such a duty, if accepted would have wide effects on society and on the law generally. The negligence cause of action was found to be untenable and was struck out.

The Court addressed the claim of inchoate duty. While accepting that the common law was an important source of law, the Court said that Mr S had not referred to any recognised legal obligations nor obligations by analogy to existing principles. The claimed duty was not analogous to any existing duty of care. The public policy reasons identified in the Court's consideration of the negligence claim also created significant hurdles for him in trying to persuade the Court that a new legal duty should be recognised. Nevertheless, the Court was reluctant to conclude that recognition of a new tortious duty which made corporates responsible to the public for their emissions was untenable. Such a claim might result in the further evolution of the law of tort. Accordingly, the Court declined to strike out the third cause of action.

Regarding relief sought, the Court commented that the injunctive relief sought by Mr S would be all but impossible to impose, and would require the Court to go beyond enforcing the Climate Change Response legislation and apply an emissions accounting methodology to determine gross emissions from each defendant. The first and second causes of action were struck out, but the third was not struck out. The Court's preliminary view was that costs should lie where they fell, but gave directions as to any costs applications.

Decision date 13 March 2020 Your Environment 16 March 2020

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Property Seven Ltd v Western Bay of Plenty District Council _ [2020] NZEnvC 10

Keywords: procedural; time limit; waiver

The Court considered six applications for waiver of time limit to join the appeal by Property Seven Ltd against a decision by Western Bay of Plenty District Council ("the council") refusing subdivision consent. The waiver applications were not opposed by the council but were opposed by the appellant. The Court considered the provisions of s 281 of the RMA and noted that the focus was whether the grant of a waiver would cause undue prejudice. The Court stated that the delay in the present case was not excessive and no substantive steps had been taken in the appeal proceeding. The Court, after considering the matter, concluded that the discretionary balance could be struck by allowing those potentially affected persons to participate by granting the waiver applications. The Court emphasised that it expected those persons to work together to identify specific issues of concern in the appeal. The applications were granted.

Decision date 5 March 2020 Your Environment 6 March 2020

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Environmental Defence Society Inc v Thames-Coromandel District Council _ [2020]NZEnvC 1

Keywords: district plan proposed; coastal; regional policy statement

By this decision the Court determined the appropriateness, regarding two properties on the east of the Coromandel Peninsula, of the location of the Coastal Environment Line ("CEL") in the proposed Thames-Coromandel District Plan ("the PDP"). In its previous decision of 24 May 2018, the Court considered the problems identified in determining the location of the CEL and the extent of the Natural Character Overlays in the PDP, given the requirements in s 75(3) of the RMA to give effect to the Waikato Regional Policy Statement ("the WRPS") and to the New Zealand Coastal Policy Statement ("the NZCPS").
The Court stated that the present decision concerned the location of the CEL at 500 Boat Harbour Rd, Whenuakite ("the Wallace Property") and 896 Hikuai Settlement Rd, Pauanui ("the Roscoe property"). The Court noted that the location of the CEL on a third property, being land behind Chums Beach in Whangapoua, would be the subject of separate decision. After considering the relevant provisions of s 6(a) of the RMA, the NZCPS and the WRPS, the Court, within the statutory framework in s 32, addressed the issue of whether the locations of the CEL on the two properties were the most appropriate ways to achieve the objectives of the revised CEL. Addressing first the Wallace property, the Court noted it was a large coastal property of 827 hectares, zoned rural and had a mixture of pasture and bush. The whole property was identified as part of an outstanding natural landscape ("ONL") in the PDP.

The council proposed to move the proposed CEL seaward on the southern part of the property. Mr Wallace opposed the high proportion of the property which was identified as within the CEL and submitted that, even if the seaward shift proposed by the council occurred, any development on the property outside the CEL would remain limited because of the ONL notation. The Court observed that the precise drawing of the CEL must be tempered by practical considerations and must not become an end in itself. The Court emphasised that the purpose of identifying the coastal environment should drive any mapping methodology, not the other way around. The Court approved the council's suggested movement seaward of the CEL, as specified, but did not consider that the line should be moved elsewhere on the Wallace property. Turning to consider the Roscoe property, the Court noted that it was an 11-hectare rural-residential lifestyle block and the proposed CEL now included the whole property. Mr Roscoe submitted that the drawing of the CEL was done on the basis of the topography of the upper ridgelines on the property and not, as it should be, because of any biophysical interaction with the ocean or coastline. However, the Court had regard to council evidence that the property sat on the edge of coastal flats adjoining the Tairua River estuary, which helped to define the extent and character of the estuary. The property was an element contributing to the landscape and amenity values of the estuary, which was in the coastal marine area. The Court was accordingly satisfied that the property was appropriately included within the CEL. The Court made orders accordingly. There was no order as to costs.

