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Legal Case-notes March 2021

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;

- An unsuccessful appeal against grant of consent by Queenstown Lakes District Council to a subdivision of land in the vicinity of an "outstanding natural feature" near Lake Hayes;
- An unsuccessful application for costs following a prosecution of a person and company who had undertaken unlawful works in the bed of the Selwyn river in Canterbury;
- Does use of an existing shed for residential purposes contrary to district plan rules risk environmental harm? This case was an unsuccessful application for an enforcement order against use of an existing shed on a property at Palmerston for residential purposes;
- The prosecution of a landowner of a property at Coromandel who had filled and piped a stream resulting in discharge of clay sediment into the harbour;
- A further court decision on an application for enforcement order to mitigate noise from a metal recycling operation and its effects on nearby residents;
- An unsuccessful appeal against an interim decision of the Environment Court relating to a notice of requirement for realignment of SH3 near Mount Messenger in Taranaki;
- The final decision following a successful appeal against refusal of consent by Auckland Council for a proposed redevelopment of some properties at Dominion Road, Mount Eden, Auckland for mixed use activities.

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CASE NOTES MARCH 2021:

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Todd v Queenstown Lakes District Council _ [2020] NZEnvC 205

Keywords: resource consent; subdivision; effect adverse; amenity values; visual impact; district plan proposed

This interim decision concerned appeals against a decision of the Queenstown Lakes District Council ("the council") to grant resource consent for a two-lot subdivision and associated activities at a site on Slopehill Rd, Wakatipu Basin, in rural Queenstown. The consent applicants owned the site. The appellants were adjoining neighbours and sought that consent be declined. The appeals alleged that the proposal had unacceptable effects on landscape values and rural amenity values and was contrary to related objectives and policies. This interim

decision determined those community scale issues, leaving aside the various other grounds of appeal concerning how the proposal would impact on the appellants more directly as neighbours.

The site was gently undulating and terraced rural land of 8.4453 ha and was to the edge of the Wakatipu Basin. It sat below the northwest flanks of Slope Hill, some 800 m from its peak. Slope Hill was an Outstanding Natural Feature ("ONF") under the Queenstown Lakes Operative District Plan ("ODP"). The landscape experts agreed that the site was not within the Slope Hill ONF.

The Court found the determinative issues for the interim decision were: how did the Proposed District Plan's ("PDP") policy that "an 80 hectare minimum net site area be maintained within the Wakatipu Basin Rural Amenity Zone" bear on consideration of the proposal; was the site too close to the Slope Hill ONF and would it adversely impact on its landscape values; and would the proposal materially impact on other landscape values or public amenity values particularly as associated with the ODP's Visual Amenity Landscape and/or the PDP's landscape character unit ("LCU") 11?

The Court stated that it would give significant weight to the shift in policy reflected in the PDP's 80 ha minimum net site area regime. In essence, that meant the Court would fully test the proposal for compatibility or otherwise with all PDP objectives and policies and ascribe contrary ODP objectives and policies relatively little weight or influence. In a relative sense, the Court found that weighting should prefer the policy intentions of the PDP over those of the ODP.

The Court found the proposal was not adjacent or in material proximity to the Slope Hill ONF. Rather, it was sufficiently separated horizontally and vertically. Further, the proposal would not adversely affect the ONF's outstanding visual or character values to a more than low degree. On the evidence, the Court found the site did not trigger s 6(b) of the RMA nor its related objectives and policies.

The Court accepted evidence that the site was located in a part of LCU 11 that was comparatively enclosed. That was reinforced by its findings that the proposal would not have any significant impact when viewed from long distance and middle-distance viewpoints. In effect, whilst acknowledging that the site was in an elevated part of LCU 11 and close to Slope Hill ONF, it found that it would be effectively absorbed such as to not give rise to any material impact on associated landscape values from those viewing distances. At a near view scale, the Court found that the proposal would change the present view across open pastoral land to a limited but acceptable extent.

Overall, the Court found the landscape and visual amenity effects of the proposal would be no more than minor. The proposal would properly respect all relevant landscape values and at least maintain landscape and other amenity values. For similar reasons, the proposal would not have any adverse cumulative effects on landscape and related amenity values. It followed that the Court was satisfied that the proposal was properly compatible with all ODP and PDP objectives and policies; would not pose any precedent risk; and would not conflict with any relevant provision of the RMA. The Court found, on the matters addressed by this decision, the proposal satisfied the RMA's requirements. The Court noted the matters remaining for determination under the appeals were of a comparatively localised nature. Costs were reserved.

