Newslink Case-notes for June 2022 prepared 20 May 2022.

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Legal Case-notes June 2022

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

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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 a decision by Waikato District Council to cancel an earthworks consent because information that an affected party opposed the application had not been supplied to the council;
- An amended enforcement order made to an Auckland developer to bind subsequent owners of the property to comply with the obligations of the order;
- An unsuccessful application relating to a development application at Bendigo, Central Otago. This related to an application to strike out an appeal lodged by a party which had allegedly been contractually obliged not to object to proposed development;
- The resolution of appeals concerning Plan Change 78 to the Kaipara District Plan which would allow provision of infrastructure for further urban development at Mangawhai;
- A consent order settling an appeal affecting zoning and landscape protection at North-East Valley, Dunedin;
- An interim decision of the Environment Court determining some unresolved appeals against the Queenstown Lakes District Plan in the Wakatipu Basin;
- A decision of the Environment Court relating to the actions of a S274 party to appeals affecting part of Marlborough District Council's Environment Plan.

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CASE NOTES JUNE 2022:

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Perjuli Developments Ltd v Waikato District Council - [2022] NZEnvC 51

***Keywords**: resource consent; earthworks; subdivision; cultural values; Māori values; tangata whenua*

This was an appeal by Perjuli Developments Ltd ("Perjuli") against a decision to cancel an earthworks consent that had previously been issued. In 2020, Waikato District Council ("the council") issued a consent to Perjuli to undertake earthworks in preparation for a future development. After works had commenced, local hapū Ngāti Tamainupō voiced concerns that their opposition to the project had not been considered. They claimed the site had particular cultural significance to them. They specifically alleged that previous consultation with them had not been noted in the application, that their opposition had not been noted, and that further communications after the application was filed, but prior to the council's decision, were not advised to the council. The council then issued a notice pursuant to s 128(1)(c) of the RMA 1991 to review the consent on the basis the information provided by

the applicant had contained inaccuracies that materially influenced the council's decision. An independent commissioner appointed by the council reviewed the matter and decided to cancel the consent pursuant to s 132(3). The council supported that decision and believed the earthworks consent application should revert back to council, to be considered together with a subdivision consent application that had not yet been processed. In these proceedings, Perjuli was appealing the commissioner's cancellation decision.

The Court considered the evidence and made several factual findings. It noted that Perjuli had consulted two Māori parties, the Tūrangawaewae Board of Trustees ("Tūrangawaewae") and Ngāti Tamainupō. The Court concluded that the site held cultural significance, and both Māori parties had direct claims of a relationship with the site. It was not unusual or unexpected that the parties' claims overlapped to a large extent. The Court also made findings regarding Perjuli's consultation process. It found that Ngāti Tamainupō had indicated reservations or concerns about the project to Perjuli, and that Perjuli understood that Ngāti Tamainupō may not consent to the proposal. Perjuli then applied for the earthworks consent, but did not tell Ngāti Tamainupō, and the Court concluded from the evidence that this was deliberate. Even when Ngāti Tamainupō formally told Perjuli that they opposed the project, Perjuli still did not disclose that it had applied for an earthworks consent, which again the Court regarded as deliberate. In terms of its application, Perjuli failed to identify Ngāti Tamainupō as one of the parties to be consulted, that consultation had occurred and that they had reservations. The Court also found that Perjuli misrepresented a letter it had received from Tūrangawaewae when it filed its consent application; although this letter clearly stated that Tūrangawaewae's consent to the project was conditional on certain specific actions being taken, Perjuli represented this as their "consent". The Court also found that Perjuli applied only for earthworks consent and not subdivision consent at that time in response to the ongoing concern of Ngāti Tamainupō, and with the objective of having the land worked before the subdivision application and avoiding any reservations in relation to the archaeological features on the site. The Court concluded the council was justified in issuing a notice to review the consent.