Decision date 7 February 2020 Your Environment 10 February 2020

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Granger v Dunedin City Council _ [2020] NZEnvC 22

Keywords: resource consent; appeal procedure; evidence

This appeal concerned the decision by Dunedin City Council ("the council") to grant an eight-lot residential subdivision. The sites were considerably smaller than the minimum size provided under the proposed and operative Dunedin District Plans.

The Court noted that the appeal was set down for 2 March 2020. This followed the interim decision made in December 2019. S Clearwater ("C") at the hearing commencement who was a representative of Peninsula Holdings Trust ("the Trust"), advised the Court that the Trust would not call witnesses to give evidence in support of its application for consent. C alleged that such evidence was not filed on the Trust's instructions.

The Court stated that C's claim not to have instructed the evidence to be filed seemed to be at odds with the notice of motion filed on 3 May 2019 to recall an earlier court decision. Such notice gave grounds for recall which included that the applicant Trust had complied with the Court's directions by filing evidence.

Regardless, the Court said it was a fundamental requirement of any judicial system that the person seeking action must prove its case. With the decision recalled, the applicant Trust was effectively placed back in the position it was in following the release of the interim decision.

The Court had to be satisfied that the adverse effects of the activity would be minor and not contrary to relevant plan provisions, under s 104D of the RMA. In not calling witnesses, the applicant had failed to prove its case. Accordingly, the appeal was upheld and the consent refused. Costs were refused.

Decision date 3/4/2020 Your Environment 06.04.2020.

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Panuku Development Auckland Ltd v Auckland Council _ [2020] NZEnvC 24

Keywords: resource consent; district plan; height; flooding; noise; stormwater; heritage value; earthworks; effect adverse; residential; amenity values

Panuku Development Auckland ("Panuku") appealed against the decision of Commissioners of Auckland Council ("the council") to refuse Panuku's application for resource consents to build a new multi-level mixed-use development on eight adjoining sites at Dominion Rd and Valley Rd, Mount Eden, Auckland ("the site"). The grounds for declining the proposal included incompatibility with the surrounding residential area, and incompatibility of the scale, bulk and location with the outcomes in the Auckland Unitary Plan ("AUP"), especially regarding special character and height. Following a redesign of the development by Panuku, the council now supported the proposal. Seven parties under s 274 were residents and/or owners of properties near the site.

The Court reviewed the background to the proposal, noting that the site had split zoning; the majority was zoned Business-Local Centre ("Local Centre") and the remainder was Terraced Housing and Apartment ("THAB"). The site contained two character buildings – the Universal Building and a building at 214 Dominion Rd, subject to the Special Character Areas Overlay – Business: Eden Valley, in the AUP. Adjoining the site were a Single House zone and a retirement village. The Court considered the Commissioners' decision and the design features of the present, amended proposal. The residents' concerns now related to height and bulk of the proposal and the adverse effects of demolition of the Universal Building, in addition to construction noise and vibration effects, flooding and stormwater effects and parking and traffic effects. The Court addressed the legal framework, noting that the proposal had an overall restricted discretionary ("RD") activity status, which meant that the tests in ss 104 and 104C of the RMA were relevant. Regarding the relevant planning provisions, the Court stated that the RD matters which applied were complex; the proposal triggered a requirement to consider 26 restricted discretionary activities in the AUP.

