Newslink Case-notes for August 2022 prepared 20 July 2022.

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Legal Case-notes August 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 six court decisions covering diverse situations associated with subdivision, development and land use activities from around the country;

- A messy situation with an application for costs following a successful judicial review of a decision of Auckland Council to grant consent for the construction of 13 terrace houses on a 1684m² residential site in Remuera – but the development was allowed to proceed because the advanced stage of physical development;
- A decision on costs following the unsuccessful appeal by Wellington Regional Council against grant of a consent at Whiteman's Valley, Upper Hutt;
- A case involving a proposal by Buller District Council to take land under the Public Works Act to acquire rights to use water supply infrastructure that it had boult on private land;
- A decision on costs following a successful appeal against a proposal to erect a pedestrian and cycle bridge across the Mataura River at Gore;
- An application for costs by a neighbour of a property at St Mary's Bay Auckland whose property was threatened with damage caused by a failing retaining wall;
- An appeal by a Māori Trust seeking recognition in the Gisborne District Council's Freshwater Plan of the customary rights and interests (including proprietary interests) of Te Whānau a Kai in relation to freshwater.

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CASE NOTES AUGUST 2022:

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Wallace v Auckland Council - [2022] NZHC 1299

Keywords: High Court; judicial review; subdivision

This was an application for interim orders to prevent completion of a residential development in Remuera pending determination of the applicants' judicial review proceedings. In 2021, 44 Ventnor Ltd ("44 Ventnor") had obtained a non-notified resource consent from the Auckland Council ("the council") to develop 13 dwellings on a site. As a result of judicial review proceedings commenced by local residents who opposed the development ("the

applicants"), the High Court found that the council had erred and it set aside the notification decision and the consents, directing the council to reconsider (see *Wallace v Auckland Council* [2021] NZHC 3095). 44 Ventnor ceased construction work and filed a slightly amended application that addressed issues raised by the High Court. In March 2022 the council again determined that the development should proceed on a non-notified basis and granted land use consents for the development (though notification and substantive decisions on the subdivision consent required were to be determined at a later date). 44 Ventnor resumed construction work and the applicants commenced further judicial review proceedings. At this point the development was not far from completion. In these proceedings, the applicants sought interim orders under s 15 of the Judicial Review Procedure Act 2016 ("JRPA") to prevent: (a) 44 Ventnor from requesting that title to the 13 units be issued, and (b) settlement of the sale of any of the 13 units; pending determination of the judicial review proceedings. The applicants had not provided an undertaking as to damages.

Section 15 of the JRPA provided that the Court may make the interim orders if "necessary to do so to preserve the position of the applicant". The Court noted well-established authority that this meant "reasonably necessary". It also noted that while an undertaking as to damages was not mandatory, in some cases the Court may require one, especially where there was a "lack of merit". However, undertakings should be required "sparingly" where judicial review is sought in relation to public law issues in order to avoid fiscal barriers to "possibly meritorious" claims.

The Court then determined that the interim orders were not "necessary" to protect the position of the applicants. It rejected their claim that if the development was completed, it would become "essentially irreversible" and there would be no prospect of the applicants obtaining remedy if their application for judicial review was successful. The Court said that even if the applicants could show that there was a reviewable error, they would also need to convince the Court to cancel the current decisions on notification and consent and order the council to reconsider, in circumstances where the council had already explicitly addressed the issues identified by the High Court when it had set aside the council's first decisions. Additionally, even if the council was ordered to reconsider again, it would not be able to take into account the fact that the dwellings had been completed. Further, the applicants acknowledged that they no longer sought removal of the buildings, but now merely wished to limit the number of units contained within those already-constructed buildings. Granting the interim orders would not prevent these obstacles from arising, which the Court said were a consequence of the advanced stage of development, as a result of the applicants not previously seeking interim orders to halt construction.