The Court then considered the commissioner's decision to cancel the consent. Section 132(3) allowed cancellation if there were inaccuracies that materially affected the council's decision and there were significant adverse effects on the environment resulting from the exercise of the consent. The Court concluded that these grounds were met. However, the Court noted that the section stated that the consent authority "may" cancel the consent. In the Court's view, "may" was discretionary and supported the Court's view that there should be a proportionate response. The Court then considered whether cancelling the consent or modifying the consent conditions would be a proportionate response. The Court considered a specific proposal by an archaeologist to preserve some of the archaeological features on the site. While the Court agreed his proposal was appropriate, it noted both the Tūrangawaewae and Ngāti Tamainupō had not had a full opportunity to consider it in detail (and Ngāti Tamainupō had already said it did not consider it appropriate). The Court therefore concluded, given the cultural significance of the site, that further consideration was needed to be given to whether the archaeologist's proposal was sufficient to recognise the cultural significance of the site. The Court said it could not justify rushing these cultural matters in the circumstances of the deliberate and misleading actions of Perjuli. It therefore concluded that the commissioner was correct to cancel the consent. It also said that the cultural issues could only be properly addressed by considering the earthworks and subdivision consents together.

The Court confirmed the decision of the commissioner to cancel the consent under s 132(3) on the basis it would revert back to council and be considered together with the subdivision consent application.

Decision Date 30 March 2022 - Your Environment 28 April 2022

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Auckland Council v Banora - [2022] NZEnvC 45

Keywords: enforcement order; error; earthworks

This application to vary existing enforcement orders was made to ensure that obligations to refrain from undertaking earthworks at a property and to remediate the site would extend to future purchasers of the property. In 2016 the Auckland Council ("the council") had observed
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significant environmental issues at a property owned by Mr and Mrs Banora ("the Banoras") as a result of earthworks undertaken without resource consent. The council had then successfully obtained interim and final enforcement orders against the Banoras, which required them to cease and not recommence earthworks and to stabilise the site. In these proceedings, the council said it had learned that the Banoras had recently listed the property for sale. However, the majority of the remediation work required under the enforcement orders had not yet been completed, despite the deadline for compliance having passed in 2020. The council had received a quote from engineers indicating that it would cost the council over $200,000 to complete the work. The council therefore sought a variation to the enforcement orders to ensure that the Banoras' existing obligations would extend to their personal representatives, successors and assigns, with "successors" to include any subsequent purchasers of the property. The Banoras opposed the application, but did not enter any argument that specifically addressed the variation being sought. Instead, their response included allegations and arguments about historical aspects of this enforcement action, which the Court found did not concern the specific issue for determination in these proceedings.

The Court noted that s 314(5) of the RMA 1991 provided the Court with the power to impose an enforcement order on successors, and that the definition of "successor" in the RMA 1991 broadly encompassed subsequent purchasers of property. However, s 314(5) stated that an enforcement order shall apply to successors "if the court so states", which was why the council was seeking the Court's approval to vary the order by including this requirement. The Court also reviewed case law on s 314(5) and noted that the Court had previously held that an order could extend to successors and assigns where the purpose of the enforcement order was to impose obligations in respect of *the land* as well as the respondent (see *Auckland Council v Waiwera Heights Country Club Ltd* [2016] EnvC 117).

The Court noted that in this case, when the council had first applied for enforcement orders in 2016, the council had specifically requested that they apply to successors. However, for reasons that were not clear, this had been omitted from the wording of the orders made. The Court reviewed that earlier matter and concluded that the wording had been omitted purely as an oversight because the issue of binding successors was never raised in proceedings. The Court could not identify any reason why the orders would have been made so as to intentionally exclude successors. The Court agreed with the council that the variation sought in these proceedings could be viewed as a rectification of that earlier mistake. The Court also noted that the Banoras had not provided any relevant argument in these proceedings as to why the variation should not be made. The Court was therefore prepared to make the variation.

The application for variation was granted. The Court said that although the council would usually be entitled to costs, in this case the Court would not make any costs order as the variation had been necessary to address a mistake in prior proceedings on the original application that was not the fault of either party.