The Court stated that there were five issues to be determined. The first was whether the bulk and form of the buildings created adverse effects on the s 274 parties' properties that were to be considered as RD activity matters for the Local Centre zone and the THAB zone, and whether these were consistent with relevant objectives, policies and assessment criteria in the AUP. To evaluate this issue, the Court analysed the evidence about landscape, visual amenity and urban design effects in the context of the relevant AUP provisions. The proposal was to

build four new buildings to contain 92 residential apartments and nine retail units above an interconnected underground carpark, on Local Centre and THAB land. After noting the RD consents required for exceeding the height standard in the plan and for infringements of the standards for outlook space, the Court considered the expert evidence about bulk, height and dominance, loss of privacy, and shading of neighbouring properties. Then the Court evaluated the evidence in relation to each RD activity in terms of the matters of discretion and the relevant assessment criteria in the relevant zones. The Court concluded that the building heights now proposed in each zone could be approved. While accepting that the development would change the character of the neighbourhood and surrounding residential area, and would impact on the amenity currently enjoyed, the Court stated that such changes reflected the nature of the zoning of the site under the AUP.

The second issue to be determined was whether the Universal Building should be demolished and whether the proposed conditions mitigated any adverse effects caused by its loss. To this end, the Court analysed evidence about the special character overlay in the context of the relevant provisions of the AUP, noting that RD consents were needed for the demolition of the two character-supporting buildings and for the construction of new buildings within the special character overlay. Panuku and the council agreed that evidence supported the demolition of the Universal Building because of its limited contribution to the special character area and the positive effects of the new buildings to be constructed. The Court noted that the proposed conditions provided that the demolition could not occur before building consents for the new buildings were issued. The Court acknowledged that, unlike the Commissioners, it had before it a revised design which paid more attention to special character values.

The third issue concerned adverse construction noise and vibration effects. The site was on a layer of very hard volcanic basalt rock and the proposed conditions provided little certainty about potential exceedances of the relevant noise and vibration conditions during construction, which might last for over six months. The Court reviewed the AUP provisions regarding assessment of noise and vibration and considered the health effects on residents of the retirement village, along with the proposed measures to mitigate the adverse effects of non-compliance with the relevant standards. The Court concluded that: rock breaking and blasting could not be avoided; the noise and vibration levels would not meet the relevant AUP standards; these noisy activities would occur outside sleeping times; the design minimised the volume of rock to be excavated; the construction management plan required notice to be given to residents on each occasion that such activities were planned; and there was no additional benefit in increasing the dimensions of the acoustic barrier. The Court noted that the proposed mitigation measures left the decisions about whether to implement them in the hands of the developer and did not provide certainty to residents. Further, the Court considered the residents of the retirement village should be relocated during daytime hours during construction. The Court said the parties should come up with an acceptable resolution to these significant areas of concern.

Regarding the fourth issue of stormwater and flooding risk, the Court found that there would be no additional adverse flooding effects on neighbouring sites and that adequate consideration had been given to the management of such risks to people and property. The design overall would comply with the flooding components of the AUP. Similarly, the Court found that stormwater from the site would not create any additional load on downstream systems. After considering the evidence as to the fifth issue, traffic and parking issues, the Court was satisfied that the new development would have minimal effects. The Court set out the amendments and additions which it directed to be made to the conditions.

The Court concluded that issues 1, 2, 4 and 5 were answered in the affirmative. However, regarding issue 4, the Court was not satisfied that adverse construction noise and vibration effects were adequately avoided, remedied or mitigated. Accordingly, the decision was issued on an interim basis to allow the parties to reconsider this issue. Except for this issue, the Court concluded that the appeal could be granted, subject to revised conditions.

Decision date 8 April 2020 Your Environment 09 April 2020

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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 June 2020

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Further assistance for Vanuatu following Tropical Cyclone Harold

Foreign Affairs Minister Winston Peters and Defence Minister Ron Mark have announced that New Zealand will provide a further package of assistance to Vanuatu, to support the response to Tropical Cyclone Harold.

"Tropical Cyclone Harold has caused widespread damage to critical infrastructure, buildings and homes, and crops in the northern islands of Vanuatu," Mr Peters said.

"New Zealand always stands ready to assist our Pacific neighbours respond to natural disasters, and we will work with our regional partners and non-government organisations to help the people of Vanuatu get back on their feet as quickly as possible," Mr Peters said.

"A NZDF C-130 will fly to Vanuatu later this week carrying a privately owned helicopter to assist with medical evacuations, and to support the relief effort. It will also transport supplies requested by the Government of Vanuatu including satellite phones, chainsaw kits and agricultural kits," said Mr Mark.