Further, even if the applicants could satisfy the "necessary" threshold in s 15, the Court said the wider circumstances did not favour granting of the orders. It said the applicants' causes of action in the current judicial reviewing proceedings did not appear to be strong. Further, it found that the likely prejudice to both 44 Ventnor and the purchasers of the units far outweighed any possible benefits to the applicants of making the orders. 44 Ventnor would now face costs of approximately $29,000 per week if settlement were prevented. The applicants had argued that 44 Ventnor elected to take on a "commercial risk" by proceeding with construction, but the Court said 44 Ventnor had at no time acted improperly; rather, it had acted in accordance with the consents in place at any given time, and paused construction when consents had been set aside. The Court also said it was unrealistic to suggest the purchasers' interests could be disregarded. Nine of the 13 purchasers would be owner-occupiers, so delaying settlement would require alternative living arrangements. Purchasers would also face significantly higher interest rates on borrowings the longer settlement was delayed. Coupled with the applicants' lack of undertaking as to damages, the Court concluded that the interim orders should not be made.

The application for interim orders was dismissed. 44 Ventnor was entitled to costs, to be determined by the Court if the parties could not reach agreement.

Decision date 03/06/2022 Your Environment 30/06/2022

(Refer to previous Case-notes dated February 2022 – RHL.)

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Greater Wellington Regional Council v Adams - [2022] NZEnvC 83

Keywords: costs

This was the Court's final decision on costs following its substantive decision in *Greater Wellington Regional Council v Adams* [2022] NZEnvC 25. In that decision, the Court had found that the Greater Wellington Regional Council ("the council") had failed by a "massive margin" to substantiate the reasons for certain enforcement actions it sought against the respondents. These concerned protection of alleged "natural wetlands", the extent of which the council had been unable to prove on the evidence. The council and several respondents then reached a settlement on costs. However, the Court also indicated that it was appropriate to award costs to the Crown pursuant to s 285(3) of the RMA 1991 (see the Court's interim costs decision in *Greater Wellington Regional Council v Adams* [2022] NZEnvC 83). The Court suggested that an award of $100,000 would be appropriate. The council was given an opportunity to make submissions in reply.

The council submitted that it had filed the enforcement proceedings in good faith and in pursuit of its statutory duties. However, to bring finality to the litigation, it agreed to pay the Crown costs in the amount suggested by the Court. The Court accepted that the council had acted in good faith and in the honest belief that it was protecting natural wetlands, even though its case had been devoid of merit and lacked supporting evidence. For this reason the Court had suggested an award of $100,000, reflecting a reduction from the Court's actual costs of $161,864.54 excluding GST. Pursuant to s 285(3) of the RMA 1991 the Court ordered the council to pay costs to the Crown of $100,000.

Decision Date 21 June 2022 Your Environment 19 July 2022

(See previous report in Newslink case-notes May 2022 – RHL.)

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Lee v Buller District Council - [2022] NZEnvC 85

Keywords: compulsory acquisition; evidence; procedural

This was a request for witness summons by two landowners who were objecting to a compulsory acquisition. J Lee and E Rochwalski ("the objectors") owned land at Punakaiki on which there was a water intake and conveyancing structures. This had been constructed by the Buller District Council ("the council") in the 1980s in order to take water from Smiths Creek and supply it to the Punakaiki community. However, the council did not own the land or have easements granting it a legal right of access or to convey water. Recently, the council had given notice under the Public Works Act 1981 ("PWA 1981") of its desire to compulsorily acquire relevant parts of the land, which the objectors opposed. As part of the objection proceedings, the objectors had filed an application to summons 18 different witnesses.

The Court noted that issuing a summons was a significant use of the Court's coercive powers. It considered the factors outlined in the PWA 1981 that the Court would need to address when hearing the objection, such as: the council's objectives for taking the land; how adequately the council had considered alternative sites, routes, or other methods of achieving the objectives; and whether it would be fair, sound, and reasonably necessary for achieving the objectives for the land to be taken. The Court said these matters were now relevant to assessing the request for summons.