Decision Date 25 March 2022 - Your Environment 18 April 2022

(See previous reports in case-notes –December 2019 and May 2022. There were earlier court decisions issued in 2016 and 2017 but were not reported in Newslink. If interested, see the decisions on these cases - Auckland Council v Banora [2016] NZEnvC 246 and Banora v Auckland Council [2017]NZHC 1705. – RHL.)

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Canyon Vineyard Ltd v Central Otago District Council – [2022] NZHC 749

Keywords: High Court; strike out; resource consent; subdivision

This matter concerned an application by Bendigo Station Ltd ("BSL") to strike out an appeal by The Canyon Vineyard Ltd ("CVL") challenging a resource consent granted to BSL on the grounds CVL was contractually obliged not to oppose BSL's application for resource consent. In 2002, a couple known as the Perriams signed a contract for the sale of land ("the sale property") to a Mr Johnston ("J") as "agent", though there was no identified purchaser. The contract included a special condition that J and "the purchaser" would not interfere with the future development of other nearby land defined as "Bendigo Lands", including by lodging any objection or submission against a proposed development. After the contract was signed but before settlement, the Perriams transferred the title to the sale property to a
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newly incorporated company they controlled, Bendigo Station Developments Ltd ("BSDL"), while J also incorporated a new company, CVL, which took settlement of the sale property and became the registered proprietor. In 2019, BSL, another company of the Perriams, applied for resource consent to subdivide nearby land that was within the definition of "Bendigo Lands" for the purposes of the contract. This land was owned by BSDL but BSL said it applied for resource consent as the agent for BSDL. CVL filed a submission opposing the application, but consent was granted by the Central Otago District Council ("the council"). CVL then unsuccessfully appealed part of the consent to the Environment Court, and then appealed further to this Court. In these proceedings, BSL sought to strike out CVL's appeal on the basis it had contracted not to oppose the development.

The primary issue for the Court was whether CVL was contractually bound by the 2002 contract. The Court rejected BSL's argument that BSDL and CVL were the "contracting parties" because they "performed" the agreement. The Court said the vendors were actually the Perriams, who performed their contractual obligation to provide clear title on settlement. The fact they transferred title to BSDL before settlement was a matter for them. Similarly, CVL was not a contracting party but merely a nominee of J. Further, there was no evidence of a novation whereby BSDL and CVL agreed to be bound by the agreement. BSL also argued that since J was named as an "agent", he must have been acting on behalf of a principal and that principal must have been CVL. The Court disagreed because CVL had not even been incorporated at the time the contract was signed. It said under the common law, an agent cannot bind to a contract a party that does not exist at that time, and a person who did not exist at the time the contract was made cannot subsequently ratify a contract. The Court was also satisfied that the agreement did not fall within s 182 of the Companies Act 1993, which permitted a company not in existence at the time a contract was made to ratify a pre-incorporation contract. That section only applied where the contract purported to be made either "by a company" before it had been incorporated, or by a person on its behalf "in contemplation" of its incorporation. The Court relied on authority in *Taylor v Todd* [2004] 3 NZLR 76 (HC) that a *specific* company must have been in mind for s 182 to apply, not just a general sense of a company.

The Court also dismissed BSL's argument that because the special condition in the 2002 contract applied to both J and "the purchaser" jointly and severally, the contract anticipated that J would set up a nominee entity to complete the purchase. The Court said that although the agreement might have provided for this possibility, the argument could not be advanced because there was no evidence as to who the purchaser was intended to be. The Court also did not accept BSL's argument that the original submission to the council opposing the resource consent was really made by J, and was therefore made in breach of his obligation under the 2002 contract. The submission was unsigned but said "I am the owner of [the land purchased in 2002]", and that owner was in fact CVL. The Environment Court had then accepted and heard CVL's appeal as a valid appeal. Relevantly, BSL had not relied on the 2002 contract before the council or in the Environment Court. The Court said the time to challenge the validity of an appeal by CVL was when it lodged its appeal in the Environment Court. The application to strike out was dismissed. Costs were reserved.