"A NZDF P-3 Orion conducted a surveillance flight over affected areas of Vanuatu yesterday. The crew have returned with imagery which will help the Government of Vanuatu deliver aid where it's most needed," said Mr Mark.

"The deployment of the C-130 will also allow the New Zealand High Commission to facilitate repatriations of some of those New Zealanders wishing to leave Vanuatu, with a focus on those most at risk," said Mr Peters.

"The New Zealand response is focused on ensuring timely and effective humanitarian support gets to those who need it most, while also helping Vanuatu remain free of COVID-19. We will apply serious protocols to ensure we do not put Vanuatu at risk," Mr Peters said.

New Zealand has also agreed to provide funding directly to the Government of Vanuatu to address immediate relief efforts and support early recovery activities. This brings New Zealand's total contribution to the Tropical Cyclone Harold response in Vanuatu to $2.5 million. Please click on the link for full statement: Media Release

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Biofuels plant to stop production

Newsroom reports that Z Energy's biodiesel plant at Te Kora Hou in Manukau City has ceased production. Increased global prices for tallow, on which the plant depends, together with falling international prices for diesel, have been named as causes of the demise of the plant. Read the full story here.

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Cost overrun of $9m on Gisborne wastewater treatment plant

Radio New Zealand reports that stage 2 of Gisborne City's wastewater treatment plant construction is already running over-budget, to the tune of $9 million. Read the full story here.

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West Coast rail project not economically feasible

Stuff reports that the Government has decided that, as it would cost an estimated $92 million to establish, a rail service between Hokitika and Westport is not economically feasible and so plans for the project have been discontinued. Read the full story here.

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200 construction projects impacted by Covid 19

Stuff reports that a Pacifecon report says about 200 construction projects have had their start dates postponed, or have been put on hold or cancelled or had their completion delayed by Covid-19. Read the full story here.

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Bacterial enzyme created that breaks down plastic bottles for recycling

The Guardian reports that scientists have created a bacterial enzyme that breaks down plastic bottles for recycling in hours. The company behind the discovery, Carbios, said it was aiming for industrial-scale recycling within five years. Read the full story here.

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Three of New Plymouth's old buildings face demolition

Stuff reports that demolition of three of New Plymouth's old buildings is planned with future development confirmed as a carpark, townhouses, and apartments respectively. Heritage Taranaki says the buildings, erected between 1896 and 1929, have significant cultural and architectural value. Read the full story here.

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Adjournment of more than 1500 Tenancy Tribunal hearings

Stuff reports that more than 1500 Tenancy Tribunal hearings have been adjourned due to the current lockdown situation. The Tribunal is actively managing cases as much as possible but are encouraging parties to use alternative dispute resolution tools as much as possible. Read the full story here.

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Tenants forced to shower at gym due to landlord's historic unpaid gas bill

Stuff reports that flatmates at a central Auckland property were forced to take out gym memberships in order to shower, due to an unpaid gas bill from 2016. Their landlord's unpaid gas bill led to the property being completely disconnected. Read the full story here.

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Replacement of Gorge raising issues

Stuff reports that building of a new SH3 road, to replace the erstwhile SH3 through the Manawatu Gorge, is raising issues with local iwi. The proposed new highway wends through land with significant Maori cultural sites. Read the full story here.

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Wellington Water moots dumping sewage waste in Cook Strait

The Dominion Post reports that Wellington residents are being polled about the possibility of Wellington Water dumping semi-treated sewage from the Moa Point treatment plant two kilometres off Lyall Bay. Read the full story here.

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Construction of next stage of Golden Bay cycleway set to start after lockdown ends

The *Nelson Mail* reports that the next stage of the Golden Bay cycle and walkway, from Takaka to Paynes Ford, will start when the lockdown ends. It will be funded by NZTA. Sara Chapman, chairperson of the Golden Bay Shared Recreation Facility, said the Paynes Ford route would give families a direct route to Recreation Park. Read the full story here.

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Bridge design wins award

The *Nelson Mail* reports that the Saltwater Creek Bridge, constructed over the Maitai River in 2019, has won a design award. The bridge's design was modelled on the German Trog Brucke
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(trough bridge). The three-metre wide structure was commissioned by Nelson City Council as part of the City to Sea cycleway project. Read the full story here.

