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Legal Case-notes October 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".

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 decision confirming that the Thames Coromandel District Council was correct in refusing to approve a survey plan of a lapsed subdivision consent;
- A successful application for costs by Auckland Council and a residents association incurred when opposing appeals against refusal of consent for establishment of a residential development outside the rural/urban boundary at Umupuia/Duder;s Beach;
- An unsuccessful application by Auckland Council for approval to make immediately operative a proposed change to the district plan affecting an area of land south of the Okura estuary on Auckland's north shore;
- A successful application for judicial review of a decision by Queenstown Lakes District Council to grant consent without notification to a building proposal near Lake Wanaka despite it having effects that were more than minor;
- The sentencing decision on a prosecution of a person and company who had undertaken unlawful works in the bed of the Selwyn river in Canterbury;
- An application for partial re-hearing of appeals relating to provisions affecting rural landscapes in the upper Clutha valley.
- The final decision of the Court setting conditions for works to be undertaken for a walkway along esplanade reserve at Orewa Beach on Auckland's north shore.

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CASE NOTES OCTOBER 2020:

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Sidwell v Thames-Coromandel District Council _ [2020] NZEnvC 124

Keywords**: **declaration; consent lapse; subdivision; interpretation; jurisdiction

A Sidwell ("S"), who was self-represented, sought a declaration regarding the extent of the power under s 37 of the RMA to extend the time limit contained in s 125. On 18 March 2018, S obtained subdivision consent from Thames-Coromandel District Council ("the council") to subdivide his property at Ocean Beach Rd, Tairua into three lots. After obtaining such consent, S undertook extensive works on the property, including retaining walls, benches, and other earthworks. Unfortunately, S failed to take the necessary further step of submitting the survey plan of the subdivision to the council under s 223 of the RMA within the five-year period prescribed. Consequently, under s 125 of the RMA, the subdivision consent lapsed. Despite this, S considered that the council had discretion under ss 37 and 37A of the RMA to grant a waiver which would effectively revive the consent. The council refused, citing lack of jurisdiction to do so.

The Court considered the statutory framework, including ss 125, 37 and 37A and agreed with the council's submissions that "lapsing" in s 15 had its plain, ordinary meaning, being the termination of the consent. A consent would not lapse if it was "given effect to" before expiry; for subdivision consents, "given effect to" meant that a survey plan had been submitted under s 223 before the end of the lapse period. Further, a consent would not lapse if an application for an extension of the lapse period was made, and granted, before the end of lapse period. The Court stated that s 125 of the Act was capable of being read as a self-contained regime and there was no need to have recourse to s 37. In the event that s 37 were to apply, this would create a significant overlap between the processes for lapse extension applications and for extension applications. The sections were designed for different purposes. The Court stated that a significant consequence of S's interpretation would be that a subdivision consent, once lapsed, could be brought back to life, which was a very significant gloss on the RMA's highly prescriptive regime for resource consents. Once the council had issued the subdivision consent to S, it was functus officio and had no capacity to entertain any application to revive the consent. The only recourse for S now was to apply for a new consent. The application was declined. Costs were reserved.

Decision date 8 September 2020 Your Environment 9 September 2020

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Ahuareka Trustees (No 2) Ltd v Auckland Council _ [2020] NZEnvC 113

Keywords: costs

This costs decision followed the substantive decision of 15 December 2017 by which the Court declined resource consent to Ahuareka Trustees (No 2) Ltd ("Ahuareka") for land use to establish a small village at 650-680 Whitford-Maraetai Rd near Whitford, Auckland. The issue of costs had been placed on hold until Ahuareka's appeals to the High Court and Court of Appeal were determined. Both were unsuccessful. Auckland Council ("the council") now sought an award of $92,872, which was 50 per cent of costs incurred. Whitford Residents and Ratepayers Association ("the Association") incurred costs of $30,475 for legal costs and $5,744 for expert witness costs and sought reimbursement of 50 per cent of such costs, being $18,109. Ahuareka opposed any award of costs.

The Court reviewed the substantive decision, noting that the proposal had been declined after it was overwhelmingly found to be an urban activity in a location outside the Rural Urban Boundary ("RUB") in the Auckland Unitary Plan and consequently contrary to specified objectives and policies. The principles and case authority relating to the Court's discretion to award costs under s 285 of the RMA were considered. The council submitted that a number of the factors in *Bielby* were relevant, including that Ahuareka advanced arguments without substance, unnecessarily prolonged the hearing and took unmeritorious points. The Association submitted that it had spent much time and effort in the proceedings but the basis for its claim was the cost of arguing the undesirable precedent the proposal would establish if approved.