The Court considered the objectors' request to summons various authors of reports commissioned on behalf of the council, which had revealed that the council's consultants had recommended finding an alternative water supply for the Punakaiki community because of problems with the sufficiency and quality of Smiths Creek as a source. The Court noted that if the objection were to proceed to a hearing, it would enquire into the adequacy of the council's consideration of alternative sites and methods for achieving the council's objectives, but importantly, the PWA 1981 did not give the Court the power to substitute the council's objectives or to select the site or method which the Court considered to be the best. Instead, the Court would be concerned with checking whether the council had followed a proper process. The Court therefore declined to summons the report authors because they could not give evidence about the consideration given by the council to alternative sites and methods.
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The Court also declined the summons request in respect of the majority of the remaining individuals, for various reasons. These included individuals who would give evidence on: a matter over which the Court did not have jurisdiction (the lawfulness of a water permit); a matter that would be more properly addressed in legal submissions (the council's obligation to provide safe drinking water); matters that were irrelevant to the determination of any matter in issue; factual matters about which there was no dispute; a matter on which the witnesses sought were not qualified; and a matter that was not *currently* in dispute (namely, evidence about the process followed by the council in relation to *earlier* notices of desire to acquire land that were later withdrawn; the Court said the objection before it concerned the council's processes in relation to the *current* notice).

The Court also declined to summons police officers who had investigated allegations of damage by both parties (ie that the council had damaged the objectors' property, and also that someone had damaged the water supply infrastructure). While those matters were potentially relevant to the council's objectives for taking the land, and whether the taking of the land was fair, sound and reasonably necessary, the Court said evidence from a police investigation was unlikely to prove or disprove anything and both parties could call witnesses who could give primary evidence regarding the alleged damage. For this reason, the Court granted the request to summons the Waters Contract Manager for the council regarding an allegation that the council's contractors had damaged the objectors' property while on their land.

The Court also did not rule out granting the request to summons a property valuer whom the objectors had sought to engage to value their land. His evidence as to the impact the acquisition would have on the balance of the objectors' land would be relevant to whether the acquisition was fair, sound and reasonably necessary. However, it was unclear whether he had actually prepared a valuation and the Court needed confirmation of this fact before making a decision.

The request to summons the council's Waters Contract Manager was granted. The request to summons the property valuer was reserved pending receipt of further information. The request to summons all other witnesses was declined.

Decision date 24 May 2022 - Your Environment 22 June 2022

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Waimea Plains Landscape Preservation Society Inc v Gore District Council - [2022]NZEnvC93

Keywords: costs

This was a decision on costs following a successful appeal by Waimea Plains Landscape Preservation Soc Inc ("the Society") against a decision to grant resource consent for the construction of a dual-purpose bridge across the Mataura River (see *Waimea Plains Landscape Preservation Soc Inc v Gore District Council* [2022] NZEnvC 29). In that decision, the Court had found deficiencies in the assessment by the Gore District Council ("the council") of alternative locations for the bridge. In these proceedings, the Society sought costs of approximately $31,000 from the council, representing 70 per cent of its total costs incurred in pursuit of its appeal. Part of the amount sought reflected solicitor and firm fees of Mr Gray, a representative and chairperson of the Society who was also a lawyer, who was regarded as a self-represented litigant lawyer in the proceedings.

The Court considered that an award of costs to the Society was appropriate, despite the general principle that costs should not be awarded against councils unless there are "exceptional circumstances". It noted the Court's findings in the substantive decision that the council's approach to the hearing was unhelpful, that there were serious deficiencies in the council's consideration of alternatives, and that the Court had not had the benefit of the full evidential case that had been put to the council's commissioners.

The Court was also satisfied that the solicitor and firm fees of Mr Gray could be recovered. The general principle was that a self-representing litigant was not entitled to recover costs, only disbursements. However, self-representing lawyers were a recognised exception under prevailing case law. While Mr Gray had not acted in the capacity of an instructed lawyer, he
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would have used his legal knowledge and experience to guide the Society throughout the proceedings, which was substantially different from a lay litigant.