Decision Date 12 April 2022 - Your Environment 22 April 2022.

(See previous reports in case-notes November 2021 and March 2022.- RHL)

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Boonham v Kaipara District Council - [2022] NZEnvC 49

Keywords: district plan change; development staged; water discharge

This appeal concerned a decision by the Kaipara District Council ("the council") to approve Plan Change 78 ("PC78") to the Kaipara District Plan ("the Plan"). PC78 would amend the Plan to allow a comprehensive mixed-use development at a site adjacent to the upper Mangawhai Harbour. While the land had already been identified for development in the Plan, PC78 would introduce a number of changes, including an overall greater level of housing density. The appellant, C Boonham ("B"), had previously participated in mediation along with another appellant in order to resolve a number of appeal issues related to PC78 (see *Mangawhai Matters Inc v Kaipara District Council* [2022] NZEnvC 35). In these latest proceedings, the Court was considering one remaining appeal issue of concern to B, namely, wastewater infrastructure capacity. B accepted that PC78 should proceed but
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remained concerned that if new connections were made to the wastewater treatment plant at Mangawhai before it had been upgraded, that plant would become overwhelmed. This was based on a history of problems at that plant. The Court regarded this as a reasonable concern.

The promoter of the proposed development agreed that over time the wastewater facilities would need to be upgraded. It acknowledged the importance of ensuring infrastructure capacity extended at the same rate of growth in terms of this project and the general growth of Mangawhai. This had also been acknowledged by the commissioners for the council who had approved PC78. The issue for the Court was therefore the appropriate wording to adopt in PC78 and "what level of importance should be given to ensuring that the infrastructure is in place at a time when a subdivision or development is in contemplation". The Court said sufficient *certainty* of wastewater facilities being available was required, and this was not the same as having the infrastructure in place. Although one would expect the level of infrastructure at any time to remain ahead of demand, it acknowledged that for a long-term, large development, "one would have to allow some reasonable gap between forecast development, say four to five years ahead, and existing infrastructure". After considering the options that had been presented by the parties, the Court concluded that the council's proposed assessment criteria, which would need to be taken into account when assessing any resource consent application for a subdivision or development, were not strong enough and did not give sufficient emphasis to the necessity of having adequate wastewater systems in place. It concluded that PC78 should adopt the wording suggested by B that there must be "adequate existing wastewater infrastructure, or funding for adequate wastewater infrastructure to support the development … identified in a long-term plan". The Court said this wording closely followed the definition of "infrastructure-ready" in the National Policy Statement on Urban Development 2020, and would ensure there was a legitimate expectation by developers and others that infrastructure would be provided as part of the local government long-term plan.

The Court directed that the Plan be amended to include the infrastructure requirement it had determined was appropriate. It said this did not appear to be an appropriate issue for the assessment of costs, but invited (though did not encourage) costs applications from the parties.

Decision Date 5 April 2022 – Your Environment 27 April 2022

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Grandview 2011 Ltd v Dunedin City Council - [2022] NZEnvC 48

Keywords: consent order; district plan proposed; zoning

This consent order concerned an appeal by Grandview 2011 Ltd against a decision of the Dunedin City Council ("the council") to approve the proposed Dunedin City Second Generation District Plan ("the PDP"), and specifically the zoning and landscape protection for a specific location of land. The parties had filed a consent memorandum setting out their agreement to resolve the appeal in its entirety, which was also signed by the s 274 parties. The proposal was supported by witness affidavits, which satisfied the Court that the parties' proposed amendments to the PDP were appropriate. Pursuant to s 279(1)(b) of the RMA 1991 the Court ordered, by consent, that the council amend the PDP as agreed by the parties. The appeal was otherwise dismissed. By consent, there was no order as to costs.