Decision Date 1 February 2021 Your Environment 2 February 2021

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Dewhirst v Canterbury Regional Council _ [2020] NZDC 25949

Keywords: prosecution; costs

M Dewhirst ("D") and his company, Dewhirst Land Ltd ("the applicants") were convicted and sentenced for RMA offences in relation to unauthorised works in the bed of the Selwyn River. They now sought an order as to costs under s 6 of the Costs in Criminal Cases Act 1967 ("CCCA") against the prosecutor, Canterbury Regional Council ("the council") in the sum of $73,243. The applicants had pleaded guilty. However, two matters of dispute concerning the council's summary of facts were referred to a disputed facts hearing, and the Court had issued two related decisions. The applicants claimed 75 per cent of their incurred costs of $97,657 for the disputed facts hearing, comprising legal and expert witness fees.

The Court stated that s 6 of the CCCA governed its discretion. The Court stated it was common ground that the Second Question in the disputed facts hearing involved difficult and important
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points of law. However, there was some dispute as to whether that was a proper characterisation of what was involved in the determination of the First Question. The Court stated there were differences as to: whether there were any or sufficient "special circumstances" such that it would be proper for an award to be made; and whether any award should be in excess of scale.

The Court found that the prerequisite for a difficult or important point of law in s 6 of the CCCA was satisfied with reference to the Second Question in the disputed facts hearing. The Court found that this case did involve special circumstances within the meaning of s 6. However, the Court stated that the further important element it had to be satisfied of was whether it was proper that the applicants received costs. The Court stated that an important aspect was the high level of carelessness displayed by D in undertaking works when he was on notice that the council's informed position was that D would have to first secure resource consents. Further, D elected to proceed with his works without first obtaining professional advice. Given the circumstances, the Court concluded it would not be proper, in public policy terms, to make any award of costs. This made it unnecessary for the Court to consider issues raised as to quantum. However, in case it was wrong in its analysis of s 6, it recorded that it regarded the 75 per cent claim as manifestly excessive. The application for costs was declined.

Decision Date 2 February 2021 Your Environment 3 February 2021

(Refer to previous reports in Newslink case-notes in May and December 2019 and November 2020- RHL.)

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O'Reilly v Cruice Farms Ltd _ [2020] NZEnvC 206

Keywords: enforcement order interim; effect adverse

This decision concerned an application for interim enforcement orders by G O'Reilly ("O") against Cruice Farms Ltd ("CFL") relating to the construction and use of an existing shed at 7 Gilligan St, Palmerston ("the property"). O's residence backed onto a small part of the property. O considered that the existing shed was being used as a residential dwelling, in breach of the district plan rules, the RMA and the Building Act 2004. Mr Cruice ("C"), on behalf of CFL, opposed the orders sought, saying that O had failed to specify a single environmental effect and that the Court could refuse the application without risking environmental harm or effect.

The Court agreed with both C and the Waitaki District Council ("the council") that there were no evident effects on the environment from the use of the existing shed. The shed was already in situ, the council had issued its s 224(c) certificate as to compliance with the resource consent and considered there was no non-compliant use of the existing shed. The Court was not persuaded there would be adverse effects on the environment if an order was not made. Further, the Court was satisfied on the evidence, that there was no contravention of the district plan and no current breach of the resource consent. While the Court acknowledged O's frustrations in relation to C's use of the existing shed over the years, it was satisfied enforcement orders were not justified. The application for interim enforcement orders was declined. Costs were reserved.

Decision Date 5 February 2021 Your Environment 9 February 2021

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Waikato Regional Council v Erlon Ltd _ [2020] NZDC 24808

Keywords: prosecution, earthworks; water quality

This was the sentencing of Erlon Ltd ("EL") which had pleaded guilty to four charges alleging offending at a property at 2995 Tiki Rd, Coromandel ("the site"). EL was the occupier of the site and operated a horticultural business there. On 12 September 2019, two Waikato Regional Council ("the council") incident response officers attended the site as a result of public complaints made about earthworks at the property and the resulting sediment run off into the Coromandel Harbour. A further inspection was undertaken on 12 November 2019. The inspections revealed: earthworks had been carried out; clay spoil had been deposited and had mobilised, entering a stream, ultimately discharging into the Coromandel Harbour; and the stream had approximately 230 metres of 300 mm plastic piping laid in it, which had been back-filled with clay spoil. None of the activities complied with the permitted activity rule in the Waikato Regional Plan, neither were there resource consents authorising them. No national environmental standard or regulation permitted them.