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Flood walls for West Coast townships part of $40 m infrastructure projects

The *Otago Daily Times* reports that West Coast district councils have been asked to suggest infrastructure projects, such as the repair of bridges, which could be government funded and ready to begin after the Covid-19 shutdown is eased. The West Coast Regional Council plans to fortify existing floodwalls at Franz Josef and Westport townships, at a cost of $20 million. Read the full story here.

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Southland Museum upgrade to cost $66m

The *Otago Daily Times* reports that the Southland Museum and Art Gallery Trust Board is considering a redevelopment plan costing $66 million. The museum was closed in 2018 due to earthquake issues and the upgrade project, if begun after the end of the Covid-19 lockdown, should be completed by 2023. Read the full story here.

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New West Coast hospital due to open in August

Stuff reports that the chairman of West Coast District Health Board has confirmed that the Ministry of Health and Fletcher Construction have established a schedule for completing the building of Te Nikau Grey Hospital by the middle of May. However, this timetable was subject to the Covid-19 restrictions. Read the full story here.

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Endangered plovers given "essential" flight

The Dominion Post reports that Conservation Minister Eugenie Sage approved the transfer, during the Covid-19 restrictions, of five tūturuatu (shore plovers) by means of an Air New Zealand plane from a small aviary at the Isaac Conservation and Wildlife Trust in Christchurch to pest-free Mana Island near Wellington where attempts are being made to establish a self-sustaining breeding population. Shore plovers are on the threatened and nationally critical list and there are only 250 of them remaining. Read the full story here.

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Auckland City Rail Link construction to make up lost time when restrictions lifted

Stuff reports that chief executive of Auckland's $4.4 billion City Rail Link, Dr Sean Sweeney, says that, if the Level 4 restrictions are lifted next week, construction on the project will be able to restart soon after and would try to catch up on the time lost by doubling shifts. The infrastructure project has been progressing during the lockdown, with around 500 staff working on consenting, and construction design and planning. Read the full story here.

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NZ's eighth-largest island one step closer to stoat-free dream

Radio New Zealand reports that Rangitoto ki te Tonga/d'Urville Island is a step closer to its dream of being stoat-free, with over $3 million in funding organised and more than 16 years of preparation. The island is NZ's largest project in pest-eradication and being a mixture of freehold, Maori and DOC land has had numerous shoals to navigate get to this stage. Read the full story here.

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Changes in place with aim to protect commercial landlord and tenant

NZ Herald reports that the Government has put measures into place to support stability in the commerical property arena. Extended timeframes before landlords can cancel leases, rent and mortgage support and extended notice periods are some examples of measures being trialled in support of the sector which has been rocked to its core by the coronavirus lockdown. Read the full story here.

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Regional Council supplying demand and protecting land

Northland Age reports that the Northland Regional Council are working hard to ensure their nursery has plenty of poplar pole and willows ready for the winter planting season, once covid-19 restrictions are lifted. Each year the demand outstrips the supply as landowners of erosion-prone properties strive to protect their domain. Read the full story here.

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Report reveals freshwater quality getting worse and a threat to native species

Radio New Zealand reports that a report published in *Our Freshwater 2020* by the Ministry for the Environment and Stats NZ, shows that four pressures are having negative impacts on New Zealand's freshwater. These are threats to native freshwater species and ecosystems, water in areas of forestry and farming, changes in water flows and climate change. Read the full story here.

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Bay of Plenty prepares for post-Covid-19 infrastructure projects

Radio New Zealand reports that district and regional authorities in the Bay of Plenty are working together to coordinate their individual and joint applications to the Crown Infrastructure Partnership Group for funding in order that applications for infrastructure projects in the region will be ready to go as soon as possible after current restrictions are removed. Read the full story here.

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NZ has lower agricultural greenhouse gas emissions than previously thought

Radio New Zealand reports that AgResearch research has revealed that a more accurate analysis of emissions data shows that total greenhouse gas emissions in New Zealand from sheep and cattle are significantly lower than previously thought. Read the full story here.

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Marsden Point refinery's future under consideration

Radio New Zealand reports that a strategic review is underway of the Marsden Point refinery. Refining New Zealand's chairman Simon Allen says the refinery is planning to halve production by the end of August, following the slump in refining margins and the oversupply of fuel. Options to be considered in the future for the refinery include the manufacture of bio-fuels, using hydrogen as a fuel, and establishing a solar farm on adjacent land. Read the full story here.