Decision Date 29 March 2022 – Your Environment 27 April 2022

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Barnhill Corporate Trustee Ltd v Queenstown Lakes District Council - [2022] NZEnvC 58

Keywords: district plan change; amenity values; landscape protection; character; subdivision

This interim decision was part of the staged review of the Queenstown Lakes District Plan ("the Plan") and concerned unresolved appeal points allocated to Topics 25 and 30, Stage 2, pertaining to the "Wakatipu Basin" provisions. A multi-disciplinary study into land use in the Wakatipu Basin had been commissioned ("the study") following concerns that the general rural zoning regime was inadequate for managing development in the Basin. This study made recommendations that led to a Plan variation. The notified variation replaced the

general rural zoning with a bespoke regime, including the new Wakatipu Basin Rural Amenity Zone ("WBRAZ"), which included 24 "landscape character units" ("LCUs"). Broadly, Otago Regional Council supported the provisions proposed by Queenstown Lakes District Council ("QLDC"), while other parties including landowners sought different outcomes. In these proceedings, the Court had to consider a number of outstanding contentious issues in its evaluation of the most appropriate provisions for achieving the Plan objectives.

The Court first determined that the study was "fit for purpose" as an assessment that informed the Plan variation. It was a high-level, strategic assessment that provided assistance in formulating the overall regulatory framework for the WBRAZ. The Court said it was not a substitute for "finer grained" landscape assessments that would be undertaken for resource consent applications. The Court also noted that no party had called in better evidence at this strategic Basin-wide scale.

The Court also considered a proposed new objective in Ch 3 (which outlined the Plan's overarching "strategic directions") designed to tie the new WBRAZ in with the broader strategy for the district. The Court emphasised that in doing so, the Plan must not inadvertently undermine the intentions of the WBRAZ. It therefore determined that the new Ch 3 objective should be amended to effectively remove wording that would qualify or weaken the key objective within the WBRAZ chapter, which was to maintain or enhance landscape character and visual amenity values.

Turning to the WBRAZ provisions, the Court agreed that the framework for development could be amended from a two-tier framework, where land was classified as either inside or outside of the lifestyle precinct ("precinct"), to four-tiers, which would retain the precinct but further classify areas outside the precinct into three different categories based on their rated landscape capacity for development. The Court agreed this would allow a more graduated regime of controls where minimum lot sizes and policies could be calibrated to more specific areas based on their landscape capacity. The Court then considered the issue of appropriate minimum lot sizes outside of the precinct. It had to consider whether a minimum 80-ha lot size – as a trigger for a non-complying activity status – should apply to all LCUs rated with Very Low, Low or Moderate-Low development capacity ("Low Capacity Areas"), or just two particular LCUs where there were land parcels greater than 160 ha. The study had suggested that the purpose of triggering non-complying status would be to discourage significant additional development. The Court said that although in practice lot sizes in most development proposals fell below 80 ha, "a minimum lot size standard does not need to be representative of existing land use patterns in order to have a valid resource management purpose". It determined that the 80-ha standard should be retained universally because dropping it would remove any reference to preferable density in those areas. The Court also had to consider whether density standards outside the precinct should be expressed as both a minimum lot size *and* a minimum average lot size ("the dual standards approach") or just one of these measures. The Court determined that the dual standards approach was most appropriate because it would help to discourage urban-style creep outside of the precinct. It noted witness observations that a minimum average on its own could result in more lots than if a strict minimum was applied, and that the purpose of applying both standards was to avoid situations where a larger balance lot was created, and then subdivided at a later stage.

In relation to Low Capacity Areas, the Court stressed that relevant policies must give clear and effective direction concerning cumulative effects on landscape character and visual amenity values. The Court concluded that a particular proposed policy would not adequately protect against degradation in these areas. It therefore revised this policy to ensure the "scale, nature and design" of any development maintained or enhanced the landscape character and visual amenity values identified for each relevant LCU, as well as the landscape character of the Wakatipu Basin as a whole. In relation to Moderate, Moderate-High or High-rated capacity areas, the Court found that discretionary status, rather than restricted discretionary status, was the most appropriate activity status for proposals that met the minimum lot size standard. This was in view of the landscape sensitivity of these parts of the WBRAZ, and that QLDC should need to consider all factors at play in evaluating whether an activity was worthy of consent.