In terms of environmental effects, the Court noted the introduction of significantly elevated levels of suspended solids can physically alter rivers and lakes by affecting the chemical and physical water characteristics, plants, algae, invertebrates and fish, as well as human aesthetic, recreational, and spiritual values, of surface water, namely the receiving environment. This was a sensitive environment because the discharges would have made their way into the Coromandel Harbour, which was over the road from the site where the offending occurred. In the Court's view the offending could be described as negligent to the highest degree.

Taking into account all matters, the Court put the culpability of EL to be in the moderately-high category for offending of this nature. The Court considered that a $80,000 starting point was justified. The Court allowed a 25 per cent discount for guilty plea; five per cent for having no previous convictions; and a further five per cent discount for cooperation. EL was convicted and fined $13,000 in relation to each charge; an end fine of $52,000. Ninety per cent of the fine was to be paid to the council.

Decision Date 9 February 2021 Your Environment 10 February 2021

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Hamilton City Council v Global Metal Solutions Ltd _ [2020] NZEnvC 210

Keywords: enforcement order; noise

This second interim decision followed *Hamilton City Council v Global Metal Solutions Ltd* [2020] NZEnvC 174 ("the interim decision"), where the Court found that the application for enforcement orders was made out against Global Metal Solutions Ltd ("GMS"). The Court found an enforcement order should be made requiring GMS to comply with the district plan noise limit, with the date of commencement being 1 December 2021, but in the interim the Court made enforcement orders requiring additional mitigation measures to be implemented to deal with the likely continued exceedances and the impact of them on the residents for the next year. The Court ordered the Hamilton City Council and GMS to liaise about the practicality of these measures, including how they could be independently assessed and monitored (and at whose cost) up until 1 December 2021. The Court also invited further submissions in relation to the orders it intended to make regarding the definition of what comprised the "shredder" and the restriction of its hours of operation.

The parties now sought orders regarding the operation of the shredder on the site. Having considered the interim orders proposed by the parties, the Court was satisfied that they addressed, on an interim basis, the issues raised in the interim decision regarding the operating hours of the shredder and the Court was satisfied that the term "shredder" was now adequately defined. The Court stated that the remaining issues raised in the interim decision would be determined at a rescheduled hearing in 2021. The Court accordingly made orders by consent.

Decision Date 11 February 2021 Your Environment 12 February 2021

(Refer to the previous report in Newslink case-notes in December 2020- RHL.)

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Poutama Kaitiaki Charitable Trust v Taranaki Regional Council _ [2020] NZHC 3159

Keywords: road; kaitiakitanga; effect adverse; cultural values; resource consent; requirement; tangata whenua

Poutama Kaitiaki Charitable Trust Inc ("Poutama") and D and T Pascoe ("the Pascoes") ("the joint appellants") appealed against the Environment Court's ("EC") interim decision in *Director-General of Conservation v Taranaki Regional Council* [2018] NZEnvC 203. The interim decision concerned a notice of requirement and applications for resource consents lodged by the New Zealand Transport Agency for a programme of improvements on State Highway 3. The Pascoes, who owned a farm on the land, claimed cultural rights over the land and claimed that the adverse effects on them and their land resulting from the roading project, temporary works including a haul road and storage yard and construction effects in particular, were not properly considered and/or taken into account by the EC. Poutama claimed that it exercised mana whenua and kaitiakitanga over the land. The EC considered that Ngāti Tama had mana whenua and exercised kaitiakitanga over the project land but that Poutama had no cultural connection for the purposes of the project under the RMA. Poutama appealed against that finding. The joint appellants said the EC should not have made an interim decision and that it made final determinations that were in error of law. They sought that the EC's interim decision be quashed.