The Court said that both and council and the Association sought higher than normal costs. The issue, as it had been in the substantive decision, related to the fact that Ahuareka's argument that the proposal was something other than urban involved "a considerable strain on reality". The Court said that Ahuareka had taken its chances with such an interpretation. Although there was some novelty because this was the first decision that development outside the RUB was considered, and so there was a certain extent of public interest in the outcome, the relevant objectives and policies in the AUP were very clear. The Court determined that it was reasonable for the council and the Association to be awarded costs and that an award of 50 per cent of incurred costs was a reasonable quantum. Accordingly, Ahuareka was ordered to pay the council $80,758 and the Association $18,109.

Decision date 25 August 2020 Your Environment 26 August 2020

(The substantial decision of the Court was reported in Newslink April 2018.)

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Re Auckland Council - [2020] NZEnvC 99

Keywords: district plan; rule; public notification

Auckland Council ("the council") applied ex-parte for orders under s 86D of the RMA that rules in proposed plan change 41-Okura Precinct ("PC41") to the Auckland Unitary Plan ("AUP") take operative effect as from the date publicly notified. The grounds for the application were

extensive and set out in Appendix A of the decision. PC41 related to 150 hectares of land on the southern side of the Okura Estuary, which the Court decided in *Li v Auckland Council* [2018] NZEnvC 87 should stay outside the Rural Urban Boundary in the AUP. The land was zoned countryside living ("CSL") and was divided into 38 sites, 30 of which were as yet undeveloped. PC41 proposed to introduce two new Okura sub-precincts into the AUP by means of rules to protect landscape and natural character land use. The council submitted that if the rules did not have legal effect from the time of public notification, there was a high risk of PC41 objectives being undermined by a rush of pre-emptive applications for certificates of compliance and building consents.

The Court stated that during its initial urgent consideration of the affidavits by council landscape and planning experts relating to PC41, it noticed that the deponents, counsel and authors of the s 32 report had referred in several places to "legacy" North Shore City Council ("NSCC") provisions not having found their way in to the AUP. The Court had asked whether these references pointed to a "lacuna" and asked for further information. A second affidavit was submitted by the council planner in which were set out the relevant various stages of preparation of the AUP. The council had been reluctant to incorporate many place-based precincts into the new plan and there was no information as to whether a decision had been made about whether or not to include the legacy NSCC plan provisions for Okura. The Court now reviewed the provisions of the CSL zone and the proposed Okura precinct provisions, concluding that PC41 would reintroduce into the AUP a number of place-based controls found previously in the legacy provisions.

The Court addressed the criteria, developed by case authority, relating to the exercise of the discretion in s 86D. The Court concluded that in the present case the following criteria were significant: the nature and effect of the proposed changes vis-à-vis the status quo; the basis for saying that immediate legal effect was necessary; the extent of consultation undertaken; the strategic importance of the plan change; the history of planning consideration of the relevant issues. Regarding the council's view of the importance of PC41, the Court said it treated with caution previous Environment Court decisions relating to Okura, as these had concerned "urbanisation" and were not, as the present case was, about a comparison of two forms of countryside living provisions. The Court confirmed that there indeed had been a lacuna in the information initially supplied by the council and that the overall picture was now more complete.

The Court concluded that it had been faced with planning equivocation about the need to go beyond the status quo provisions, a matter which ought to be tested in the usual way through submissions on the plan change, under s 104(1)(b)(vi) of the RMA. In the circumstances, the Court could not find it appropriate to exercise the discretion under s 86D of the RMA, in view of the insufficiently developed council evidence about necessity and strategic importance of PC41 over the status quo. The Court could not find that immediate legal effect was necessary to achieve the purpose of the Act; the matters raised in the application were matters of degree, rather than strong strategic importance. The application was refused.