The Court made final findings on some provisions, while others were provisional and allowed opportunity for supplementary submissions on the drafting. Some determinations on other matters were reserved pending hearings on related appeal topics. Costs were reserved.

Decision Date 12/04/2022 – Your Environment 03/05/2022

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Te Rūnanga o Kaikōura v Marlborough District Council - [2022] NZEnvC 44

Keywords: consent order; district plan proposed

This matter concerned several appeals against part of a decision of the Marlborough District Council ("the council") in relation to the proposed Marlborough Environment Plan ("the Plan"). In these proceedings, the Court was considering a consent memorandum of the parties setting out their agreed resolution of a number of appeal points on the "Cultural Matters" topic. One s 274 party had failed to participate in mediation and failed to formally withdraw their interest. They did not respond to a further invitation to raise any opposition to, or issue with, the consent memorandum. The Court therefore proceeded to make a consent order. The Court recorded a reminder in its decision that if a party no longer has an interest in a topic or appeal, it has a duty to formally withdraw its interest because failing to do so can lead to delay and costs for other parties. Pursuant to s 279(1)(b) of the RMA 1991, the Court ordered, by consent, that the council was directed to amend the Plan as agreed and make any consequential amendments to numbering of provisions and planning maps. The appeals otherwise remained extant. There was no order as to costs.

Decision date: 25 March 2022 - Your Environment 18 April 2022

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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 2022

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Modernisation Of Unit Titles Act Passes Third Reading

The Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act passed by Parliament. Read the full story here

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Proposal to rezone some Auckland homes with heritage values for intensification

The New Zealand Herald reports that between 4000 and 5000 of the 21,000 homes with heritage values in Special Character Areas could be demolished for apartments and high-density housing under draft plans released by Auckland Council. Read the full story here.

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Auckland Council 'gerrymandering' to keep old houses standing, says urban designer

Stuff reports that Auckland Council faces accusations of gerrymandering special character protections to save as many old houses as possible from being knocked down. The development comes as debate heats up over whether older buildings should be preserved, or knocked down to make way for new housing development. Urbanists said that while recent government law changes were a step in the right direction, Auckland Council's preservation carve-outs were complicating intensification, with large swathes of heritage
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homes holding no historical value other than their age. Urban designer Matthew Prasad said character and heritage were two different things, but the council appeared to be treating them as equals in its pre-consultation for changes to the Auckland Unitary Plan. Read the full story here

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More projects added to RMA fast-track

Stuff reports that the Government has announced that three more projects have become eligible to be fast-tracked through the RMA. The projects are NZ Windfarm's Te Rere Hau windfarm repowering project, near Palmerston North; Waimarie Street project residential development in St Heliers, Auckland and Flint's Park West, Ladies Mile-Te Pūtahi project in the Lake Hayes area, Queenstown. Read the full story here.

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5000-home development rejected for fast-track

The New Zealand Herald reports that Housing Minister Megan Woods has rejected special fast-tracking treatment for the planned new 5000-home Sunfield south Auckland development. Winton Land Ltd were told yesterday that its application for Government housing agency Kāinga Ora to assess the project under the Urban Development Act had been declined. The need to avoid adding further pressure to already constrained Government resources and Treaty of Waitangi interests were cited in the rejection. Read the full story here.

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Government to provide $1.4 billion to prepare more land for housing in Auckland

Stuff reports that Housing Minister Megan Woods has announced funding of $1.4 billion, in Auckland, to allow the construction of about 16,000 houses. The money is allocated towards projects across Auckland to build infrastructure such as pipes and prepare land for construction. Read the full story here.

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Heritage NZ prosecutes quarrying firm over alleged pā site collapse

Stuff reports that Heritage NZ has launched a prosecution against a Waikato quarrying firm over an alleged partial destruction of an historic pā site. Raukahawai O'Connor, of the Ngāti Huri hapū, kaitiaki of the pā site, said they were pleased Heritage NZ was pursuing a prosecution. Read the full story here.