The Court considered the grounds of the appeal. Firstly, the joint appellants argued that the EC should not have issued a decision that was only interim and the decision should have been made final based on the evidence before it. In the alternative, they said that the EC's interim decision should have dealt with the Pascoes' land acquisition and compensation package in the same way as that of Ngāti Tama, in that the interim decision should have required the finalisation of those arrangements with the Pascoes before the decision would be made final. The Court found the EC made no error of law by issuing an interim decision based on the information it had before it. It required further evidence before it could be satisfied on the cultural and ecological effects. That further evidence related to the finalisation of agreements with Ngāti Tama, which were integral to the avoidance, remediation or mitigation of those effects. Further, the EC did not err in law in failing to make the interim decision subject to an agreement concerning acquisition and compensation for the Pascoes' land.

The second ground related to customary and cultural rights, tikanga, mana whenua and kaitiaki. The joint appellants argued the EC erred as: the EC assumed that only one iwi (Ngāti Tama) could have mana whenua, kaitiakitanga or tikanga or other cultural rights over land; the EC did not recognise that determination of mana whenua and kaitiakitanga over any rohe was a matter for Māori themselves; and that the EC misstated Poutama's case which was "that Poutama including Debbie Pascoe's ancestral connection is to the Poutama tribe and Rohe as a whole, including to the wider project area, and the Pascoe Whānau land in the Mangapepeke valley". The Court found the EC had adequate evidence on which to conclude that Poutama was not tangata whenua exercising kaitiakitanga, nor did it have relevant cultural connection to the project area. The Court found the EC made no misstatement, it merely recorded its exchange with Ms Pascoe concerning her ancestral claims. Further, the EC made no errors of law in relation to its consideration of the evidence and its findings on cultural issues. It considered the evidence before it and made a determination that Ngāti Tama held mana whenua and exercised kaitiakitanga over the project land. It had ample evidence upon which to base its findings. It gave reasons for its conclusions. Having reached those findings, the EC recognised and provided for the relationship of Māori and their ancestral land and resources, and had regard to kaitiakitanga, as well as taking into account the principles of the Treaty of Waitangi.

The third ground alleged failure by the EC to assess, avoid, remedy or mitigate adverse effects, including construction, noise, social, cultural, spiritual, ecological and economic and cumulative effects. The Court stated the EC heard a considerable amount of evidence from various experts in the specialist areas. It concluded that the effects of the project on the Pascoes and their land was significant but that the conditions proposed would mitigate the effects to the extent possible in the circumstances. It had adequate evidence on which to base that determination. The Pascoes raised no new matters in the Court that had not been properly dealt with by the EC. The EC took into account the cumulative effects of the project on the Pascoes and their land as all relevant effects and in particular those raised by the Pascoes before the EC. No breach of New Zealand Bill of Rights Act 1990 was established.

The fourth ground alleged a failure by the EC to consider the relocation of the haul road, failure to consider alternatives and failing to consider avoiding or mitigating the significant harm on the Pascoe whānau and the environment. The Court stated the EC considered the effects of the haul road and its location as well as the nature of the terrain including possible flooding. The EC made no error in its assessment of the proposal and the granting of consent on the basis of the proposal as to the location and construction of the temporary haul road and storage yard and allowing some flexibility in the management of their construction.

The Court stated that the appellants had not established a threshold question of law required in the appeal. The appeal was dismissed. Any application for costs was to be filed and served within five working days of the date of the judgment.

Decision Date 17 January 2021 Your Environment 18 January 2021

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Panuku Development Auckland Ltd v Auckland Council _ [2020] NZEnvC 211

Keywords: resource consent; conditions

This final decision of the Court followed two previous interim decisions. The matter concerned an appeal by Panuku Development Auckland Ltd ("Panuku") against the decision of Auckland Council ("the council") refusing its application for resource consents to construct a new multi-level mixed-use development on eight adjoining sites located in Dominion Rd and Valley Rd, Mount Eden, Auckland. The first interim decision (*Panuku Development Auckland Ltd v Auckland Council* [2020] NZEnvC 24) did not reach a final decision about whether the appeal
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should be allowed but concluded that consent could be granted subject to revised conditions. The Court's second interim decision (*Panuku Development Auckland Ltd v Auckland Council* [2020] NZEnvC 186) addressed the conditions proposed to apply to the consents as a whole. Panuku was directed to advise the Court about certain matters and to provide an updated set of conditions responding to the issues about the other proposed conditions that had been identified by the Court.