Regarding quantum, the Court was unwilling to award higher-than-normal costs. The matter had not been unnecessarily lengthened by the council's conduct (rather, the proceeding was confined to the two days initially directed by the Court). Further, a costs award of 70 per cent against a council would impose an unnecessary burden on local taxpayers. The Court therefore determined to award approximately 30 per cent of the Society's costs. The council was ordered to pay costs of $15,373 to the Society.

Decision date 3 June 2022 _Your Environment 6 July 2022

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Skelton v Eastmond - [2022] NZEnvC 97

Keywords: costs; enforcement order interim

This costs decision followed a dispute between neighbours over a retaining wall and an application by one party for interim enforcement orders that was later withdrawn. P Eastmond and others ("the respondents") owned a property in St Marys Bay with a failing retaining wall. The applicant, A Skelton ("S"), lived next door and was concerned about the danger posed to his property. After he raised concerns, Auckland Council ("the council") commissioned a report and issued a Dangerous Building Notice ("DBN") to the respondents. The respondents then obtained a building consent to undertake remediation works. S wished for his own engineers to review the building consent and remediation plans to ensure the danger would be addressed. He obtained, via the Local Government Official Information and Meetings Act 1987 ("LGOIMA 1987"), a copy of the consent and some of the information filed in support of it from the council. He then made a further LGOIMA 1987 request for the geotechnical and engineering data that the plans were based on, and he sought an explanation as to why the plans showed support for a portion of the retaining wall, but not the portion upholding the land next to his property. S claimed that his request was not fulfilled despite his attempts to follow it up. S then applied for *ex parte* interim enforcement orders to: (a) prevent the respondents from implementing the building consent; and (b) require the respondents and/or the council to produce the geotechnical and engineering data. However, two days later, S confirmed in a judicial telephone conference that the council had now provided the information sought and this had resolved the question of whether the remediation works were adequate. S said the orders were no longer needed and he withdrew his application. The Court then received costs applications from all three parties: S sought indemnity costs of $55,889 from the respondents and the council jointly and severally, while the respondents and the council each sought indemnity costs from S of $13,241 and $2,700 respectively.

The Court noted that the respondents and the council disputed some of S's factual claims. Further, because the application was withdrawn before it was heard, neither the Court nor the parties had had an opportunity to test the evidence filed in support of the claims. In particular, the council disputed that they had not complied with the request for geotechnical and engineering data, and said it had not been expressly sought by S for some time. The respondents claimed they had cooperated with S until it became untenable to do so because his repeated demands were making it difficult to comply with the DBN and because costs were escalating. The Court therefore had to consider the costs applications in light of the application for interim orders not being argued and the evidence pertaining to disputed facts not being tested.

The Court held that no costs should be awarded to S because his application for enforcement orders had been ill-founded. The first order to cease works was sought under s 314(1)(a)(ii) of the RMA 1991, which related to ceasing activities that were "likely to be noxious, dangerous, offensive, or objectionable to such an extent that it has or is likely to have an adverse effect on the environment". There was no clear allegation that the proposed works in accordance with the building consent were likely to be dangerous. Moreover, the appropriateness of the issue of building consents under the Building Act 2004 was not a matter over which this Court had oversight. The second order sought – to compel production of information – was also misconceived because under the LGOIMA 1987 it was the function of the Ombudsman to investigate complaints about a failure to provide information. An

application to this Court for enforcement orders was therefore not the appropriate forum. The Court also rejected S's claim he had been "successful" in that he had effectively achieved the purpose of the application. Not only were there doubts about the jurisdictional basis of his application, the merits of it had not been tested because he had withdrawn it before it was heard.

Instead, the Court determined that it was appropriate for S to pay costs to both the respondents and the council. S had put them to unnecessary cost because his application had been misconceived. Further, his decision to seek *ex parte* orders just before Christmas seemed disproportionate. In assessing quantum, the Court found that a higher-than-normal award was warranted. However, it deducted the costs incurred by the respondents and the council in preparing their costs applications. The Court confirmed that costs awards were usually confined to the costs arising from proceedings.