Decision date 10 August 2020 Your Environment 11 August 2020

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Trilane Industries Ltd v Queenstown Lakes District Council _ [2020] NZHC 1647

Keywords: High Court; judicial review; resource consent; public notification; council procedures; landscape protection; earthworks

Trilane Industries Ltd ("TIL") applied for judicial review of the decisions by Queenstown Lakes District Council ("the council") not to notify and to grant the application by Nature Preservation Trustee Ltd ("NPTL") for resource consent. NPTL had sought consent to remove an existing building from its 7.6-hectare property on Wanaka-Mount Aspiring Rd and to erect in its place a new two-storey residential building, and an accessory building. TIL owned Whare Kea Lodge, a visitor accommodation facility on the shores of Lake Wanaka, adjacent to NPTL's property on Wanaka-Mount Aspiring Rd. The NPTL proposal required consent under the operative and proposed district plan.

The Court reviewed the process undertaken by the council in assessing the application. A landscape architect engaged by the council, Ms M, reviewed the landscape and visual impact assessment made by NPTL's landscape architects. In her report to the council, Ms M used a terminology to describe the magnitude of landscape and visual effects, using the terms "very high, high, moderate-high, moderate, low-moderate, low, and very low". While she explained that an effect which was determined to be "low" or "very low" could be considered to be minor,
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she did not otherwise equate the terminology she used with the terms “minor” or “ more than minor” which the RMA used to describe the magnitude of effects. The proposal was assessed by Ms M to have adverse effects. The proposal was amended by NPTL and Ms M commented on the amended proposal in an addendum to her report, stating that while she still considered the development would be more visually prominent than the existing house on the site, “the increased visual effects are likely to be moderate in extent when the construction is completed and to reduce to a low level over time” (a period of five to seven years) “as the planting matures”. Regarding earthworks, Ms M noted that they would “still adversely affect the natural character and integrity of the landscape to a moderate extent “but such effects would be adequately mitigated by the retention of the schist outcrops and remediation through re-grassing and re-vegetation. The council adopted Ms M’s assessment and determined that the landscape and earthworks effects would be adverse but reduce over time. The council concluded that such effects were no more than minor, and so public notification of the application was not required. The council then granted the substantive consent under s 104 of the RMA.

The ground for TIL’s challenge was the council erred in law by failing to apply the key test for public notification contained in s 95A of the RMA, being that the activity would have or be likely to have adverse environmental effects which were more than minor. The council either ignored Ms M’s opinion that there were likely moderate adverse effects on landscape and visual amenity for a period of several years or erroneously treated this as being a minor effect. TIL submitted that “moderate” meant middling or average. “Minor” on the other hand had been held in this context by case authority to mean the lower end of major, moderate and minor, but more than de minimis. Further, TIL submitted that the definition of “effect” in s 3(b) of the RMA included any effect, regardless of its duration. It was not appropriate to consider the duration of effects when forming a view as to whether such effects were moderate or minor for the purpose of a notification decision. The council’s reliance on the efficacy of mitigation measures in the present case was an error of law and conflated two distinct legal tests. The council did not accept that its assessments of the effects of the proposal was flawed.

The Court stated that the issue was whether the council correctly took into account Ms M’s evidence to decide that public notification was not required. The council had expressly relied on, and adopted, Ms M’s evidence on the amended proposal. In the Court’s view, her conclusion that there would be moderate adverse effects imported a clear finding that the effects would not be minor or less than minor. On Ms M’S own evidence, “moderate” came midway in her hierarchy of effects. As to whether, despite a temporary moderate adverse effect, the council was able to conclude that the effects were minor, the Court stated that a council could not ignore temporary effects when undertaking its notification assessment, or say that, averaged out, a temporary moderate adverse effects would in due course reduce to a low or extremely low, and therefore minor or less than minor, effect. The Court concluded that the council erred in ignoring a temporary adverse effect which was moderate in scale, by taking into account that it would be mitigated in due course. In this case there was an identified delay before the primary mitigation, being revegetation, would be effective but this did not mitigate the more than minor effects which arose in the interim, for the purposes of public notification.

The Court then considered whether to grant relief, noting that the relief sought, being to set the decisions aside, should normally follow when there had been a failure to notify a consent application. This was because, despite amendments to its notification provisions, the RMA still provided for a public and participatory process unless the test for non-notification was met. There had been nothing in the conduct of TIL to disentitle it to relief. While accepting there would be cost and inconvenience to NPTL in having to go through a notification process, this was the inevitable consequence of the council’s errors.

Accordingly, the council’s decisions not to notify and to grant the consent were declared invalid and were set aside. The council was directed to reconsider whether to publicly notify NPTL’s resource consent application and to make the decision afresh. The Court considered that costs should follow the event on a 2B basis, with the council bearing the primary burden.