On 27 November 2020 Panuku filed an updated set of draft proposed conditions of consent for the Court's consideration. After careful consideration of them, the Court issued a Minute dated 4 December 2020 concerning conditions that still required attention. On 7 December 2020 Panuku filed revised proposed conditions of consent that addressed the issues raised by the Court. The Court was satisfied that the further information provided gave the conditions of consent certainty and clarity. On this basis, and in accordance with the reasons set out in the earlier decisions, the appeal was allowed and consent was granted for land use consents and discharge permits authorising the construction of the development. The consents granted were subject to the conditions of consent set out in Appendix A to the decision.

Decision Date 12 February 2021 Your Environment 15 February 2021

(For the previous report and summary of the issues, see Case-notes June 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 March 2021

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Key replacement for RMA to be passed by end of 2022

Radio New Zealand reports that Environment Minister David Parker has announced that the RMA will be replaced with three new Acts. The Natural and Built Environments Act ("NBA") will provide for land use and environmental regulation; the Strategic Planning Act will integrate with other legislation relevant to development, and require long-term regional spatial strategies; and the Climate Change Adaptation Act will address complex issues associated with managed retreat and funding and financing adaptation. The NBA will be progressed first and the Minister expects the NBA to be passed by the end of 2022. Read the full story here.

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Housing crisis helped, but at expense of farmland?

Newshub reports that last week's announcement, that the Government planned to repeal the current Resource Management Act and replace it with three separate pieces of legislation - the Natural and Built Environments Act, the Strategic Planning Act and the Climate Change Adaptation Act - was met with hopes that the changes will help to combat the country's housing crisis. However, concerns are now arising that the changes could negatively impact the farming sector and those living in rural parts of the country, despite Agriculture Minister, Damien O'Connor, assuring those concerned that there is no need for worry. Read the full story here.

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'Build-to-rent' may be saviour of housing crisis

Stuff reports that purpose-built rental accommodation may be one of our last options to solve the housing crisis, but foreign investment rules are already hampering some major investments from taking off. Supporters of "build to rent" say being a renter in the private market doesn't have to be a bad experience and this type of housing is common abroad. Crockers Property

Group chief executive Helen O'Sullivan says the problem is our rental sector is dominated by small "mum and dad" investors who invest in property for capital gains and don't have the balance sheets to keep up with regular repairs or tough regulations. Read the full story here.

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Residents call for visual appeal of intense housing developments to be addressed.

Stuff reports that residents of the St Albans area of Christchurch are concerned their character neighbourhood could soon become a "concrete jungle" if the visual appeal of intense housing developments is not addressed. Two developments in St Albans are at the centre of the local residents' ire - sections that both previously housed a single property will soon house 11 units between them. Resource consent has already been granted for both developments, but 42 residents have signed a petition against the homes' design, which they describe as "ugly, cheap, and characterless". Read the full story here.

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Hikoi help ahead of court proceedings between iwi and Crown

Stuff reports that over 300 members of Ngāti Whātua Ōrākei have gathered to hold a hīkoi on their way to the High Court, ahead of commencement of proceedings between themselves and the Crown. The proceedings brought by Ngāti Whātua Ōrākei challenge the Crown's approach to the rights of mana whenua in their rohe (territory). The hīkoi was "a chance for our people to demonstrate in a powerful way that we have had enough of the Crown using whenua within the relatively small rohe of Ngāti Whātua Ōrākei as compensation for the breaches of the Treaty of Waitangi of other iwi," said Ngamiru Blair, the iwi's deputy chairman. Read the full story here.

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Redevelopment planned for central Hamilton

Stuff reports that the imminent construction of the Waikato Regional Theatre is inspiring bold plans to dramatically reimagine downtown Hamilton. Plans to leverage off the theatre build are already well-advanced as city politicians look to shore up support for a suite of multimillion-dollar projects in and around downtown Hamilton. The council are looking into possibilities of working alongside a property developer. Read the full story here.

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Government prepares to take on housing market

Radio NZ reports that finance minister, Grant Robertson, has signalled a crack down on property speculators with proposals to curb house price inflation going before Cabinet shortly. Government will announce a rolling series of measures to build on what it did last term to address the crisis in housing. "We all know that building more houses, particularly affordable houses, is critical. But we also can do more to manage demand, particularly from those who are speculating." Read the full story here

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Environment Southland plans to reduce emissions

Stuff reports that Environment Southland's Climate Action Plan includes plans to transition its vehicle fleet to hybrid or electric vehicles. It will also design an emission reduction programme across all council operations and complete an energy audit. Read the full story here.