S's application for costs was dismissed. S was ordered to pay the respondents $8,000 and the council $1,600.

Decision date 9 June 2022 – Your Environment 12 July 2022

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Te Whānau a Kai Trust v Gisborne District Council - [2022] NZHC 1462

Keywords: High Court; property rights; regional plan; Māori land; water; Waitangi treaty; evidence

This appeal concerned the recognition of Māori proprietary interests in freshwater under the RMA 1991. The Te Whānau a Kai Trust ("the Trust") was a representative entity of the iwi of Te Whānau a Kai. It sought to challenge a decision of the Gisborne District Council ("the council") relating to submissions it had made on the Regional Freshwater Plan ("the Freshwater Plan"). The Trust essentially sought recognition in the Freshwater Plan of the customary rights and interests (including proprietary interests) of Te Whānau a Kai in relation to freshwater, and the right to governance of those rights. It also sought provisions requiring the council to resource Te Whānau a Kai both financially and with technical assistance. The Trust's appeal to the Environment Court ("EC") was unsuccessful (see *Te Whānau a Kai Trust v Gisborne District Council* [2021] NZEnvC 115). The EC made three findings. First, the EC found that it did not have jurisdiction under the RMA 1991 to recognise proprietary interests in freshwater and therefore could not direct the inclusion of provisions in the Freshwater Plan which recognised such interests ("jurisdiction finding"). Secondly, the EC found that even if it did have such jurisdiction, the evidence was insufficient to support the claim that Te Whānau a Kai had an unextinguished native title (and proprietary interest) in the freshwater bodies in its rohe ("evidence finding"). It said that the evidence of continuity of connection and use under tikanga was relatively limited and more site-specific evidence would be required. Thirdly, the EC found there was no power under the RMA 1991 to require the council to provide the resourcing sought in the Freshwater Plan ("funding finding"). The Trust then appealed to this Court, challenging the EC's findings.

The Court found that the EC had made no error with respect to the jurisdiction finding. It confirmed that the RMA 1991 was not designed to recognise ownership nor native title rights *per se*. It was a regulatory framework for the use of land; title and ownership were matters outside its ambit. While the RMA 1991 provided for consideration of the Treaty of Waitangi, the relationship of Māori with their ancestral lands and water, and kaitiakitanga, that did not provide the EC with jurisdiction to determine title or ownership. The EC did have jurisdiction to determine the relative strengths of the hapū/iwi relationships in an area affected by a proposal, but that had to be directed to the discharge of an obligation to Māori under the RMA 1991, and linked to a specific resource management outcome. The Court acknowledged that there may be a need for a long-overdue test case on the issue of native title to freshwater resources, but the EC (and this Court) did not have jurisdiction to consider that issue.

The Court also upheld the EC's evidence finding. It said the EC was entitled to reach the factual finding that there was insufficient evidence to establish the rights that the Trust sought to have recognised. It noted that a Māori Land Court judge, who was particularly familiar with customary and tikanga-based rights and interests, had sat on the EC for this decision. The Court also noted that the claims in relation to separate areas would not be
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uniform across the district, and more specific evidence was needed regarding the various bodies of water. This was also complicated by the interests of other iwi and hapū, with there being little evidence before the EC on that point. The Court also rejected the Trust's claim that the EC had applied "too high" a standard of proof; in these cases, it was best to put it that a court must be "satisfied" that the rights had been established.

Regarding the funding finding, the Court agreed with the EC that there was no power in the RMA 1991 to prescribe funding directions in a regional plan. The Trust had argued that ss 62 and 67 of the RMA 1991, which required that a regional policy statement and regional plan include the "methods" for implementing policies, empowered the provision of funding for iwi, consistently with the New Zealand Bill of Rights Act 1990 and Treaty principles. The Court disagreed and confirmed that funding logically fell to be dealt with under the Local Government Act 2002, particularly s 101, which required a local authority to follow a decision-making process for funding activities. Neither the EC nor this Court could prescribe a particular funding outcome.