Decision date 4 August 2020 Your Environment 5 August 2020

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Canterbury Regional Council v Dewhirst - [2020] NZDC 16469

Keywords: prosecution; river; earthworks; enforcement order
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M Dewhirst (“D”) and Dewhirst Land Co Ltd (“the company”) were sentenced having pleaded guilty to multiple charges, laid by Canterbury Regional Council (“the council”), relating to unlawful works undertaken on the bed of the Selwyn River/Waikirikiri (“the River”). The unlawful works included excavating/disturbing the bed of the River, erecting a gravel bund in the bed of the River, damaging or destroying flood control vegetation on the River bed and diverting water from the River, in breach of specified provisions of ss 13 and 14 of the RMA. D volunteered that an enforcement order be made part of the penalty.

The Court considered the sentencing principles. On appeal against a previous District Court decision concerning the matter, the High Court made findings as to the proper interpretation of the bed of a river, and also found that such an interpretation could not be applied without first identifying where the relevant banks were. The case had now been remitted back to the District Court. The Court stated that the task of assessment of the extent of the River bed was now overtaken by the agreed summary of facts. After reviewing the background to the offending, the Court noted that D had agreed, in discussion with council officers, to undertake remedial works, which were estimated to cost between $30,000 and $40,000. In the context of D’s culpability, the Court considered the principle of reparation for harm done. It was agreed that the sentence would include both a fine and an enforcement order. Such order would require D to remove an identified section of the bund and undertake specified remedial works to the council’s satisfaction.

Regarding the deliberateness of the offending, the Court noted that D undertook works well beyond the limits of the resource consent granted. While acknowledging the inherent difficulty in properly determining the extent of the River bed in the present case, according to the applicable regional plan rules, the Court stated that D’s decision to proceed regardless established the offending at the high end of carelessness. The environment affected was the values of the River, as identified and protected by the Canterbury Regional Policy Statement provisions and the regional plan, in addition to the protected sites and areas of significant indigenous biodiversity values of cultural significance to Ngāi Tahu. Te Taumutu Rūnanga Soc Inc had prepared a victim impact statement. The extent of the harm done was fortuitously limited by a flood event’s intervention. The actual harm caused was confined, minor and also temporary in view of the remedial works to be undertaken under the enforcement order. Although D had been highly careless, the Court found that he had shown genuine and extraordinary remorse. After considering relevant cases, the Court imposed a starting point for a fine of $40,000, to be imposed with the enforcement order. A full 25 per cent was discounted for prompt guilty plea and 10 per cent for extraordinary remorse. A further 10 per cent was allowed considering the combined effect of a fine and an order, arriving at a final fine of $23,000, to be divided between D and the company. The Court considered the draft enforcement order and made some adjustments. The order was set out in the annexure to the present decision.

Decision date 14 September 2020 Your Environment 15 September 2020

(Refer to previous reports in Newslink case-notes in May and December 2019 - RHL.)

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Upper Clutha Environmental Society Inc v Queenstown Lakes D. C - [2020] NZEnvC 123

Keywords: procedural; rehearing; appeal withdrawn

The Court considered the application by J Cossens (“C”) for a partial rehearing of the decision of 19 December 2019 (“EC decision 2.2”), which was one of two decisions on appeals concerning Topic 2 - Rural Landscapes, arising from the review of the Queenstown Lakes District Plan (“ODP”). C was a s 274 party to the appeals by Upper Clutha Environmental Soc Inc (“UCESI”) and by Darby Planning Inc.

The Court reviewed the background, noting that C had filed several memoranda, ostensibly seeking directions in response to EC decision 2.2, but which the Court had declined because they were beyond scope. In particular, C raised issues as to the economic impact on the Queenstown area of the Covid pandemic and requested that the Court direct Queenstown Lakes District Council (“the council”) to change its proposed timetable in view of the fact that UCESI had withdrawn its appeal. This had prompted the council to undertake a landscape study of the area. The Court now stated that there were due process reasons why parties were expected to respect the finality of Court determinations. C did not seek a full re-hearing under s 294 of the RMA. Rather, he sought the re-hearing to enable parties to make submissions that would inform the Court as to a way forward. C was of the opinion that the Court had broad powers to revisit matters determined by EC decision 2.2.
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The Court stated that C had not correctly interpreted EC decision 2.2 which, although interim, was final in its determination to allow in part and/or decline in part the various Topic 2 points of appeal. The Court concluded that any revisiting of the determinations made by EC decision 2.2 was permissible only to the extent allowed by s 294 of the RMA, namely where there was established to be new and important evidence or a change in circumstances that might have affected the decision. The Court had no evidence on the consequences of the Covid-19 crisis on the Queenstown district's economy and in any event these were implications properly for the council to consider as planning authority. It would not be proper for the Court now to invite submissions on such matters. Accordingly, the application was declined. Costs were lie where they fell.