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Fonterra discharging wastewater onto "ghost farms"

Radio New Zealand reports that Fonterra has cleared the cows from 16 farms and is using the land to dispose of wastewater. Some local residents fear this could be leaching nitrates into private drinking water supplies. Read the full story here.

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Mortuary waste to be returned to the earth

Radio New Zealand reports that Gisborne's mortuary waste from the region's funeral homes is to be disposed of at a specifically designed septic "mound" system, which will be about 22.5m by 7.5m and one metre high, covered with plants. The concept is similar to that used by Native Americans for burial purposes, but is also based on Te Ao Māori and mātauranga Māori principles. Read the full story here.

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Fence launches argument over nature of land

Taranaki Daily News reports that a New Plymouth woman is holding her ground against District Council allegations that her fence is intruding into public land. Dawn Hickling had a picket fence at the edge of her property since she bought the property in 1983. She has recently replaced said fence with a taller, more modern version, which has led to complaints being made to the local council that it intruded one metre onto public land. The council maintains it is about access to public land and its mapping website shows the fence is indeed beyond the property's boundary. Read the full story here.

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Property managers told to cease blacklist site

Radio NZ reports that hundreds of property managers across the country are signed up to a private social media page where landlords blacklist tenants despite the claims of bad behaviour being unverified and posts potentially breaching privacy rights due to some landlords posting tenants' identities, passport details and photographs. The Property Management Institute of New Zealand has reminded members they should be following established vetting processes rather than engaging in online and unverified gossip. Read the full story here.

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Garage sleepout listed as rental enrages locals

Stuff reports that a Wellington woman has been criticised for advertising a "sleepout" with no plumbing for rent in Carterton for $400 a week. Becky Cassam had listed the garage sleepout on a local Facebook page, but removed the listing when numerous locals became enraged by it and complaints were made to the council over the lack of insulation and direct access to a toilet. Tenancy Tribunal records show that landlords have been ordered to pay nearly $4000 in exemplary damages for failing to property insulate. The Carterton District Council said "[We] must assess if the building will meet, within reason, the requirements of the Building Code." Read the full story here.

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Boarding house breaches lead to hefty fine

Radio NZ reports that a Huntly boarding house landlord has been fined nearly $9000 for failing to lodge bonds and overcharging rent to tenants. The Ministry of Business, Innovation and Employment investigated the company running the boarding house and found it had failed to lodge the bonds of 37 tenants and has asked several to pay advance rents. The Tenancy Tribunal ordered Poomia Investments to pay $8956. Read the full story here.

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Granny flats for more than just grannies - Dunedin's push to address the housing situation

Stuff reports that granny flats, duplexes and infill housing are among the possible options for easing Dunedin's unexpected population boom. Dunedin City Council development manager, Dr Anna Johnson, said there was now a growing push from councils around the country to have the rules regarding granny flats relaxed - they are currently subject to resource consents and limited to who may reside in them. Dunedin City Council would like to see rules changed to allow homeowners to build smaller flats on their section and rent them to tenants. Read the full story here.

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Iconic Wellington property for sale

Stuff reports that two Wellington properties - 15 and 17 Hawkestone Street - have been listed for sale, with each 4-bedroom house having a pricetag of around $1.5 million. In the case of Number 17, this pricetag represents its iconic status in the burgeoning days of New Zealand's film scene, in the 80s and 90s, rather than its state - potential buyers must sign a waiver before entry, due to its dilapidation. Filmmaker Peter Jackson used the property during pre-production and set design for his 1989 film Meet the Feebles. Whale Rider filmmaker Niki Caro was a tenant at one point. Read the full story here.

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Privacy Commissioner putting landlords under microscope

One News reports that Privacy Commissioner John Edwards is taking a closer look at landlords and their increasingly intrusive collection, retention and disclosure of tenants' personal information. Edwards is looking to ensure that landlords are aware of their obligations and limitations under the Privacy Act 1993 and says that questions about gender, nationality or marital status are almost never justified. Read the full story here.

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Tenancy reforms could lead to Tribunal backlog

Radio NZ reports that strong tenancy law enforcement measures will better protect tenants, but could result in a backlog of cases at the Tenancy Tribunal, one property expert warns. The biggest overhaul of tenancy laws in 35 years came into force last week, promising to bring greater protection and security for tenants. However, there have been other significant changes - including a strengthening of enforcement measures and changes to the Tenancy Tribunal jurisdiction, both of which could lead to the Tenancy Tribunal becoming overworked. Read the full story here.