The Court also considered the Trust's submissions on specific wording matters in the Freshwater Plan that the EC had settled. The Court rejected several of the Trust's wording proposals on the basis they did not accord with the EC's (now upheld) findings, and also because the wording suggested now differed materially to that presented to the EC. The Court was also satisfied that the wording of the EC's amendments had been based on the evidence of a planning expert and was consistent with s 6(e) of the RMA 1991. The appeal was dismissed. Costs were reserved.

Decision date 23 June 2022 – Your Environment 15 July 2022

(Question – Is this situation being "solved" by the Government's 3 Waters legislation?? 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 August 2022

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NZ called on for increased support as sea levels rise

One News reports that with climate change causing the sea to rise around them, the Pacific island of Tuvalu is calling on New Zealand to provide more support for their survival. Tuvalu foreign minister Simon Kofe said "more needs to be done" and that "it's an issue of justice" given the scale of emissions produced by countries like New Zealand and Australia. "There are many projects that could do with more funding, like building seawalls, protecting our coastal areas, reclaiming land." Read the full story here.

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EPA approves weedkiller for wilding conifers

NZ Herald reports that the Environmental Protection Authority has approved a weedkiller to target wilding conifers in NZ. Method 240 SL is a herbicide used to control wilding conifers and other woody plants on non-crop farmland, conservation land and recreational parks in the USA, Canada and Australia. The Department of Conservation described wilding conifers as invasive weeds "that threaten to permanently alter the unique landscapes that are only found in New Zealand. Without any control, they form dense forests that have environmental consequences on our native ecosystems, use up scarce water, and alter iconic landscapes." Read the full story here.

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Show your stripes - Metservice climate warning

NZ Herald reports that MetService has shared a worrying image detailing the impact climate change has had on New Zealand's yearly average temperatures. The weather agency's post was part of Show Your Stripes Day, when thousands of people around the world unite against climate change. Another graph on Show Your Stripes shows the Earth's temperatures on average have risen each year for more than 20 years in a row. Read the full story here.

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Council helping to prepare residents for climate-related flooding

Stuff reports that flooding near the Nelson coast and Maitai River is forecast to affect a quarter of the city's households, and large parts the CBD. The Nelson City Council, which has modelled the scenarios, now wants to start hearing what residents think should be done about it. They are holding a series of workshops to explain the impacts of climate-related flooding in places due to be affected soonest, and get feedback on options to deal with climate-related flooding. Read the full story here.

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$400 million drinking water pipeline completed

Stuff reports that a $400 million drinking water pipeline from Auckland’s Manukau to Khyber Pass has been completed. Work began in 2008 and was completed in 11 stages. Read the full story here.

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Initiative to support Rotorua businesses to become more sustainable

Radio New Zealand reports that regional tourism organisation, RotoruaNZ, is offering support packages worth more than $2000 in collaboration with the Rotorua Sustainability Charter to support up to 40 Rotorua businesses to become more sustainable and work towards being carbon neutral. Read the full story here.

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Tauranga council's new timber office

Radio New Zealand reports that New Zealand's largest mass timber office building will be constructed in Tauranga which will house Tauranga City Council. Construction of the building is expected to start later this year and be completed before the end of 2024. Read the full story here.

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Wastewater treatment plant stench causing physical and mental health effects

Stuff reports that Canterbury's medical officer of health says a putrid stench from Christchurch City Council's damaged wastewater plant in Bromley is causing physical and mental health effects including nausea, headaches, worsening asthma, and disturbed sleep. Read the full story here.

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Consent for Wanaka mansion declined

The Otago Daily Times reports that permission to build a $20 million mansion, overlooking Lake Wanaka, was turned down by independent planning commissioners. The commissioners said the design of the easternmost portion of the above-ground part of the proposed mostly subterranean house, known as "The Sanctuary'' would have adverse visual effects. Read the full story here.