Decision date 7 September 2020 Your Environment 8 September 2020

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Auckland Council v Auckland Council - [2020] NZEnvC 122

Keywords: resource consent; conditions

This decision followed the interim decision of 17 May 2020 ("the interim decision"), by which the Environment Court granted resource consents subject to final terms and conditions. The interim decision allowed the appeal by Auckland Council against the decision of its commissioners and granted consent for works associated with a walkway on, and the protection of, a portion of the esplanade reserve in the middle of Orewa Beach. Since then, draft conditions of consent were produced jointly by the applicant and the respondent. The form of such conditions consisted of general conditions applying to all four resource consents, followed by specific conditions for each of the land use consent, stormwater permit, stream works permit and coastal permit.

The Court addressed certain proposed conditions relating to topics including construction hours, noise and vibration, traffic, building consent, post-works monitoring, maintenance, sand supply, landscape issues and lighting. The Court concluded that the consents granted by the interim decision were confirmed, subject to the terms and conditions attached to the present decision. There was no order for costs.

Decision date 7 September 2020 Your Environment 8 September 2020

(Refer to previous reports in Newslink case-notes in September 2020 - RHL.)

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

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Other News Items for October 2020

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National Policy Statement on Urban Development released

Stuff reports that Urban Development Minister Phil Twyford has released the National Policy Statement on Urban Development which comes into effect on 20 August. In "tier 1" cities, councils will not be able to set building height limits of less than six storeys in city centres. In all urban areas with more than 10,000 people, district plans will not be allowed to include minimum car parking requirements, other than for accessible carparks.

Read the full story here.

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Defunct pool complex may rise from the ashes as a resort

NZ Herald reports that when the iconic Waiwera Hot Pools closed for renovations in 2018 no one foresaw how its immediate future would pan out. In place of upgrades it has been two years of court battles over rent and trademarks, liquidations, cancelled leases, and a realisation that the damage to the infrastructure of the 50-year-old water park (and its more recent bottling plant) is so bad almost nothing is salvageable. However, there is potentially light at the end of the tunnel - music to the ears of local residents and business owners. The current owners have announced preliminary decisions on a $250m masterplan which would include a renovated pool complex with day spa, a hotel spa complex, a micro-brewery and apartments.

Read the full story here.

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Proposal to fast-track flood prevention

The Press reports that the Christchurch City Council will decide next week whether to bring forward work budgeted for 2024-25 to build a new stormwater treatment basin, a new stopbank and a tidal wetland in the triangle of land which causes flooding issues for the areas of Aranui and Bexley. The proposal to go before the council is to fast-track the $12 million plan so design work would begin this year and tenders go out in 2021. The council maintains the work will reduce the risk of flooding in homes and over properties, improve the quality of the stormwater flowing into the river and help manage local drainage issues.

Read the full story here.

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Mayor airs concerns over "glacial pace" of safety improvements

Stuff reports that New Plymouth District Council Mayor, Neil Holdom, has publicly raised his concerns over the "glacial pace" and lack of progress by Waka Kotahi NZ Transport Agency over the safety improvements and road upgrade to a section of SH3 between New Plymouth and Waitara - a section which contains three of NZ's 100-most-deadly intersections. The mayor has been told the project is considered a fast-tracked one but Holdom pointed out that the agency has yet to finalise arrangements around easements and land acquisition needed to progress the work.

Read the full story here.

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Housing upgrades could lead to doubled rents

Otago Daily Times reports that proposed upgrades to community housing in Clutha could lead, in some cases, to rents doubling. The Clutha District Council is reviewing its community housing policy for inclusion in its next long-term plan, with proposals including building new units and rebuilding or refurbishing existing units. Council CEO, Steve Hill, says whatever combination of new/refurbisment the council decides on, it would need to be rates-neutral, which meant the cost of upgrades would be met from rental payment increases, which could lead to rents doubling in some cases.