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Smaller Dunedin hospital buildings proposed

The *Otago Daily Times* reports that the new Dunedin Hospital will still be a two-building development, but the buildings' size will likely be much smaller than originally planned. Southern Partnership Group chairman Pete Hodgson said total floor area for the hospital buildings would "be in the order of 89,000sq m". Read the full story here.

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Lowered Covid-19 restrictions expected to be major boost for building and construction industries

Stuff reports that the anticipated lowering of Covid-19 restrictions is expected be a massive boost for the building and construction industries, allowing tens of thousands to return to work. Grant Florence, chief executive of trade association New Zealand Certified Builders, said the easing of restrictions would allow small and medium-sized firms to help contribute to the country's economic recovery. Read the full story here.

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Project to make D'Urville Island stoat

Stuff reports a $3.1 m funding commitment has been made for a project for D'Urville Island, in the remote Marlborough Sounds, to become stoat free. D'Urville Island Stoat Eradication Charitable Trust Co-Chair Oliver Sutherland said the funding commitment took 16 years of preparation and planning by the group. Read the full story here.
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Iconic "Owlcatraz" up for sale

Voxy reports that the land, buildings and business sustaining one of New Zealand's iconic native bird and wildlife parks have been placed on the market for sale. "Owlcatraz", in the small township of Shannon, hold a long local history, the property having served as Shannon's original jail house from 1911 until 1972. Read the full story here.

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Concern raised over changes to Samoan land legislation

Radio New Zealand reports that Lautalatoa Pierre Slicer QC, former Justice of the Tasmanian and Samoa Supreme Courts, has labelled legislation proposed by Samoa's parliament to create an Independent Land and Titles Court as a disaster. Read the full story here.

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Win for Wellington City Council after 17 years of property woes

Stuff reports that Wellington City Council have won a case in the Environment Court against landlords of a property with 17 years of abatement notices and non-compliance with NZ's property laws. The Environment Court has granted an enforcement order against the landlords. Read the full story here.

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$17 m film studio proposed for Dunedin

The *Otago Daily Times* reports that Dunedin City Council's Enterprise Dunedin director John Christie hopes that a project to re-construct an existing 2,000 sqm council-owned warehouse for a new film studio will begin within six months. If supported by the Crown Investment Fund for regional infrastructure development, the facility could be renovated and set up for high-voltage electricity and sets constructed for a budget of $17.7 million. Read the full story here.

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NSW transport spend hopes to revive economy

The *Sydney Morning Herald* reports that the New South Wales Transport Minister expects that large transport projects, together with asset sales to provide investment funds for new infrastructure, will help to drive the post-pandemic economy. Read the full story here.

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Real estate for doomsday hideouts

Business Insider Australia reports that the wealthiest in society, including the deep-pocketed of Silicon Valley, have a long history of real estate investment in NZ - considered a doomsday shelter destination hotspot. Such investment became so rife that NZ legislated against it in 2018. The current pandemic situation and consequent downturn for economies begs the question of whether NZ will open up again? Read the full story here.

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Island council approve relocation of homes and graves

Radio NZ reports that local matai council in the Samoan village of Ti'avea has consented to a government request to relocate homes and graves to allow for the construction of an airstrip. The airstrip is needed as an alternative international airport as the Faleolo International Airport is deemed susceptible to damage from high waves. Read the full story here.

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Kauri dieback study published

The *Northern Advocate* reports that research published in *FEMS Microbiology Ecology* has found that the soils in pine forests adjacent to kauri forests did not contain certain fungi and bacteria and that this might have an effect on kauri forests' ability to fight the spread of kauri dieback disease. Read the full story here.

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Dunedin City Council suspends Dunedin Railways operations
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The *Otago Daily Times* reports that Dunedin Railways, which has been suffering losses due to the recent absence of international tourists since the Covid-19 lockdown, has been "mothballed" by Dunedin City Council. The company has run train excursions, including through the Taieri Gorge, for nearly 40 years. Read the full story here.

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Tasman District Council to seek funds for Waimea dam

The *Nelson Mail* reports that Tasman District Council wants to go ahead with the construction of the Waimea dam and hydro power station and will apply for $32.6 million from the Government towards the building of the project in the Lee Valley, south-east of Nelson. Read the full story here.

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