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Wellington Airport versus local residents stoush settled out of court

Stuff reports that a dispute between local residents' group Guardians of the Bays and Wellington International Airport over the airport's expansion plan has been settled ahead of an Environment Court appeal after after four days of mediation, with the airport agreeing to a long list of improvements and compromises. Read the full story here.

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Waste-to-energy bioplant

Stuff reports that Bioplant NZ wants to build a waste-to-energy pyrolysis plant next to Feilding's transfer station and has applied to the Horizons Regional Council for the relevant resource consents. According to the Ministry for the Environment, pyrolysis involves heating waste without exposure to oxygen, which then produces gas, liquid and solids. The consents are required to allow for the release of gases to the air. Read the full story here.

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Red zone turned green zone

The Press reports that hundreds of volunteers joined the Christchurch City Council to plant 5000 native trees in the former residential earthquake red zone in Burwood. The land, which used to have a number of homes on it, was badly damaged in the 2010/2011 earthquakes. The Crown eventually bought the properties and demolished the houses, but the land has since sat fenced and undeveloped. Read the full story here.

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Climate change: 'Managed retreat' on table for South Dunedin

NZ Herald, via *Otago Daily Times*, reports that replacing parts of South Dunedin with wetlands and waterways, by way of a managed retreat process, has been raised as a possible final outcome as regional and city councillors consider a programme to examine how the area should adapt to climate change. Greater intensification in other parts could be enabled by additional infrastructure and could possibly result in mid-rise residential, commercial and industrial use. Read the full story here.

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Climate change moving the salmon

Stuff reports that when the ocean heats up, wild salmon migrate somewhere cooler. Farmed salmon, however, have no such option, and fish farmers can't easily move pens, as your would with livestock. At 14 degrees, salmon thrive. At 18 degrees, the enzymes that help them digest food start to die off. If water temperatures are at 18 degrees for a few weeks, the salmon's immune system breaks down, they get sick and they die. Four degrees seems small, but for climate change it is a massive leap. Read the full story here.

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Healing Māori land through hemp

Country Life, via *Radio NZ*, reports that Isaac Beach and Kirby Heath formed Kanapu Hempery with a vision to heal the land, leased and used continuously for 30 years for maize crops. The soils were depleted, topsoil blowing away in the wine. The land Kanapu are preparing to plant hemp in is a coastal block, at Waimārama in Hawkes Bay, one of several blocks of Maori-owned whenua in the region. "It's not about making a quick dollar ... it's about getting back in touch with our whenua and taking control of it ourselves." Read the full story here.

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Fumarole in Rotorua

Newshub reports that a fumarole (geothermal steam event) has burst through a busy Rotorua road, spewing mud and gas into the air and onto the road, causing minor flooding. Lake Road is near the geothermally active Kuirau Park, not ordinarily a hotspot for fumaroles. The council said it is likely the steam was caused by high groundwater from recent weather. Read the full story here.

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Air pollution - NZ's deadliest centre

One News reports that new statistics show Invercargill is the deadliest place in New Zealand when it comes to air pollution - more dangerous than larger cities. The study shows air pollution is sending more than 13,000 people to hospital each year - and costing the country more than $15 billion. Invercargill topped the list of deadliest centres due to a combination of high vehicle use, domestic fires and industry. Invercargill's position shocked Environment Southland chair Nicol Horrell, who said they may need to rethink their air pollution strategy, and get more help from government and health officials. Read the full story here.

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Dunedin Hospital could be elevated 2m for flood risks

The Otago Daily Times reports that the new Dunedin Hospital could be built up to 2m above street level to account for flood threats, including storm surge and sea level rise. Read the full story here.

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Waikato District Council identifies earthquake prone buildings

The *Waikato Herald* reports that Waikato District Council has identified busy streets and buildings in Huntly, Ngāruawāhia and Te Kauwhata that may pose a risk to public safety in an earthquake. Owners of commercial buildings that have been identified as earthquake-prone will now need to upgrade it within 12.5 years. Read the full story here.

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