Read the full story here.

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Hastings DC mountain bike park development opposed by residents

Radio New Zealand reports that 900 Eskdale residents have signed a petition opposing plans by Hastings District Council to develop Eskdale Park into a mountain bike facility. The council says it is only a proposal to rejuvenate the park, where facilities are now out of date, by replacing the toilets and playgrounds and adding a bike track and new roads.

Read the full story here.

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Six-storey commercial and residential development proposed in New Plymouth _

Stuff reports that a six-storey glass and timber building, with office and apartment space, has been proposed for New Plymouth. Resource consent is needed as the planned development breaches the New Plymouth District Council operative district plan for maximum building height, earthworks and parking.
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Read the full story here.

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Heritage Hastings gets council boost

Dominion Post reports that the Hastings District Council has agreed to put an extra $5.5million towards redeveloping the city's historic Municipal Building, which has been closed since 2014 when it and the neighbouring Hastings Opera House were found to be earthquake-prone. The opera house has since been strengthened and reopened, with the council hoping the Municipal Building to follow in early-2021, to form the new 'Toitoi – Hawke's Bay Arts and Events Centre'. At a council meeting on Tuesday councillors voted in favour of allocating an extra $5.5m of unbudgeted loan funding to the project in order to "ensure the completion of this project is achieved in the most cost effective and timely manner".

Read the full story here.

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Hastings District Council have work ahead to get residents on board for park plan _

Radio NZ reports that almost a thousand residents of the Hawkes Bay area Eskdale have signed a petition opposing plans by Hastings District Council to develop Eskdale Park into a mountain bike facility. The council maintains it proposes to rejuvenate the park by upgrading out of date facilities such as the toilets and playgrounds and adding a bike track and new roads. Staff from the hostel of neighbouring Hukarere Girls' College has added their voice, querying why no consultation has been had. The council says it is only early days.

Read the full story here.

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Construction of power-efficient Mitre 10 store nearly completed

The *Otago Daily Times* reports that the new Mitre 10 Mega store being built at Three Parks, Wanaka, has several sustainable and eco-friendly features, including roof solar panels and smart windows which respond to indoor temperature and outdoor winds. Co-owner Martin Dippie said the goal is for the building to be off the national grid for half of the year.

Read the full story here.

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Wellington housing development stalled

The Dominion Post reports that the planned redevelopment of the Nairn St social housing flats in Mt Cook, Wellington, is in doubt and Wellington City Council is unable to give a definite date for the housing redevelopment.

Read the full story here.

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Watercare allowed to take additional Waikato River water

Radio New Zealand reports that Waikato Regional Council has granted consent to Watercare to take an additional 100 million litres of water per day from the Waikato River, to assist Auckland's drought conditions. The water can be taken between May and September, and at other times when the river is above median flow.

Read the full story here.

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Residential units under construction in Dunedin

The *Otago Daily Times* reports that Stewart Construction is building six residential units in Cargill St, Dunedin and construction is expected to be completed by March 2021.

Read the full story here.

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Mataura dross storage case before Environment Court

Radio New Zealand reports that a judicial conference in the Environment Court is considering how to remove 8,500 tonnes of toxic dross from its present hazardous storage places in
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Mataura, and who is responsible for removing it. The Environmental Defence Society Inc has asked the Court for declarations as to the necessity and timing of removal of the waste.

Read the full story here.

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$60m Queenstown road upgrades underway

The *Otago Daily Times* reports that Queenstown Lakes Mayor Jim Boult has welcomed the commencement of major street upgrades, which will cost $60 million. The Mayor hopes that other government-funded development projects will follow, such as the proposed $151 million renovation of the Queenstown Events Centre.

Read the full story here.

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No action yet taken over defective new office building

Radio New Zealand reports that, nine months after a CBD office block was ruled to have been built with several specified earthquake design defects, Christchurch City Council has taken no action against the engineers.

Read the full story here.

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Future of Wellington Library building - submissions to close

Radio New Zealand reports that the future of Wellington's Public Library building, which has been closed since March 2019 because of earthquake risk, will be decided following the closing of consultation. Five options are being considered, some of which relate to demolition and a new build while the others involve strengthening the existing building.

Read the full story here.