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Woolworths NZ lines up developer for 250-section subdivision

The Press reports that supermarket giant Woolworths NZ has signed a deal with a land developer to create a subdivision and shopping centre in Halswell, Christchurch, on 21 hectares of land they own. The company has resource consent for more than 250 sections, for about 272 houses and apartments, plus shops, a Countdown supermarket, and amenities including a medical centre, gym and indoor pool, childcare centre, cafe, tavern, and cinema. Read the full story here.

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Thousands of homes proposed for Auckland's Formosa Golf Club

Stuff reports that thousands of homes and apartments are proposed for coastal land in south-east Auckland, with much of the development on the site of the Formosa Golf Club. A plan change is being sought by a partnership including private and iwi interests and the Super Fund, with construction expected over 15-20 years if approval is given. Read the full story here.

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Billionaire's Wanaka mansion plan declined

The New Zealand Herald reports that US tech businessman Peter Thiel's application for resource consent for a home and accommodation at Damper Bay is being recommended by
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Queenstown Lakes District Council planners for rejection "predominantly due to adverse landscape outcomes". Read the full story here.

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Approval sought for subterranean house at Lake Wanaka

Stuff reports that the Nature Preservation Trust Ltd has proposed a 2000-square-metre home on the shores of Lake Wānaka. The subterranean level would include six bedrooms with en-suites, a kitchen, three lounge areas, a media room, a sauna, a gym, a pool and a hot tub. Read the full story here.

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Consent no longer needed to install rainwater tanks in Auckland

Stuff reports that Auckland's Unitary Plan and the Hauraki Gulf Islands District Plan have been adjusted so rainwater tanks became their own category. The change means most property owners wanting to put in a rainwater tank will no longer need to submit a resource consent or pay a resource consent application fee. Read the full story here.

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New hotel planned for Invercargill

The Otago Daily Times reports that hotelier Geoff Thomson plans to convert the old Menzies Building in Invercargill into a 150-room 4.5-star hotel by September next year. Mr Thompson bought the building last year with the plan to develop it into a hotel. Read the full story here.

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Sand mining consent application rejected

Stuff reports that an application by McCallum Bros, which has been extracting sand offshore from Mangawhai and Pakiri for decades, has had its application to renew its extraction licence declined by commissioners. The Aggregate and Quarry Association says this could cause a supply "crisis" for concrete in Auckland by next year. Read the full story here.

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Easement granted to developer to build wall over Whangārei District Council land

Northern Advocate reports that an underground wall will be built to protect slips on a new housing development in Whangārei, not far from areas earlier identified in geotec reports as risky. Whangārei District Council has allowed land developer TDC Ltd easement over a council-owned esplanade reserve adjacent to the Kotātā Heights subdivision in Morningside for the installation of the underground palisade wall. Read the full story here.

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One step closer to resolution of Māori land occupation

One News reports that a couple at the centre of a Māori land occupation in the Far North have met with those occupying their land in a bid to reach a solution. The couple, who purchased the land more than 10 years ago, weren't aware of its cultural significance until a local Hapū began camping on their property, at the coastal community of Ahipara. Far North Councillor Felicity Foy told 1News: "When this site was subdivided there was an original consent on the title which gave specific protection to that tree the environment court changed that and removed that protection from the tree." Read the full story here.

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Work on Hamilton's new Rototuna Village progresses

Stuff reports that Hamilton City Council has awarded Schick Civil Construction the $12.7 million contract to construct Rototuna Village's main street, car parks, cycle and walkways, and a village square. It is the second major contract awarded by Hamilton City Council for the village situated in the city's north-east. Read the full story here.

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Large scale solar project proposed

Radio New Zealand reports that Far North Solar Farm and German sustainable investment manager Aquila Capital say they intend to start construction on a suite of solar projects that could supply about 4 per cent of the country's total energy demand once completed. The companies aim to begin four North Island projects in its 1 gigawatt (GWp) pipeline this year. Read the full story here.

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