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Residential Tenancies Act changes

NZ Lawyer reports on the amendments to the Residential Tenancies Act on fixed-term tenancies. Harriet Krebs and Jeff Walters of K3 Legal outline the changes already in force and new requirements in force 11 February that impact the termination of tenancies. Read the full story here.

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Windowless room to be investigated by Tenancy Services

Stuff reports that Tenancy Services will investigate whether a windowless room just big enough for two single beds breaches rental rules. Under the Residential Tenancy Act every habitable room must have a window or other way of letting in light and ventilation. Gimme Shelter Aotearoa founder, James Crow, said the room and rental price was a symptom of a "gross lack of affordable or appropriate housing" in NZ. Read the full story here.

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Professional workers among the property disenfranchised

Otago Daily Times reports that Central Otago's overheated housing market is leaving professionals such as police, teachers, and nurses shut out of rentals, and blocked from getting on the property ladder. Average rents had increased 1.24% to $407 per week for the year ending September, including the period of Government-introduced rental freezes as a result of Covid-19 and banks offering mortgage holidays but more recent data showed a jump of 9% to $490 per week, Central Otago District Council said. Read the full story here.

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Barriers removed to allow Māori to build on their land

Stuff reports numerous amendments have been made to Te Ture Whenua Māori Act and came into force on 6 February. The changes will lift legislative restrictions that have prevented Māori from building on their own land for decades. The amendments, made by the Te Ture Whenua Maori (Succession, Dispute Resolution, and Related Matters) Amendment Act 2020 intend to make developments cheaper, faster, and more straightforward; the changes regard matters such as succession and dispute resolution, and allow the Māori Land Court to operate more efficiently. Read the full story here.

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Chemical spill in South Auckland

Radio New Zealand reports that around 100 eels have been found dead after a chemical compound spilled into a stormwater drain and subsequently into Manukau Harbour. Auckland Council said 5000 litres of methyl methacrylate was released from storage at a specialist chemical business in Penrose. Read the full story here.

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Development to proceed after tree protesters abandon efforts

Stuff reports that the Ockham-Marutūāhu development in Avondale, Auckland, will proceed after protesters who have been standing against the removal of a 150-year-old macrocarpa
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have abandoned their protest. Auckland Council approved a proposal to remove the tree for the 117-unit Aroha development. Read the full story here.

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Property managers told to cease use of blacklist site

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$6 m new office building for Gore District Council

Stuff reports that Gore District Council's new office building has been completed. Construction cost $6 m and has taken 12 months. Read the full story here.

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Iconic high-country station sale generating solid interest

Stuff reports that iconic high-country sheep station, Irishman Creek Station, has been listed for sale and is generating solid interest. The property, which is over 8600 ha, is rare among its kind in that the entire station is accessible by vehicle. Situated at Lake Pukaki in the Mackenzie Basis, the farm is 16km south of Lake Tekapo. Read the full story here.

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Developers promote using non-existent train station

Stuff reports that Christchurch-based deveopers of a series of townhouses in Hutt Valley township of Wainuiomata ought to have done their homework, having promoted an "effortless daily commute" thanks to the homes being close to the Wainuiomata Train Station. Unfortunately this station does not, nor is it ever likely to, exist. Wainuiomata has bus services, but has never had a train service due to the steep gradient of the land which a potential track would need to traverse. The developers have since retracted that portion of their sales pitch. Read the full story here.

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Huka Falls zipline decline heading to mediation and then court following lodgement of appeal

Stuff reports that parties on either side of a declined zipline over the Waikato River downstream of the Huka Falls are due to go another round as the promoters of the zipline have lodged an appeal with the Environment Court over the decision of the panel of three independent commissioners to reject the venture. The appeal, however, is unlikely to be resolved for at least six months – depending on the progress of the initial mediation, said Environment Court registrar Harry Johnson. - Read the full story here
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Council seeks more information about proposed freight centre

Stuff reports that Palmerston North City Council has asked KiwiRail 188 further questions about its proposed new rail-freight handling yards on the outskirts of Palmerston North. The issues include lighting, stormwater management, social and economic effects, impacts on the roading network and cultural assessments.

Read the full story here.

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