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Sleephead development opposed by Waikato RC chair

The *Waikato Times* reports that the chairman of Waikato Regional Council, Russ Rimmington, thinks that the multi-million dollar proposal by Sleepyhead to construct a large factory and rural community in Ohinewai, North Waikato, would undermine Huntly. However, many local Huntly residents strongly disagree and welcome the development proposal.

Read the full story here.

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Electric truck fuelling stations powered by hydrogen planned

Radio New Zealand reports that Hiringa Energy Ltd, based in Taranaki, is planning to build a series of hydrogen fuelling stations by next year, in time for the introduction to the country of hydrogen fuel cell trucks.

Read the full story here.

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Government joins litigation on toxic dross removal from Mataura

The *Otago Daily Times* reports that the Government will join as an interested party litigation in the Environment Court aimed to compel New Zealand Aluminium Smelters to remove potentially dangerous toxic smelter dross from its storage place in Mataura.

Read the full story here.

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$2.45 m for New Plymouth culvert repair

The *Taranaki Daily News* reports that New Plymouth District Council admits that a deteriorated, 40-year-old drain under Waiwaka Terrace in Strandon poses a danger to private property and public safety and so has authorised the expenditure of $2.45 million for its urgent repair. This is in advance of around $126 million of water infrastructure which is at the end of its functioning life and will have to be replaced by the council.

Read the full story here.
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Auckland Rail network problems need $200 m to solve

Stuff reports that inadequate maintenance and overdue repairs of Auckland's rail network mean that an outlay of $200 million for infrastructure works will be necessary in the next four years, according to a report by Opus consultants.

Read the full story here.

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Residential resort development planned for Gibbston Valley

The *Otago Daily Times* reports that the change of zoning for 330 hectares of land in the Gibbston Valley Station to the Gibbston Valley Resort Zone, under the review of the Queenstown Lakes District Plan, will be a step on the way to enable the planned development of a resort, residential units and a golf course there. Gibbston Valley Station chief executive Greg Hunt says that construction would start at the earliest in 2022.

Read the full story here.

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Plan to power Blenheim Hospital using landfill gas

Radio New Zealand reports that Marlborough District Council is considering the feasibility of using greenhouse gases from its Bluegums Landfill in order to provide power and hot water for the Wairau Hospital.

Read the full story here.

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New landfill proposal applied for by Dunedin CC

The *Otago Daily Times* reports that Dunedin City Council has applied to Otago Regional Council for resource consent for a new six million cubic metre landfill at Smooth Hill, at an estimated cost of around $100 million. The city council's present landfill facility at Green Island will cease operations within the next eight years.

Read the full story here.

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Concern that residential subdivision will endanger bats

Radio New Zealand reports that a proposed large residential subdivision in Amberfield, Hamilton has raised concerns for the critically endangered long-tailed bats which have their habitat along the Waikato River. Hamilton City Council's grant of consents for the development will be challenged in the Environment Court by the Department of Conservation, Forest and Bird, and the local Riverlea Environmental Society.

Read the full story here.

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Project to create housing for Wellington's most vulnerable

Stuff reports that the Government is giving $10 million to a project which will create housing for Wellington's most vulnerable. The development, on Frederick St in Te Aro, will create 75 new homes and a new public park.

Read the full story here.

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$2 million for Kapiti Coast Gateway building

Radio New Zealand reports that the Government will provide $2 million towards the cost of constructing the Kāpiti Gateway building, to be built at the northern end of Paraparaumu Beach.
Read the full story here.

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Auckland harbour shipping channel deepening to go ahead

Radio New Zealand reports that Ports of Auckland will go ahead with the deepening of Auckland Harbour's shipping channel by about two metres after being granted resource consent for the proposal from Auckland Council.

Read the full story here.

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Otago University seeks consent for academics' retreat building in Queenstown

The *Otago Daily Times* reports that the University of Otago has applied for consent to construct a $12 million retreat on a four-hectare site donated by owners of Remarkables Station. In addition to the communal building, the complex will comprise a lecture theatre, seminar rooms and kitchen, along with a five-block accommodation area.

Read the full story here.

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Townhouses being built on site of Mosgiel's old RSA bowling green

The *Otago Daily Times* reports that developer and builder Brodie Anderson is building eight new town houses on the site of the Mosgiel RSA bowling green, following resource consent being granted last year by Dunedin City Council.

Read the full story here.

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